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No. 84

## 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:

Almighty God, Sovereign of this Nation and Lord of our lives, we celebrate the anniversary of the opening of the Constitutional Convention in 1787, by remembering Benjamin Franklin's call to prayer at a time when the deliberations were deadlocked. He said, "I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I believe that without His concurring aid we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded."

Gracious Lord, we join our voices with the Founding Fathers in confessing our total dependence on You. We believe that You are the Author of the glorious vision that gave birth to our beloved Nation. What You began You will continue to develop to full fruition, and today the women and men of this Senate will grapple with the issues of moving this Nation forward in keeping with Your vision. It is awesome to realize that You use people to accomplish Your goals. Think Your thoughts through the Senators; speak Your truth through their words; enable Your best for America through what You lead them to decide. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The acting majority leader.

### SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the distinguished majority leader, I have been asked to announce that today we will immediately resume consideration of the appropriations bill on Labor, Health and Human Services, and Education. Under the order, there will be closing remarks on the amendment offered by the distinguished Senator from Texas, Mrs. HUTCHISON, regarding same-sex schools, with a vote to occur at approximately 9:45 a.m. Following the vote, there will be closing remarks and then a vote on the Daschle amendment regarding fetal alcohol syndrome.

We are urging all Senators who have amendments to come to the floor. It is the intention of the majority leader to conclude action on this bill today. It is my hope that we could have a limit on the number of amendments, perhaps have a unanimous consent agreement limiting the number of amendments, and that we can work through time agreements to proceed to conclude the bill.

### MEASURE PLACED ON THE CALENDAR—S. 2801

Mr. SPECTER. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2801) to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

Mr. SPECTER. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. SPECTER. I yield the floor.

### RESERVATION OF LEADER TIME

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

### THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4577 which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Harkin (for Daschle) amendment No. 3658, to fund 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.

Hutchison/Collins amendment No. 3619, to clarify that funds appropriated under this Act to carry out innovative programs under section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for same gender schools.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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



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S5941

Mr. KOHL. Mr. President, I rise today in support of the Hutchison amendment, which would allow local school districts to use Title VI funds to establish same-gender schools if they so choose. I have opposed a similar amendment in the past because I have been concerned that many of these "separate but equal" programs are sometimes not equal in reality. I am pleased that the Senator from Texas has made modifications to her amendment that deal with these concerns, and ensures that single-gender schools will not result in a system where one gender is educationally disadvantaged.

I believe this amendment is another important step in our drive toward more flexibility and local control in education. I am pleased to be an original cosponsor of the Public Education Reinvestment, Reinvention and Responsibility Act—better known as "Three R's"—which would also provide school districts with the flexibility to design programs that best meets their needs. The Hutchison amendment, which allows local officials to make the decision to set up a single-gender school, is consistent with the "Three R's" philosophy. We must continue to move toward a public education system that gives States and local school districts—who are in the best position to know what their educational needs are—the ability to create innovative programs that allow all students to achieve to high standards.

The PRESIDING OFFICER. Under the previous order, the hour of 9:40 a.m. having arrived, there will be 4 minutes of debate prior to the vote on or in relation to the Hutchison amendment No. 3619.

Mrs. HUTCHISON. Mr. President, if there is no one on the other side, which I believe is the case, I ask unanimous consent to give 2 minutes to Senator COLLINS, and then 2 minutes to myself.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I commend the Senator from Texas for her extraordinary leadership on this issue. She has been an advocate for girls and women in so many different ways, and she truly is committed to ensuring that young girls growing up get the very best education they deserve, and that they have every opportunity available to them. The amendment that she has proposed, which I am proud to cosponsor, is in keeping with that commitment.

I commend her for her leadership on this very important issue.

I first became very interested in the issue of having same-gender classrooms because of an experience of a high school all-girls math class in northern Maine. This math class, which is an advanced math class taught at Presque Isle High School, has been proven to be of enormous benefit to the young women who are enrolled in it. They do very advanced math. It has been shown that their SAT scores soared.

Moreover, it gives them the confidence that they can handle advanced math and science and other subjects that unfortunately women sometimes have felt uneasy about, even though obviously girls and women have every ability in the world to handle such subjects. This class has been an enormous success for the girls at Presque Isle High School.

Unfortunately, a few years ago, the Department of Education objected to this class despite the fact that it was showing such enormous results for the young women who were enrolled in it. They were taught by a very gifted teacher, Donna Lisnik, who has subsequently gone on to be the principal of a school in Aroostook County. But she was the one who originated this course.

The Department of Education objected because it was a same-sex class. They have been able to get around that. But that shouldn't require a waiver or a circumvention of the law.

The amendment of the Senator from Texas would cure this situation.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator COLLINS, the cosponsor of this amendment, who has worked with me because of the very example that she just gave.

She has the situation in her State where this actually has curbed the creativity of public schools in offering more options for parents who believe their adolescent boys or their young girls would do better in a single-sex setting. In fact, in Detroit, MI, there is a boys school that has the same success that Senator COLLINS has just mentioned about a girls class in Maine; the boys are able to have a single-sex atmosphere. And sometimes it is shown by studies that adolescent boys do better in that atmosphere.

We want public schools to have the same options and the Federal help that are available in parochial and private schools for creative approaches and solutions to our education problems. We want options, not mandates. But we want every child in this country to reach his or her full potential. We want that child to be given opportunities in a way that best fit that child's needs.

That is why I think this amendment is going to be overwhelmingly accepted in the Senate—just as these amendments have been in the past. It will give the guidance to the Department of Education that will clarify the issue once and for all; that we want absolutely every option available in our public schools that will give every child in this country the ability to succeed.

Thank you, Mr. President.

I yield the floor and ask my colleagues for their support of the Hutchison-Collins amendment.

The PRESIDING OFFICER. The question now occurs on the Hutchison amendment numbered 3619.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). 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. 151 Leg.]

#### YEAS—99

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

#### NOT VOTING—1

Inouye

The amendment (No. 3619) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3658

The PRESIDING OFFICER. There will now be 4 minutes for debate on the Daschle amendment No. 3658.

Mr. DASCHLE. Mr. President, I offered this amendment on behalf of the thousands of individuals who have been impacted by prenatal exposure to alcohol, their families, and the estimated 12,000 children who will be born with fetal alcohol syndrome, FAS, or fetal alcohol effects, FAE, during the next year.

My amendment will provide \$25 million to establish a competitive grant program to fund prevention and treatment services to individuals with FAS and FAE and their families. This grant program is absolutely critical for several reasons.

FAS and FAE are 100 percent preventable. Despite this fact, the Centers for Disease Control have reported a six-fold increase in the incidence of babies born with FAS between 1960 and 1995. One in five women still drink during pregnancy.

Once a child has been born with FAS or FAE, there is still much we can do to help prevent the secondary disabilities that often accompany the disease.

For too long, we have treated the birth of an FAS or FAE child as the losing end of a battle, rather than the beginning of one we can win. We have neglected children with FAS and FAE at the peril of those individuals, their families and their communities.

Let me illustrate this point with two real life examples—Karli Schrider and Lucy Klene.

Twenty-eight years ago, when Karli's mother, Kathy, was pregnant with Karli, it was not uncommon for expectant mothers to be told to "drink a beer a day for a fat, healthy baby." Women who were in danger of miscarrying were sometimes hospitalized and given alcohol intravenously for five or six hours in the mistaken belief it would prevent miscarriage.

Back then, it never crossed Kathy's mind that her occasional glasses of wine might be harming her unborn child. Besides, just the year before, Kathy had had another baby who was perfectly healthy, and she drank during that pregnancy too.

The first time Karli was misdiagnosed, she was an infant. A doctor attributed her developmental delays to chronic ear infections. When she was 4 years old, a psychologist offered another explanation for Karli's difficulties. He said she was being "willfully disobedient."

When Karli was 8, a team of specialists misdiagnosed her again—with cerebral palsy.

Eight years later, when Karli was 16, Kathy was training to be a substance abuse counselor. As part of her training, she attended a conference on "crack babies." Sitting in the audience, she was stunned. Every characteristic of "crack babies" the lecturer described, Karli had. But Kathy had never used crack.

She tracked down the few studies that had been done at that time on the effects of alcohol on fetuses. Again, she saw the same list of symptoms.

Years later, researchers would announce that most of the symptoms they originally thought were the result of fetal exposure to crack were actually the result of fetal alcohol exposure, and that alcohol is much more devastating to fetuses than crack—or any other drug.

Learning the real cause of Karli's special challenges has not lessened them. FAS and FAE are lifelong conditions. But, knowing the truth has enabled Kathy—and others in Karli's life—to focus less on Karli's deficits, and more on her strengths.

One of those strengths is Karli's extraordinary kindness and empathy. In addition to her volunteer work at NOFAS, Karli also volunteers to help people with cerebral palsy, and the elderly. Two years ago, she was named one of America's "Thousand Points of Light" by former President Bush. She

is an inspiration to everyone who meets her, and one of the reasons I believe so deeply in advocating for children with FAS and FAE.

Another reason is a pint-sized girl named Lucy Klene. Lucy is 4 years old. She spent the first two years of her life in an orphanage in Russia. When she was 2, she was adopted by Stephan and Lydia Klene, of Herndon, Virginia. The Klenes also adopted a son from Russia, Paul, who is 3 years old and has no apparent fetal alcohol effects.

Within a month after bringing Lucy and Paul home, Stephan and Lydia began to suspect that Lucy had special challenges. Over the next 16 months, Lucy was evaluated eight times by pediatricians and other specialists.

Not one of them recognized the symptoms of Lucy's fetal alcohol effects. Finally, scouring the Internet, Stephan stumbled on the truth. He and Lydia took their research to Lucy's pediatrician, who read it and confirmed their hunch.

Today, Lucy is a talented little gymnast who attends special education preschool. And while it's still too early to know for sure, her doctor and parents think there is a good chance she will be able to live an independent and productive life when she grows up.

Together, Karli and Lucy illustrate the challenges that families with FAS and FAE face and the need for expanded prevention, early detection and real support for FAS/FAE families. While we have certainly seen progress—it took Karli's family 16 years to get a correct diagnosis and Lucy's family about 16 months—there is still much more that needs to be done.

A study recently released by Anne Streissguth at the University of Washington illustrates the importance of early intervention with individuals with FAS and FAE:

94 percent of children and adults with FAS experience mental health problems;

45 percent exhibit inappropriate sexual behavior;

43 percent have a disrupted school experience;

42 percent have trouble with the law;

Of the 90 adults studied, 83 percent do not live independently and 79 percent have problems with employment; and,

72 percent have been victims of physical or sexual abuse or domestic violence.

This study also showed that the presence of protective factors such as an early diagnosis and a stable and nurturing home reduce secondary disabilities. Even though early diagnosis is critical for preventing secondary disabilities, only 11 percent of kids and adults studied were diagnosed by age 6.

While intensive intervention is critical to enabling individuals with FAS and FAE to live productive, safe lives, there is still widespread ignorance about this disease in the health care, scientific and educational communities. There is little advice available

to families on parenting skills or how to utilize outside resources.

Even when parents seek help from professionals, those teachers, counselors or health care providers may not have the training to provide necessary assistance or offer the right information.

Teachers often do not have the tools they need to serve these special-need students. Physicians frequently do not know which medications to provide, if any. And, like Karli, many individuals with FAS and FAE still remain unidentified or mislabeled as noncompliant or delinquent.

This amendment will fund a grant program within HHS to develop FAS training and treatment models that can be replicated around the country. The grant program was authorized by Congress in the fiscal year 1999 appropriations bill. The program will provide much-needed assistance to families, who, in many cases, have been bearing the burden of this national public health problem unaided and alone.

The grant program will be directed by the Centers for Disease Control and the Substance Abuse and Mental Health Services Administration. Portions of the funding for the grant will come from each of these agencies.

It is time for Congress to join those who have already dedicated time and resources to this effort. Particularly, I want to recognize the National Organization of Fetal Alcohol Syndrome that has been aiding children and families and fighting for prevention for the last 10 years. I would also like to thank the directors of the Family Resource Institute, who have educated and been a voice for parents of children with alcohol-related birth defects. I also greatly appreciate the work of those in my own state, including Judy Struck and those at the University Affiliated Program, Charles Schaad, and the South Dakota March of Dimes.

The National Institute of Alcoholism and Alcohol Abuse, NIAAA, has been studying FAS and FAE for more than 20 years, and it has provided excellent leadership with the Inter-Agency Coordinating Committee. The Centers for Disease Control and the Substance Abuse and Mental Health Services Administration should also be commended for their growing dedication to this cause.

We have developed a model for dealing with FAS and FAE that will bring our nation's best scientists together with advocates, service providers and families and will enable us to develop our knowledge of successful prevention, diagnosis, early detection, and education. It is the result of extensive consultation and input from experts in the field. I urge my colleagues to vote in support of this important amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before I comment on the pending amendment,

the ranking member of the subcommittee and I have conferred, as we have been trying to have all of the amendments submitted. We make a request at this time that any Senator who has an amendment to this bill, let us know what it is by 11 o'clock. It is our intention, shortly thereafter, to propound a unanimous consent request that the amendments submitted to us at that time be the only amendments which will be considered on the bill. That is by 11 o'clock.

Briefly, on the pending amendment offered by the Senator from South Dakota, it is a very good amendment which allocates \$25 million to fetal alcohol syndrome. Some \$15 million is currently allocated. It may be even a greater amount should be allocated for this very pressing problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I compliment my colleague from South Dakota for bringing attention to this serious problem. Fetal alcohol syndrome affects 2,000 infants born every year. At the same time, we must keep in mind that birth defects generally are a major, even larger health care problem in this country. Birth defects are the leading cause of infant mortality, and about 150,000 children will be born with a major birth defect annually.

This year, CDC is spending only \$16.5 million total on all birth defects, with an additional \$2 million being spent on a folic acid awareness campaign for which I fought and worked with my colleagues in this body to support. The \$10 million for CDC to fight fetal alcohol syndrome would be well spent. At the same time, we need to significantly increase our overall investment in the fight against birth defects.

I look forward to working with the chairman and ranking member and Senator DASCHLE as we move forward to make sure this critical area of children's health is adequately addressed in this bill and in the work of the CDC in the coming year.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3658. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Dodd	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wellstone
Enzi	Lott	Wyden
	Lugar	

NAYS—1

Allard

NOT VOTING—1

Inouye

The amendment (No. 3658) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from Iowa and I had announced previously our request that all Senators submit amendments by 11 a.m. this morning. It is our intention, as soon thereafter as we can, to compile a list and to ask unanimous consent that that be the exclusive list for amendments to be considered on this bill.

Mr. HARKIN. Mr. President, if the Senator will yield, I fully support him in that. At 11 o'clock, which is about 20 minutes from now, we hope to be informed of all amendments. I say to Senators on our side, please let us know, either through the Cloakroom or directly, because shortly after that, I will be joining with our chairman in propounding a unanimous consent request to make that a finite list.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa. We had announced that between the votes, but we repeat it at this time. We think we can conclude this bill today. If we have the cooperation of Senators on letting us know about their amendments, we will be able to do that.

Mr. President, we are about to have an amendment offered by the distinguished Senator from Massachusetts, Mr. KENNEDY. This has been worked out, but I formally ask unanimous consent that time on the amendment by

Senator KENNEDY be limited to 60 minutes equally divided with no second-degree amendments in order prior to the vote.

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

Mr. SPECTER. Mr. President, the Kennedy amendment will be followed in sequence by an amendment by the Senator from Connecticut, Mr. DODD. This has been cleared.

I ask unanimous consent that the time on the Dodd amendment, prior to the vote in relation to that amendment, be limited to 30 minutes equally divided with no second-degree amendments in order prior to the vote.

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

Mr. SPECTER. I yield the floor to Senator KENNEDY.

AMENDMENT NO. 3661

(Purpose: To provide an additional \$202,000,000 to carry out title II of the Higher Education Act of 1965)

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, Mr. DODD, Mrs. MURRAY, Mr. LEVIN, Mr. SCHUMER, and Mr. DURBIN, proposes an amendment numbered 3661.

Mr. KENNEDY. 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 title III, insert the following:

#### SEC. .TEACHER QUALITY ENHANCEMENT.

In addition to any other funds appropriated under this Act to carry out title II of the Higher Education Act of 1965, there are appropriated \$202,000,000 to carry out such title.

Mr. KENNEDY. Mr. President, I offer this amendment along with Senators REED, BINGAMAN, WELLSTONE, DODD, MURRAY, LEVIN, SCHUMER, and DURBIN.

Mr. President, this amendment is one of the most important policy matters that we are going to consider on this appropriation bill, and that is whether we are going to provide adequate resources to train the needed number of teachers for our classrooms and for children across this country.

We believe—at least I do—that the funds that have been allocated in the current bill are inadequate to do the job. I spelled out in my earlier comments that I know the Appropriations Committee received allocations. But, I don't believe those allocations given to the committee were adequate to really respond to the challenges we are facing in education. It is as a result of the fact that the Republican leadership wants to have a tax break. It seems to me that these priorities take preference over that. I wish these priorities had been given additional funds. In

spite of that, we ought to make an expression in the Senate about our priorities for the children of this country, particularly in the area of training teachers, so that we are going to have a well-trained teacher in every classroom in the country.

Mr. President, it was only in February of this year that the Wall Street Journal had an article on the front page:

SCHOOLS TURN TO TEMP AGENCIES FOR  
SUBSTITUTE TEACHERS.

Most school districts begin each day with a nerve-racking hunt for substitutes to fill in for absent teachers. With a tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Services Inc. unveiled the first nationwide substitute teacher program four months ago, and now handles screening and scheduling for 20 schools in 10 States.

Mr. President, this is a national indictment of policy out of the local, State, and Federal level, where we are using the Kelly Services, which have provided professional secretaries and office assistants, and now they are out there recruiting teachers to teach in the schools for the children of this country. We have to be more serious about this issue. We know what needs to be done, and we ought to get about the business of doing it.

We have a number of groups that support our amendment, which include the American Association of Colleges for Teacher Education, the Association of Community Colleges, American Council on Education, the National Association of Independent Colleges, the NEA, the AFT, Council of Chief State School Officers, and others.

I ask unanimous consent that the full list of those supporting the program be printed in the RECORD.

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

GROUPS THAT SUPPORT THE KENNEDY  
TEACHER QUALITY AMENDMENT

American Association of Colleges for Teacher Education.

American Association of Collegiate Registrars and Admissions Officers.

American Association of Community Colleges.

American Association of State Colleges and Universities.

American Council on Education.

American Federation of Teachers.

Association of Jesuit Colleges and Universities.

Boston College.

National Association of College and University Business Officers.

National Association of Independent Colleges and Universities.

National Association of State Universities and Land-Grant Colleges.

National Education Association.

National PTA.

The California State University.

Clark University.

The College Board.

Council of Chief State School Officers.

Lesley College, School of Education.

University of California.

University of Massachusetts.

Mr. KENNEDY. Mr. President, in 1996, what is basically the most impor-

tant document that has been published on the need for getting high-quality teachers for the children of this country has been published by the National Commission on Teaching in America's Future, in September of 1996—"What Matters Most: Teaching for America's Future." There are many other studies and documents, but I think this is about as fine a document as we could have. In our Health, Education, Labor, and Pensions Committee, we relied on it very substantially, but not completely. We had over 20 days of hearings on our elementary and secondary education bill. Nonetheless, this document was, I thought, very profound.

The problem in making recommendations is about how to address them. I will take a moment to read the major flaws in teacher preparation:

For new teachers, improving standards begins with teacher preparation. Prospective teachers learn just as other students do: by studying, practicing, and reflecting; by collaborating with others; by looking closely at students and their work; and by sharing what they see. For prospective teachers, this kind of learning cannot occur in college classrooms divorced from schools or in schools divorced from current research.

Yet, until recently, most teacher education programs taught theory separately from application. Teachers were taught to teach in lecture halls from texts and teachers who frequently had not themselves ever practiced what they were teaching. Students' courses on subject matter were disconnected from their courses on teaching methods, which were in turn disconnected from their courses on learning and development. They often encountered entirely different ideas in their student teaching, which made up a tiny taste of practice added on, without connections, to the end of their course work.

Mr. President, they made a series of recommendations about what we ought to do. One was to reinvent teacher preparation and professional development. It included professional development in the schools themselves. Also, it talked about the importance of mentoring. Those are two very important features which have been left out in terms of this underlying appropriations bill which were included in our authorization bill.

Then, further, it goes on and says:

... fix teacher recruitment and put qualified teachers in every classroom.

That was one of the very strong commitments that we had in our Democratic proposal, our Democratic commitment for the Elementary and Secondary Education Act—a commitment to American families that we would put a well-qualified teacher in every classroom in this country within 4 years.

Look at what happened last year across this country, where school districts hired 50,000 unqualified teachers. This isn't a problem of just 1996, this is a problem of the year 2000 and 2001. We have to address it.

So where are we in terms of these recommendations that we took to heart in a very bipartisan way—which I will come back to—in terms of our El-

ementary and Secondary Education Act?

In this legislation, there is effectively no new money for teacher preparation. We are going to have level funding for title II of the Higher Education Act. This is what is requested; \$98 million was requested last year and \$98 million for this year. So there is virtually no increase. There will be absolutely no new Federal participation in working with States and local communities in terms of enhanced teacher recruitment—zero, none.

If you look at what is happening in this last year, as this money is being expended in 2000, where the grants are being made, now, it is only the difference between \$77 million and \$98 million because about 95 percent of the \$77 million is carried through in 2- to 3-year programs. So the current situation is that over a 2-year period, with the demand for 2.2 million teachers, our Federal response has been to provide \$21 million to help States and local communities go out and recruit teachers, when we have a need for 2.2 million of them. That is effectively wrong. We cannot do that. It is so important, and I will come back to this.

Let me just show you here what happened. For the \$77 million that we had, we had 366 total applicants, but only 77 applications could be funded. We had 5 times the number of applications for the number of grants available. The desire is out there. The interest is out there. Parents and local communities want this kind of help and assistance. We are funding one out of five. And this is what is happening, also: We are expecting \$21 million in grants for this current year, zero for next year. We expect that 11 applications will be funded out of 141 total applications. That is more than 12 times the number. People across this country—States, educational centers, local communities—want the help. One of the most important aspects of education is having well-trained teachers. What I find so troublesome is the fact that we worked out a bipartisan effort in the Higher Education Act of 1998, which is basically what this is all about.

It is about funding the provisions in the 1998 Higher Education Act. When we authorized the Higher Education Act in 1998, we had strong bipartisan support. Efforts were led by Senators REED, BINGAMAN, JEFFORDS, and GREGG. Our goal was to create a program to address the Nation's needs and to recruit better qualified teachers to enter the classroom. Each day, we agreed on that basic principle.

I hope our colleagues will agree to give it the full support it deserves.

Senator DEWINE during the course of the debate on title II:

Really, there is nothing more important in regard to education than the teacher. Our children deserve to be taught by teachers who really understand their subject, understand the subject matter.

I have worked hard to incorporate measures concerning good teaching into this bill. I want to thank Chairman Jeffords for the

assistance that he has given me and the cooperation in getting these sections incorporated into this very good bill.

Senator JEFFORDS:

As its foundation, Title II embraces the notion that investing in the preparation of our nation's teachers is a good one. Well-prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally.

Senator MCCAIN on July 8:

Another important component of this bill is the establishment of a comprehensive program promoting statewide reforms to enhance the performance of teachers in the classroom by improving the quality of teacher training. Having professional, well-trained teachers is an essential component for ensuring that our children achieve high educational standards.

Senator SMITH of Oregon:

By improving the quality of teacher training and recruitment, increasing the purchasing power of students through Pell grants and other forms of student assistance, and by improving access to higher education for students with disabilities, this legislation provides opportunity for the young people of our Nation to seek a higher education.

The list goes on and on. It keeps going on, with the exception to stop when it comes to putting funding into these kinds of commitments.

These are efforts that have been made in a bipartisan way to try to get an effective program and partnership with the State and local communities. Effectively, we are zeroing this out. We had \$21 million provided for this last year. That is wrong.

Research shows that the national need for high-quality teachers is growing:

Doing What Matters Most: Investing in Quality Teaching, November 1997:

Nationally, relatively few teachers have access to sustained, intensive professional development about their subject matter, teaching methods, or new technologies.

National Center for Education Services, The Baby Boom Echo Report, 1998:

An estimated 2.2 million teachers will be needed over the next 10 years to make up for a large number of teachers nearing retirement and rapid enrollment growth.

One thing is for sure: They are not getting them in here. The Federal Government is AWOL on that issue of education.

What matters most is teaching for America's future.

The National Commission on Teaching and America's Future found that more than 50,000 people who lack the training for the job enter teaching annually on emergency or provisional licenses. And, 30-50% of teachers leave within the first three to five years. In urban district, the attrition rate can be 30-50% in the first year.

That is what is happening. You get them in there, and they leave, unless you have some very important changes, such as providing skills for teachers who will be working with newer teachers in situations involving mentoring, where we have seen these figures change dramatically and where

teachers will remain and work in these communities.

The Urban Teacher Challenge Report of January 2000:

One hundred percent of 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. 95% of urban districts report a critical need for math teachers; 98% report a critical need in science; and 97% report a critical need in special education.

There it is. In urban areas across the country: No math, no science, no special education. We are asking ourselves: What can we do as a nation to try to make a difference for children in our country? I don't know how many more studies we have to have. I am not saying if you just pour buckets of money, it is going to solve the problem. But one thing we know is that without the investment of resources in these areas, we are not going to solve it either.

My colleagues will speak about other aspects. But we need investment in terms of recruitment and professional development and in terms of mentoring.

Listen to the results of some of these studies.

"Teacher Quality and Student Achievement", Linda Darling-Hammond, December 1999: The states that repeatedly lead the nation in math and reading achievement have among the nation's most highly qualified teachers and have made long-standing investments in the quality of teaching. The top scoring states—Minnesota, North Dakota, and Iowa, recently joined by Wisconsin, Maine, and Montana—all have rigorous standards for teaching that include requiring extensive study of education plus a major in the field to be taught. By contrast, states such as Georgia and South Carolina, where reform initiatives across a comparable period focused on curriculum and testing but invested less in teacher learning, showed little success in raising student achievement within this timeframe.

Do we have that? What are the conclusions? If you invest more in quality teachers and recruiting, and providing and keeping professional enhancement and mentoring, you are going to have the corresponding results in enhanced academic achievement.

That is what these reports show. If you do not do this, and spend the money in other ways, which you could do with the general funds—which I would call the block grant way—you find that you are failing the children in those particular areas.

1996 Mathematics Report Card for the Nation and the States, and 1994 Reading Report Card for the Nation and the States (National Assessment of Education Progress): Over the last decade of reform, North Carolina and Connecticut have made sizable investments in major statewide increases in teacher salaries and intensive recruitment efforts and initiatives to improve preservice teacher education, licensing, beginning teacher mentoring, and ongoing professional development. Since then, North Carolina has posted among the largest students achievement gains in math and reading of any state in the nation, now scoring well above the national average in 4th grade reading and math, although it entered the 1990s near the bottom of the state rankings. Connecticut has also

posted significant gains, becoming one of the top scoring states in the nation in math and reading, despite an increase in the proportion of students with special needs during that time.

That has impacted many of our communities. Many of our communities are increasingly challenged with a wide expansion of diversity that eventually, of course, adds such extraordinary value to these communities. But they initially put additional kinds of pressures on education institutions and other institutions. That has been true in Connecticut, and it has been true in my own State of Massachusetts.

What does this report say? The report says that when you have sizable investments and intensive recruitment efforts and initiatives to improve preservice teacher educating, licensing, beginning teacher mentoring, and ongoing professional development, you see dramatic increases in the quality of education for these children.

I think that would be fairly self-evident for people in this Chamber to understand. We certainly understood it in the Health, Education, Labor and Pensions committee. It was understood there. As I pointed out, there is broad bipartisan support for those particular provisions.

We find that the various studies—I mentioned just a few of them—are compelling and convincing, and those who wrote those studies made presentations which were compelling. Others, in response to those measures, indicated they were compelling.

I see Senator REED. I understand I only have 10 minutes left. I yield myself 3 more minutes.

Let me point out exactly what this amendment does.

My amendment increases the appropriation for the Teacher Quality Enhancement Grants from \$98 million in the underlying FY2001 Labor, Health and Human Services, and Education appropriations bill to the full authorization level of \$300 million to enable much greater participation in this vital program to improve teacher preparation and recruitment.

This increase in appropriations from \$98 million to \$300 million will help fund over 100 additional partnerships.

The Teacher Quality Enhancement Program provides three types of grants to improve teacher training and recruitment:

One, local partnership grant to improve teacher training; two, State grants are to implement statewide teacher reform efforts; and three, local partnerships for State grants to focus on innovative teacher recruit programs.

The teacher quality enhancement grants support local partnerships among teachers, institutions, and local schools to help improve in many ways the quality of teachers entering the classroom. By increasing the cooperation between college programs that prepare new teachers in the schools that hire the teachers, teachers obtain

the effective training they need to teach in classroom settings. The prospective teachers have more opportunities to observe successful veteran teachers and obtain feedback.

I urge the Senate to support this amendment to increase the funding for this critical program so more of the Nation's schools and communities can improve teacher training programs. The Nation's children deserve no less.

Under the current proposal in the Senate, there is no new money for teacher preparation level for title II. There is minimal increase in the Eisenhower program, which effectively had been block granted in the Elementary and Secondary Education Act, so it may disappear completely. There are no funds for mentoring or recruitment. I think the bipartisan program that passed out of our human resources committee on higher education considered these various measures and had bipartisan support. I think we ought to give life to those recommendations. That is what this amendment does.

I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I prefer to hear the balance of the argument of the proponents of the amendment before responding.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining. The Senator from Pennsylvania has 30 minutes remaining.

Mr. KENNEDY. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank Senator KENNEDY for yielding and for sponsoring this amendment. He has grasped the most critical aspect of educational reform in the United States today—improving the quality of teachers. He has simply brought forward the bipartisan, unanimous consent we reached in the Higher Education Act amendments of 1998 where, in the vote of 96-0, we passed the teacher quality enhancement grants program. We authorized a magnificent program on a unanimous vote, but we have failed to fully fund it. If we have the plan, but not the money, we are not going to succeed.

Senator KENNEDY is simply saying, we have a good plan, let's put the resources behind it.

We understand we need to have high-quality teachers to meet the challenges of the 21st century classroom. These challenges are different from 50, 30, 20, even 10 years ago. It is no longer sufficient for a student to go to a teacher college and learn about pedagogy and then go into the classroom. They need to have clinical exposure. They must have real-life experiences in the classroom before they become new teachers.

They also have to understand their subject matter. Technique is one aspect, but it can't substitute for detailed knowledge of the subject—be it

science, history, or mathematics. They also have to understand how to integrate technology, which is at the key of most of the breakthroughs in education in the United States today.

They have to be able to deal with a diverse population of students, some with limited English proficiency, some who are coming from cultures much different from the culture in which the teacher grew up.

All of this necessitates significant reform in our educational practice. That is why, in the Higher Education Act, I worked closely with my colleague, Senator KENNEDY, and others to develop partnerships between teacher colleges and elementary and secondary schools—real partnerships where aspiring teachers can get the clinical experience, and the other things necessary to be prepared for today's classrooms. It is similar to the model of physician training. We would never send a physician into an operating room simply with a few lectures on theory. It is practice, practice, practice, before they are allowed to operate. It should be the same for teachers.

We can't do that unless we fully fund the teacher quality grants. They cover the spectrum. First, they provide the opportunity for these partnerships to develop. Second, they support state-wide reforms. Third, they allow for recruitment of teachers, particularly to reduce shortages of qualified teachers in high-need school districts.

We will need 2 million new teachers over the next 10 years because of the changing population of teachers, retiring teachers who are leaving, and the increase of our student population entering first grade and kindergarten. Look at any urban school district in this country, and you will see they are suffering severe teacher shortages. Recruitment is necessary.

We also need to stimulate partnerships that are so essential between colleges of education and elementary and secondary schools.

Last year, \$77 million was available for new grants. Mr. President, 366 applications were received—a huge response—from States and local school districts. This is a popular program. The Department of Education could only fund 77: 25 local partnerships, 24 State grants, and 28 teacher recruitment grants. Rhode Island, I am proud to say, got a State grant and is using it very well.

This year, however, only \$21 million was available for new grants. There were 141 applicants, but the Department of Education estimates they will only be able to fund 11 grants—1 in 12. The need is there and the plan is there; the resources are lacking. That is why we are here today.

We want to fully fund this program up to the authorized total of \$300 million, creating an additional 100 partnerships, State and recruitment grants. This will help meet the demand and do the one thing that is so critical to education reform in this country,

which is not questioned by anyone, evidenced by a 96-0 vote in this Chamber approving the program: We have to enhance the quality of teachers in this country. We can't do it just with admonitions. We can't do it just with sentiments. We have to do it with dollars.

We have a program that works. We have a popular program. We just don't have the resources. Senator KENNEDY's amendment, which I am proud to co-sponsor, will give us the resources to do the job.

I thank the Senator. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the bill which has been reported out by the Appropriations Committee appropriates some \$40.2 billion to education funding, an increase of \$4.6 billion over last year. This bill has \$100 million more than the President asked for. We have assessed the priorities as the subcommittee saw them and as the full committee saw them and have made very substantial increases in very many important accounts.

For example, on the title I grants, there is an increase of \$394 million, bringing the total to \$8.3 billion. On the 21st Century Afterschool Program, there is an increase of \$146 million, coming to \$600 million. On special education, where we have made an extraordinary effort to try to have the Federal Government meet its obligation, we have made an increase of \$1.3 billion to \$7.3 billion. On title VI innovative education State grants, we had an increase—this was considered so important—from \$400 million to \$3.1 billion. On Pell grants, we had an increase of \$350, to \$3,650, a very important grant program enabling people to go to college. On the higher education programs, we had an increase of \$165 million to \$1.7 billion.

The amendment which the Senator from Massachusetts has offered is a very worthwhile amendment. I do not deny that for a moment. If we had more funding, I would be glad to see us increase the money in that account by what the Senator from Massachusetts would like to have. But the difficulty is that we have assessed the priorities. We have stretched the subcommittee allocation to \$104.5 billion. That is the maximum amount which could be obtained, consistent with the wishes of our caucus. In fact, that is stretching the matter.

Last year, we lost some 20 members of the Republican caucus of 55 because there was too much money in the bill as it was viewed on our side of the aisle. But we have come in here with \$104.5 billion and made allocations as we see fit, as we assessed the priorities.

Regrettably, I could not be on the floor yesterday to debate the Wellstone amendment and the Bingaman amendment and the Murray amendment because I was busy on a Judiciary Committee hearing where I have the responsibility to chair the subcommittee



on the Department of Justice oversight. If time permits today, I am going to talk a little bit about that. But when Senator WELLSTONE offered an amendment for \$1.7 billion to increase title I funding, I would, frankly, like to see that funding done. Title I is very important, but I had to vote against it because it is a matter of assessing the priorities.

When Senator BINGAMAN offered a \$250 million increase, again on title I, it was very meritorious. There is no higher priority, in my opinion, than education. The only priority which equals education is health care.

The allocations which our subcommittee has made have to take into account education and health care. We have increased the funding very materially on the National Institutes of Health and on drug rehabilitation programs and on school violence programs—all of which have to come out of the overall funding of \$104.5 billion.

Senator MURRAY offered an amendment on class size, wanting to add \$350 million. She disagreed with what the committee has done on the subcommittee recommendation, meeting the President's request for \$1.4 billion for teachers to reduce class size. But we added a provision, if the local school districts want to use it for something else, they could get their share somewhere else.

So we come now to the amendment which is pending. It was just authorized in 1997-1998. There was no appropriation for support for teacher quality and professional development in 1998. In fiscal year 1999, there was an allocation of \$77 million. It went up last year to \$98 million. It is true, the funding has leveled.

I heard the Senator from Massachusetts say this funding is an indictment. That is just a figure of speech, but if it is an indictment, the President is included as well as the Appropriations Committee because that is the President's request. The President has already issued a veto threat on the bill because he doesn't like our allocations and our priorities. But the last time I read the Constitution, the Congress has the appropriations responsibility. Certainly the President has to sign the bill, or we can have passage over the veto, but we have established the priorities. On this matter of teacher quality and professional development, we have met the President's figure.

I approached the Senator from Massachusetts for some light talk before the amendment was offered. I said: Senator KENNEDY, how much money do we have to have in the bill so as to preclude a Kennedy amendment to add money? I ask him that every year. I want to know what the answer is next year, so we can bring a bill, hopefully, which would have sufficient money. But if it is \$1.4 billion for class size, someone is going to offer an amendment for more money. Senator MURRAY did so, for \$350 million more. Whatever the amount of money we put in, some-

body is going to offer an amendment for more money.

I said last year, in voting against the add-ons, that I had cast more difficult votes that I did not like in the 4 days I managed this bill than I had cast in the previous 18 years I had been in the Senate because I am a firm believer in education.

In the Specter household, my parents had very little. My mother went to the eighth grade; my father, an immigrant, had no formal education. My brother and two sisters and I have been able to share in the American dream because of educational opportunity. I have been on this subcommittee for my entire tenure in the Senate, and I am doing everything I can to promote education in America so everybody has the maximum opportunity.

I would like to spend more money on teacher recruitment, teacher development, but it cannot be done within the confines of the very enormous allocation we have at the present time.

Mr. President, how much time do I have left on the 30 minutes?

The PRESIDING OFFICER. The Senator has 22 minutes remaining.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his comments and his explanation. But the fact remains, these allocations are within a context about how we are going to allocate resources in the Federal Government. This explanation we heard is in the context of a 10-year, \$792 billion tax cut. If we did not have the \$792 billion tax cut, we would have the opportunity to do more.

I personally believe this is a higher priority. I think most of us on this side of the aisle believe that it is a higher priority than having a tax cut and putting on the squeeze, in terms of improving quality of education. That is philosophical and that is decided in this body, where the majority are the Republicans and where they have had the votes in order to be able to do that. But that is the harsh truth.

The fact is, in more recent years, between 1980 and 1999, we are finding out the support for elementary and secondary education is falling down, and in higher education it is falling down.

Against that background, we have the explosion of the number of children who are going on to schools, K-12 schools. These are the numbers—54 million. I don't think we can do business as usual. I don't think it is a matter of shifting priorities from here to there on this matter, and shuffling the debt. I respect the Senator from Pennsylvania's strong commitment to education and health. There is nobody in this body who doubts it. But we are talking about the broader issue, and that is, given the announcement yesterday that we are going to have a \$750 billion surplus in addition to what was expected, whether we are going to be able to find some \$300 million to im-

prove the quality of education, and do it in a program that has strong bipartisan support, that is what this is about. That is really what is at issue.

With regard to our program, in the legislation, the national commission, they say:

We recommend that colleges and schools work with the States to redesign teacher education so that the 2 million teachers hired in the next decade are adequately prepared.

Then they list the various criteria:

... stronger disciplinary preparation, greater focus on learning, more knowledge about curricula, greater understanding of special needs, multicultural competence, preparation for collaboration, technological skills, and strong emphasis on reflection.

Those have all been incorporated in our underlying amendment, which we are trying to fund. That is why it had the strong bipartisan support. Without this amendment, we have, effectively, flat funding. In our appropriation priorities, we are saying to the American people that we are not going to fund resources to provide the best teachers in the classrooms of America. I think we ought to be able to do so.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 22 minutes remaining.

Mr. SPECTER. Mr. President, with respect to the argument on education, it is a matter of priorities. We have a very extensive allocation of \$104.5 billion. Much as I would like to see additional funding for teacher training and teacher recruitment, it is simply a matter of priorities. I am constrained to oppose the amendment by the distinguished Senator from Massachusetts.

#### INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, in my remaining time, or at least in a portion of it, I think it worthwhile to comment on the very extensive hearing which was held by the Judiciary Committee yesterday on the issue of independent counsel because the matter is now pending before the Attorney General of the United States as to whether independent counsel ought to be appointed.

The subcommittee on the Department of Justice oversight has conducted extensive hearings. Even before the subcommittee began its hearing process, this is an issue which I raised with the Attorney General on judiciary oversight more than 3 years ago in April of 1997. At that time, I raised the question of hard money and have consistently called for an investigation. We had the Chairman and Vice Chairman of the Federal Election Commission testify a week ago today on current complaints which have been stated by Common Cause and by Century 21, that both political parties ought to be investigated for abuses on soft money and for coordination of soft money with their campaign accounts. I have long contended that the investigations ought to be as to both parties



on a bipartisan or on a nonpartisan basis.

The issue, as I say, was raised first in April of 1997. FBI Director Freeh then made a request for independent counsel. That recommendation to the Attorney General was in November of 1997. Charles LaBella, who was appointed by the Attorney General as special counsel, made a similar request for independent counsel in July of 1998.

Within a week after the Freeh report was issued, I asked for a copy and was denied that. Within a week after the LaBella report was issued, I requested a copy and was denied that. We finally received those documents when Judiciary Committee subpoenas were issued, returnable on the 20th of April.

Then it came to light when Vice President GORE announced that he had been questioned by the new chief of the task force, Robert Conrad, that the matter was still open. Somehow, notwithstanding the fact that the Vice President had been questioned on four prior occasions, no questions were ever asked on two matters which had received very substantial publicity: the Hsi Lai Buddhist Temple fundraiser and the issue of coffees in the White House.

As a result of the investigation of the judiciary subcommittee, we determined that Mr. Conrad had made a recommendation to the Attorney General again for independent counsel, just like the LaBella recommendation, just like the Freeh recommendation. Mr. Conrad testified before our subcommittee a week ago today and declined to respond to questions about that matter. It was my judgment that it was a matter for the public to know. The public had a right to know. There was a necessity for the public to know if we were to have accountability by the Attorney General. As is the established custom as a subcommittee chairman, I made that public disclosure which was in accordance with our practice and something where there was solid justification for doing so.

In the hearing which we had with the Attorney General yesterday, it had been scheduled long before the disclosure was made that Mr. Conrad had made a recommendation of independent counsel. We went over with the Attorney General quite a number of factors, starting with the statements which Attorney General Reno had made during her confirmation hearing in 1993.

The Attorney General—then not the Attorney General but the district attorney of Dade County in Miami, FL—came in and asked for our support and our votes, and I voted for her in the Judiciary Committee and on the floor, in part because of her strong stand that the Independent Counsel Act was an important act. She said this during her confirmation hearings:

It is absolutely essential for the public to have confidence in the system, and you cannot do that when there is a conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor.

The Attorney General serves at the pleasure of the President who appoints her and is obviously very close to the President and to the Vice President.

Attorney General Reno further said at her confirmation hearing:

The credibility and public confidence engendered with the fact that an independent and impartial outsider has examined the evidence and concluded prosecution is not warranted serves to clear a public official's name in a way that no Justice Department investigation ever could.

She quoted from Archibald Cox who said:

The public could never feel easy about the vigor and thoroughness with which the investigation was pursued. Some outside person is absolutely essential.

It is in that context that the evidence was examined in our hearing yesterday as to whether independent counsel should have been appointed as to the Vice President and as to the President as well.

As to the Vice President, the issue arose about the veracity of statements which he made about telephone calls raising hard money from the White House. If the money was so-called soft money, it was not a contribution and not covered by the act. But if it was hard money, then there could be a violation of the act. The Vice President was questioned about that and said he did not raise hard money, did not know that hard money was to be raised.

I questioned the Attorney General at some length about the specifics which had been produced. For example, there were four witnesses who testified that at a meeting on November 21, 1995, hard money was discussed, certainly probative raising the inference that if a Vice President is at a meeting where hard money is discussed, he knew he was raising hard money or that hard money was the objective.

Leon Panetta, White House Chief of Staff, was very blunt about his testimony that the Vice President was there and listening and said the purpose of the meeting was "to make sure they"—the President and Vice President—"knew what the hell was going on."

The Attorney General and I had a protracted discussion about the fact that she discounted the evidence from David Strauss who was the deputy Chief of Staff for the Vice President who had made contemporaneous notes at this November 21, 1995, meeting: "Sixty-five percent soft, 35 percent hard."

Mr. Strauss said he could not remember. Notwithstanding that, the law of evidence is conclusive that if there is prior recollection recorded and a contemporaneous record made, that is evidence which can go before a grand jury or before a court.

The attorney said he did not remember, even after he looked at his notes. That raises an evidentiary report of prior recollection refreshed, and that is evidence. Even if a person does not now remember, if they had notes and that

refreshes their recollection, the person may testify from the notes on the approach of current recollection refreshed. It does not rule out what his notes had on prior recollection recorded, even though he could not remember it. That was some very important evidence.

In addition, the Vice President received 13 memoranda from Harold Ickes who was involved and running the campaign. Those 13 memoranda recited hard money. The Vice President said he did not read the memoranda. That is a question which would call for further investigation.

The memoranda were put in his in box. And a secretary testified that the input was culled very carefully to keep out extraneous matters. But the Ickes memoranda always went in.

Then the Vice President further said that: The subject matter of the memoranda would have already been disclosed in his and the President's presence.

The Vice President further conceded, in interviews with the FBI—he acknowledged that he had "been a candidate for 16 years and thought he had a good understanding of hard and soft money."

It is important to focus on the fact that the matters presented to the Attorney General are not such that would warrant a prosecution, but only that the matters call for further investigation.

The independent counsel statute is very carefully structured so that the Department of Justice does not do very much. The Department of Justice only makes a preliminary inquiry, and then, in the language of the statute, "The Attorney General, on completion of a preliminary investigation, determines that there are reasonable grounds to believe that further investigation is warranted."

The others who were present at the meeting, who "did not recall," should have been called before a grand jury, which the Attorney General cannot do on her preliminary inquiry. That is to keep the Department of Justice really out of it, but to turn it over to an independent counsel at an early stage.

The Attorney General did say yesterday that they did not submit this to a grand jury. Certainly that is the next step. When witnesses are questioned, it is one thing, but it is quite another to come into the formality of a grand jury, under oath, and to be asked questions. That is why there is the provision for further investigation.

The Attorney General testified yesterday, relying on her submission to the court declining the appointment of independent counsel, that "the Government would have to prove beyond a reasonable doubt." That said, the standard for further investigation for appointment of independent counsel does not involve proof beyond a reasonable doubt, it is only that there is reason to have a further investigation.

I shall not characterize the Attorney General or draw conclusions at this

stage, but only lay out the facts and suggest that on the face of the very substantial materials produced, further investigation was required and independent counsel should have been appointed.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. SPECTER. Mr. President, the subject then arose as to what were the factors related to the famous fundraiser at the Hsi Lai Buddhist Temple on April 29, 1996.

The Vice President had received an e-mail from his scheduler asking whether there should be another stop on the April 29 itinerary on top of the "two fundraisers in San Jose and LA."

The Vice President responded:

If we have already booked the fundraisers, then we have to decline.

But the Vice President said he did not know there were any fundraisers, that the Hsi Lai Temple was a fundraiser.

Then Harold Ickes sent the Vice President a memorandum on April 10 identifying the Los Angeles fundraiser which would raise \$250,000 and a supplemental memorandum on April 25 saying the Los Angeles fundraiser would raise up to \$325,000. Within 24 hours of receiving this memorandum, the Vice President was given briefing materials from the Democratic National Committee informing him that the DNC luncheon he would attend on April 29 was at the Buddhist temple.

During the course of the event, two of the guests who ate lunch with the Vice President talked about fundraising. Witnesses there said—"One speaker commented that they had raised x amount of dollars." And another witness at the luncheon said that a speaker took the podium and reassured the assembled guests that they had "doubled checked" and it was "OK to give contributions at the Buddhist temple."

So here again, there are substantial indicators which certainly would call for going forward with independent counsel.

Then the question was raised about the coffees which raised more than \$26 million. When the Vice President was questioned about the coffees—and the Vice President released the transcript—he said:

Question:

In terms of a fundraising tool, what was the purpose of the coffees?

His response was:

I don't know.

Then he was asked:

With respect to raising \$108 million, did you have discussions with anybody concerning the role coffees would play in raising that type of money?

The answer of the Vice President:

Well, let me define the term "raising."

Shades of what "is" is.

Later, he was questioned:

You had indicated earlier you may have attended one coffee. What were you talking about?

His response:

Although it was not my practice to go to any of these coffees, there may have been one that I attended briefly.

The Vice President's lawyer then submitted a letter 2 days later, saying:

As best we can determine from the Vice President's schedule, he was designated to attend four White House coffees. The Vice President hosted approximately 21 coffees at the Old Executive Office Building.

Here again, those matters require further inquiry.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SPECTER. Mr. President, I raised a question with the Attorney General as to why the Department of Justice went to ask the Vice President these questions on April 18. The apparent reason was that the subcommittee had finally gotten subpoenas out to get the Freeh and LaBella memoranda returnable on April 20.

So the subcommittee would soon find out that the Vice President had never been questioned about the Buddhist temple fundraiser or about the coffee klatsches and that, in fact, the Department of Justice was embarrassed by that omission.

I believe the Attorney General did a substantial disservice to the Vice President in failing to have these matters resolved one way or another at an early stage.

I said at the outset, last Thursday, when I discussed the matter as to the Conrad recommendation for independent counsel, that there is a sharp distinction between the level of information evidenced to call for an independent counsel's investigation and the level to return a criminal prosecution.

I raised a question with the Attorney General yesterday that her failure to act on these matters in 1997, and when Director Freeh called for an independent counsel in 1998, and when LaBella called for an independent counsel, has now put the 2000 Presidential elections in some state of controversy. These matters should have been cleared up. Why the questioning on April 18?

If independent counsel is appointed now, can there possibly be a determination to clear the Vice President before the Democratic convention in August? It seems highly unlikely.

If independent counsel or special counsel is appointed now, is there time to resolve the matter before the general election? It seems highly unlikely.

So that by delaying, it really is too late, at this point, to have special counsel. And that is a responsibility which falls squarely with the Department of Justice and the Attorney General for failing to appoint independent counsel in a timely manner.

It is puzzling why the matter would be reinvestigated and re-inquired into on April 18. The reason is obvious—so they would not be further embarrassed by not having asked about these two

matters before. But what is to be done at this stage?

All of this leads to a conclusion that there ought to be some form of judicial review on the Attorney General's judgment on an independent counsel. I had tried for a long time to have a mandamus action brought to take it for judicial review to see if an independent counsel should have been appointed under the mandatory provisions of the statute or the discretionary provisions where there was an abuse of discretion. The problem was one of standing.

It would be my recommendation to the subcommittee that the subcommittee recommend that there be provision for standing to the Judiciary Committee to bring an action for judicial review to have a court determine whether an independent counsel should be appointed because of an abuse of discretion by the Attorney General or because of mandatory provisions of a new statute. This will be a very constructive result, so we do not find ourselves in a situation where these questions linger for more than 3 years and cannot really be resolved before the conventions and so that the Democratic Party would know who their candidate ought to be or what baggage that candidate would have.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

The Senator from Nevada.

Mr. REID. Mr. President, I follow boxing. When I was a younger man, I did some boxing of my own.

One of the things I remember more than anything else regarding fights is when Evander Holyfield fought Mike Tyson. You remember the famous fight where they were in the ring and suddenly Mike Tyson was chewing and biting on Evander Holyfield's ear. That was unfair. It was unnecessary. Mills Lane, the referee, said: You shouldn't do that.

They come out again. He does it again.

I feel, with all due respect to my good friend from Pennsylvania, that that is kind of what has happened here.

The two leaders want to speed up this very important bill. The minority will do everything we can. We have agreed to a time when the amendments could be filed. We have agreed that I will work, as other members of this conference will, to have some of the amendments disappear. The majority leader wants to finish this bill today.

Instead, we have an anti-GORE campaign speech coming from nowhere.

If we want to do something about campaign finance, why don't we do

something in the Senate Chamber such as trying to outlaw campaign soft money? That would be a good step to take. We have been trying for years to have campaign finance reform. We have narrowed the issues. We will now just take doing away with soft money. We will take that. But, no, we are prevented from having a vote on that. Why? Because the majority won't let us vote on it. So we have an anti-GORE campaign speech today by the manager of this bill.

I don't serve on the Judiciary Committee. I can't answer all the questions that have been asked. I read the newspapers.

We know that the Attorney General is an impeccably honest person. For example, when she was the chief law enforcement officer of Dade County, Miami, she would go to a car dealership to buy a car and would pay only the sticker price on the window. She didn't want anyone thinking she was getting some kind of a special deal from the car dealership. No one can question the veracity of Janet Reno. She is an honest woman and has been a good Attorney General and has called things the way she believes they should be.

I don't know anything about Conrad, other than he donated money to JESSE HELMS. The only donation he has made in his life was to JESSE HELMS. I also find it interesting that this came out as a result of a leak, a leak from supposedly secret information.

Then my friend from Pennsylvania has the audacity to talk about an independent counsel. We have had our fill of independent counsels, majority and minority. We don't want anymore. They have harassed and berated President Reagan, President Clinton. Independent counsel is out. Remember, we didn't reauthorize that. Of course, we can, because the law was in effect about the period of time the Senator from Pennsylvania was talking about. We could have another independent counsel, and maybe they could break the record of some of the others. For example, Walsh, he was at \$50 million or thereabouts. We have had a tag team on the Whitewater stuff. We will probably break all records there. It will probably be about \$75 or \$80 million by the time that is finished. We all should be a little suspect that this great concern has taken place 4 months before the election.

To advance campaign finance reform, the House, in a bipartisan fashion, as they did last year, passed a bipartisan campaign finance bill that we had buried over here; it went no place—late at night passed a campaign finance bill to outlaw 527s. These are the secret committees that are formed. You don't have to list how much money you give, who gives it, or why they give it. You list nothing. They are secret. The House, in a bipartisan fashion, outlawed that yesterday.

Why don't we do that same thing in the Senate before the Fourth of July recess? If we want to do something to

help the political process, let's do that, rather than gin up all this stuff that is so patently political from my friend from Pennsylvania that anybody could see through it.

This is simply an effort to hurt AL GORE in his election against George W. Bush. That is all it is about. Let's call it the way it is. You can dress it in all kinds of clothes and be very self-righteous about all this, but the fact is, this is a campaign speech and a campaign effort to hurt Vice President GORE.

Let's talk about Vice President GORE. He also is an honest man, has a wonderful family; he is a religious man.

Now we have the "bite on the ear" this morning. I don't know how much we can take over here. We have worked very hard to move along the appropriations bills. The majority leader said: Work with us on these appropriations bills. It would be the right thing to.

We believe it is the right thing to do also. But we need the majority to go halfway. Do we now want Senators coming in here all day debating this? We have Senator LEAHY. We could have him come. He is ranking member on the Judiciary Committee. He would be happy to come over and spend an hour or two talking about what went on in the Judiciary Committee. We could have BOB TORRICELLI come over and spend an hour or two. He is articulate; he could do that. Is that what we want to happen today or do we want to go ahead with the Labor-HHS bill, a very important bill for the country?

I know the Presiding Officer believes strongly in the defense of this country. We should do the Defense authorization bill. We can't do the Defense authorization bill because it is tied up with campaign finance reform. If we did 527s, Senators MCCAIN and FEINGOLD would be happy to move on to another issue and allow us to complete the Defense authorization bill. A lot of items could be completed in the Senate. The minority needs a little help to move these things along. We can't be burdened, come Thursday afternoon or Wednesday night late, with: Why aren't we moving this bill along? We are not getting cooperation.

With regard to the work we have ahead of us on this bill, right now we have 88 amendments on the Democratic side—I don't know how many on the Republican side—to try to get rid of before we are able to complete the bill. That takes a lot of time. I don't think we should be diverted with this phony campaign finance issue, an attempt to interject it into the Presidential race 4 months before the election.

I think the majority leader has to make a decision. Are we going to spend the day on campaign finance? We would be happy to do that. What went on in the Judiciary Committee, we will come over and talk about it if that is what they want to do. I see my friend from Illinois, a member of the Judiciary Committee. I think he has something to say. I think he spent some

time in the last few days in the Judiciary Committee. Is that fair?

Mr. DURBIN. Mr. President, I was on the Judiciary Committee assignment and Government Affairs assignment in the last Congress, and I sat through literally 1 whole year of this under Chairman THOMPSON.

Mr. REID. Well, I didn't. I can only comment on what I read in the papers. But I know when somebody's ear is bitten, as Tyson did to Holyfield, and it is unfair; that is what happened here today. I am not a member of the Judiciary Committee, but I am not going to let this go on being unannounced. We are on a Labor-HHS bill, and we are getting a lot of pressure to do something about it. Here we have a campaign speech in the middle of this bill, and that isn't fair.

Mr. DURBIN. Mr. President, if I might address the Senator from Nevada through the Chair, the situation we saw yesterday is clear evidence that we are in the campaign season. Instead of dealing with issues that many of us think are critical for families, such as prescription drugs and gun safety legislation, we are instead talking about further investigations.

I think there is a point where this Congress is expected to legislate rather than investigate. The closer we get to the election, I think the more the American people discount some of the rhetoric they are hearing on this issue.

Mr. REID. Well, if we want to do some work on this issue, then we will spend the day doing it on this issue, if that is what the majority wants. Or, as I say, I make an invitation: If we want to do something constructive about campaign finance reform, let's pass what the House did last night and do it before the Fourth of July recess. Let's make a goal when we get back, in that 3-week period, that we get rid of soft money, that corrupting influence on political campaigns.

Early in this century, there was a decision made by the Congress that we would not have soft money, corporate money, in Federal elections. The Supreme Court turned that on its head and now soft money is the money of choice, putting millions of dollars in these Federal elections. That is the invitation I make to the majority. Let's do 527 tomorrow and do soft money when we get back.

I know my time is gone. I want to move on with this bill. But the choice is that of the majority as to what we are going to do. Are we going to do appropriations bills? Are we going to debate what went on in the Judiciary Committee for the last several days?

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

Mr. SPECTER. I believe I have 30 seconds left.

The PRESIDING OFFICER. The Parliamentarian says there is no way to reserve that 30 seconds of time. All time did expire.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. DODD. Reserving the right to object, and I don't intend to object, but I have an amendment on the bill, a relevant amendment. If it is going to be much longer, I will come back in an hour. If we can get to it, I would like to do that or let me go, so I can do something else.

Mr. SPECTER. Within the confines of 30 seconds, simply to reply, we are taking the time that we had on this amendment and nothing more. This is not a matter that has arisen in 4 months but 3½ years ago.

Mr. President, I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the amendment provides budgetary authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 153 Leg.]

#### YEAS—51

Akaka	Durbin	Lieberman
Baucus	Edwards	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Smith (OR)
Daschle	Landrieu	Snowe
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden

#### NAYS—48

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

#### NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just so we know what is happening here, after the Senator from Connecticut offers his amendment—I don't see the manager of the bill—there was an understanding that Senator KERRY from Massachusetts would offer the next amendment.

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

The distinguished Senator from Connecticut is recognized.

#### AMENDMENT NO. 3672

(Purpose: To provide \$1,000,000,000 for 21st Century Community Learning Centers)

Mr. DODD. 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 Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Mr. WELLSTONE, proposes an amendment numbered 3672.

Mr. DODD. 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 title III, insert the following:  
**SEC. . 21ST CENTURY COMMUNITY LEARNING CENTERS.**

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part I of title X of the Elementary and Secondary Education Act of 1965 shall be \$1,000,000,000.

Mr. DODD. Mr. President, very briefly, this is an amendment on the 21st Century Community Learning Centers program.

Before getting to the substance of this amendment, I want to take a minute to thank my colleague from Pennsylvania and my colleague from Iowa for the work they have done on this bill in a number of areas—and in the area of child care in particular. Last year, when I offered an amendment to increase the funding for the Child Care and Development Block Grant, the distinguished Senator from Pennsylvania reluctantly opposed that amendment. In so doing, he said he would make every effort to raise the level up in this year's appropriation, which he did. I am very pleased with the level of funding that he has provided for child care.

So, while I am offering an amendment on afterschool, which is related in some ways to child care, I want to express my gratitude to the chairman of the subcommittee for his commitment to this issue and to our nation's families and children. As a result of the

efforts of the Senator from Pennsylvania and the Senator from Iowa and their colleagues on the committee, 220,000 children will have access to affordable childcare next year who would not have had the increase in funding not been provided by the Senator from Pennsylvania.

Second, I commend Senator KENNEDY for his amendment on teacher quality. I am sorry it had a point of order raised against it. Similar motions have been made other Democratic education amendments—against Senator BINGAMAN's amendment on accountability, Senator MURRAY's amendment on class size, and Senator WELLSTONE's on title I.

I cannot let the moment pass without expressing my deep regrets that these amendments were necessary because the Elementary and Secondary Education Act has still not been considered. As many of you know, we only deal with that bill once every 6 years. I know we are in a rush to get everything done, but once every 6 years to focus on the elementary and secondary education needs of 2.5 million children and their parents is not a great amount of time.

I am sorry I am offering this amendment on the Labor-HHS bill. I would have liked to have considered this issue on the ESEA reauthorization. But, I know we are not going to have a chance to get back to the authorizing bill, so I am left with no alternative but to offer this amendment on afterschool programs on this bill. I express my apologies to my colleagues for doing so. If my colleagues care about afterschool programs, as most Americans do, this may be our only chance to do something about it.

The committee did increase funding for afterschool programs in this bill. They have raised that amount from \$453 million up to \$600 million. There has been an increase. It is interesting to note, we appropriated only \$1 million in 1997 for afterschool programs. The demand has been so great by school districts across the country to fill this need that we have watched this program grow tremendously.

I will show my colleagues why. People ask: Why do we need more afterschool funding? The answer is not difficult to understand. In fact, parents across the country will tell you this without looking at statistics. You can go to any community in America, and around 3 o'clock in the afternoon, you will find people who work will try to find that 5, 10, 15 minutes to get to a phone if they do not have one at their own workstation, to call home to find out whether or not their child has gotten home and is safe.

This is a huge concern for parents. Do my colleagues remember the old bumper sticker which said: "It is 11 p.m. Do you know where your child is?" Mr. President, the fact is that 11 p.m. is not the problem, the hours right after the school day ends are the problem.

The statistics on this chart come from our major police organizations. They show that the peak period for serious violent crimes is between 3 p.m. and 6 p.m. That is the problem time.

Percent of robbery incidents for children under age 18: The peak period is 3 p.m., 4 p.m., 5 p.m., up to around 8 o'clock in the evening.

Percent of aggravated assault incidents for children under 18: The peak period is about 4 o'clock in the afternoon.

The first chart show when children are the perpetrators of crime. The second chart shows when children are at risk of being victims of crime. The peak period is 3 to 4 o'clock in the afternoon.

As I said, parents know about this and care about it. Let me show you to what extent they care about it. Through the 21st Century program, we are now offering 310 afterschool programs around the country. Yet the demand for these programs is much higher—in FY 2000, 2,252 schools applied for grants to provide afterschool services through this program. That demand is coming from the parents through the schools. And, frankly, we're not coming even close to meeting that demand with an increase in funding of \$147 million. Increasing funding to \$1 billion, as this amendment would do, would allow us to triple the number of children serviced to 2.5 million.

Before he even says anything, I can tell you the chairman is not going to argue with me about whether or not we need to do this. The chairman is going to say: Where are the resources going to come from? We are up against a wall on this.

It is a very difficult situation. If I want to find an offset for my amendment, I have to raid health care or child care. With these budget caps we have forced competition between programs that are serving the same families.

I know we have budget caps, but, like most Americans, I believe if people care enough about this, we will find a way to deal with it. We always manage to on other issues. This certainly qualifies as a crisis, if not a natural disaster where the winds and fires have devastated areas, it is close to something of a natural disaster when we have the violent crimes, the victimization of children, the fear that parents have about who is watching their kids, and what are they doing when they are home alone.

I will share with my colleagues, aside from the crime elements, what happens to kids when they are home alone.

Drug abuse, alcohol, cigarettes all begin with these age groups when kids are unsupervised. Parents, as I said earlier, are not unmindful of this. Eighty-five percent of the most recent study of voters think "afterschool programs are a necessity. More than a third of the voters believe the single biggest threat to their children today is being unsupervised after. Voters

rank afterschool programs, along with parent involvement and reducing class size, as the most effective means of improving academic performance.

Two months ago, I attended an event at the White House to release a report by a group called Fight Crime: Invest in Kids. It is a coalition of over 700 police chiefs and prosecutors across the country. Many of the individuals are conservative Republicans.

These police chiefs said: If you are going to address the issue of juvenile crime and the victimization of children, you have to focus on the issue of after school. The parents get it; the police officers get it. The question is whether or not we are going to find some means to do something about it, to support a program that can serve 2.5 million children of the 5 million who are home alone in the afterschool hours.

I mentioned earlier—and I will repeat it again today—that we spend less than one-half of 1 percent of the entire Federal budget on elementary and secondary education. I suspect that could be a great trivia question. I suspect most Americans think that as a percentage of our Federal budget that we would spend something more than less than one-half of 1 percent of the entire Federal budget on the 50 million children who attend public schools. Out of the 55 million children who go to school every day in this country, 50 million of them go to a public school. Five million children go to private, parochial schools.

Less than one-half of 1 percent of our budget goes to serve 50 million children. I suspect not one of us has been home in our states, regardless of the audience, where we do not find some way to talk about education in our remarks. We do so because I think all of us in this Chamber—regardless of party or political ideology—understand deeply how important education is to the well-being of our Nation and the need to improve the quality of our public schools.

Shutting down failed schools may provide some quick satisfaction, but too often those kids in a rural school—in Nebraska or Connecticut—or an urban school—in Los Angeles or Chicago or Philadelphia—have no alternative if you shut down the school. There are not a lot of schools around where they can all of a sudden go the next day or the next week. And these are the very children we most need to help. We have to do a better job in trying to help these underserved kids, the ones who come from single-parent families, or where two parents are working because they have to put food on the table.

Contributing only 7 cents out of the entire education dollar in the country, does not make the federal government a very good partner. Our local communities are strapped, our States are struggling to try to do a better job on class size, teacher quality, accountability, and afterschool programs.

We are not measuring up, in my view, to the level of partnership that we ought to provide. I am not suggesting we ought to assume all of the responsibility for education. That would be ridiculous. But right now we only contribute 7 cents on the dollar—\$15 billion out of about \$190 billion—that is spent nationwide on elementary and secondary education.

Again, here we are at the dawn of the 21st century. It is so obvious, it is so self-evident, that if we have hopes of succeeding as a people in this century, we must meet the educational needs of our children. This is about as fundamental as it gets. This is the hub of the wheel. People always say kids represent 25 percent of the population but they are 100 percent of our future. We are the ones who will set the ground rules on whether or not they are going to have the chance to succeed and prosper in the years ahead.

Mrs. BOXER. Will my friend yield for a question?

Mr. DODD. I am happy to yield to my colleague.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that my friend be given 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank my friend. I was not able to hear his entire presentation, but he and I have worked together on afterschool programs. We have made some progress because, frankly, in the first budget fight that this President had, he put afterschool on the table, and he insisted we increase our participation.

I don't know if my friend went over the details of how many people in this country really support what he is trying to do today. I wanted to make sure my friend knew, in the last poll I saw, about 90 percent of the people said: We need to do more for our children after school. I wonder if my friend knew that.

Mr. DODD. I did make that point. The Senator from California has been a leader on this issue for a long time and on many other issues related to education. But I made the point about how many people care about this issue and I shared the polling numbers with my colleagues.

Mrs. BOXER. I am happy my friend did that.

We call ourselves representatives. What we are supposed to do is represent the hopes and the dreams and the needs of the people. We have a bill that comes to the floor that is a cap bill. We understand that. But my goodness, we know there are surpluses coming. If we can't do more to meet this need, and get that 60 votes for the Senator in this amendment, I think we are failing our children.

I thank my friend for his leadership.

Mr. DODD. I thank the Senator.

I suspect my time has expired, Mr. President.

The PRESIDING OFFICER. The distinguished Senator has 30 seconds remaining.

Mr. DODD. Again, I urge my colleagues to vote to waive the budget point of order that I know my friend from Pennsylvania will have to make. I thank him again.

I will end where I began. He has been a very good friend on a lot of these issues. I realize his objections to this are not on the policy issue as much as it is a problem financially.

But I wanted to offer this amendment because it is a critically important one. My hope is we get back to the Elementary and Secondary Education Act and that we spend more time on that bill before this session ends. We have a chance to address these kinds of policy questions, on which I think more of my colleagues would like to be heard.

With that, Mr. President, I yield the floor.

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

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 125, the adjournment resolution, which is at the desk. I further ask consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there an objection?

The Chair hears none, and it is so ordered.

The concurrent resolution (S. Con. Res. 125) was agreed to, as follows:

##### S. CON. RES. 125

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader

of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

#### THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. SPECTER. Mr. President, I ask unanimous consent that a vote on or in relation to the Dodd amendment not take place at the conclusion of argument; that it be stacked later this afternoon at a time to be mutually agreed upon after consulting with the leaders on both sides.

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

Mr. SPECTER. Mr. President, there is not too much need for me to respond to the Senator from Connecticut. I think he has already stated my position in toto. I do think this afterschool program, which he has proposed to add to, is a worthwhile program. But it is beyond the limits with which our subcommittee has to work. He is correct that I will make a motion that it exceeds the allocation to our committee at the appropriate time.

Afterschool is very important. It is sort of a twin brother to day care. Last year, I agreed with the Senator from Connecticut to scrimp and save and use a sharp pencil to find \$817 million more to bring day care up to \$2 billion, which we did. I thought that kind of an allocation might have satisfied the Senator from Connecticut for a year. But it has not. So we will have to face this when it comes along.

He said to me: That is day care.

I said: Day care is very important. Bringing it up by more than \$800 million to \$2 billion was a tough job, Senator DODD.

I called him CHRIS at the time.

We thought that being a twin brother to afterschool, we might have avoided an amendment.

Mr. DODD. If my colleague will yield.

Mr. SPECTER. I will be glad to yield.

Mr. DODD. I was as complimentary as I could be. But I will be even more complimentary. I am deeply grateful to the Senator.

Mr. SPECTER. It is very tough being the manager of a bill that funds the Department of Education because there is no priority higher than education. The only one on a level with it is health care. And we have the funding coming out of the same pool of money.

We made the allocations as best we could. I know of the devotion of the Senator from Connecticut to this cause. He and I were elected at the same time. He withstood the Reagan landslide in 1980 to be one of two Democrats elected to open seats, when 16 Republicans came in. And he and I co-chaired the Children's Caucus at that time.

In 1987, when he proposed family leave, I was his cosponsor, with a lot of

turmoil just on this side of the aisle. We have worked together over the years for education and for children. I commend him for all that he has done.

We have added to education some \$4.6 billion. We are \$100 million more than the President in education this year.

We have increased funding tremendously for children and young people in America. The Head Start Program comes, curiously enough, under the Department of Health and Human Services. There is an increase this year of \$1 billion to Head Start, coming up to \$6.2 billion. We have increased special education by \$1.3 billion, bringing it up to \$7.3 billion. We have increased innovative State grants by \$2.7 billion for more teachers, class size, and for school construction, with the proviso that it is limited. It is up to the local school district if they decide to do something else with it.

When it comes to the program the Senator from Connecticut is talking about, the 21st Century Learning Centers, we have added \$146.6 million to bring the figure up to \$600 million. In fiscal year 1999, it was \$200 million. So we are moving right along on it to provide the maximum amount of money we can.

It is not an easy matter to allocate \$104.5 billion—as much money as that is—for the National Institutes of Health and for drug programs and for school violence programs. We have done the best job we could. It is with reluctance that I raise a point of order.

How much time remains, Mr. President?

The PRESIDING OFFICER. The distinguished Senator has 9 minutes remaining.

Mr. SPECTER. I have made the essential arguments which are relevant. In the interest of moving the bill along and saving time, I make a point of order under section 302(b) of the Budget Act, as amended, that the effect of adopting the Dodd amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, as previously agreed to by unanimous consent, the vote will be delayed to a time agreed upon by the leaders later today. I yield back the remainder of my time so we may proceed with the amendment of the Senator from Massachusetts.

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

AMENDMENT NO. 3659

(Purpose: To increase funding for the technology literacy challenge fund)

Mr. KERRY. Mr. President, I call up amendment No. 3659 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], proposes an amendment numbered 3659.

The amendment is as follows:

At the end of title III, insert the following:  
SEC. . Notwithstanding any other provision of this Act, the total amount made available under this title to carry out the technology literacy challenge fund under section 3132 of the Elementary and Secondary Education Act of 1965 shall be \$517,000,000.

Mr. SPECTER. Mr. President, I ask unanimous consent that time on the Kerry amendment be 1 hour equally divided. We have already talked about this. I understand there is agreement.

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

Mr. KERRY. Mr. President, I ask unanimous consent that Senators BINGAMAN and MIKULSKI be added as original cosponsors of the amendment.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me pick up, if I may, on the comments made by the Senator from Connecticut. There is a relationship between these amendments that are proposed by Senator KENNEDY, Senator BINGAMAN, Senator DODD, and myself. They are made with great respect for the leadership of the appropriations subcommittee. I share the feelings expressed by Senator DODD that they are working within the constraints that have been imposed on them by the Congress in a sense through the budgeting process.

What we are asking of our colleagues is to begin a process by which we more accurately reflect the truth of the budgeting process and the choices we as Senators face. The fact is, we have the ability to provide 60 votes to waive and to proceed to make a statement as the Senate that we believe a specific priority is significant enough that we ought to depart from the constraints. The constraints under which we are operating, that were very properly and articulately listed by the Senator from Pennsylvania, are restraints imposed by a Budget Act and by allocations that do not reflect the reality of the budget choice we face as a country because of the level of surplus. Since those allocations were made, we have in fact learned that we have a significant amount of additional funds available to us to begin to choose how we will reflect the priorities of our Nation.

I say to my colleagues on the other side of the aisle, a lot of us on this side of the aisle joined with them to put in place the fiscal discipline we all laud and believe is appropriate. It was a 1993 vote, in fact, that put in place the Def-

icit Reduction Act. Many of us are pleased that we finally were able to set this country on a course where we now have the current surpluses. We have to start to be smart about what kind of choices we are going to make.

I keep hearing colleagues on both sides of the aisle come to the floor. They lament what is happening to children in America. They lament what is happening with respect to young people who are increasingly feeding into the juvenile justice system of the Nation. We hear the cries of anguish about children having children out of wedlock, about the failure of marriage in this country. But we don't seem to connect our legislative actions to things that really might make a difference in the lives of young people so they will choose a more moral, traditional, affirmative course for their own life.

How do kids make those kinds of choices? Traditionally, in the America we always hear Members talking about, we have family, which is the best teacher of all, the most important connection of a child to their future. We have schools and teachers. History in America is replete with great personalities who harken back to a particular teacher who affected their life. We hear less and less of those stories in modern America. Finally, there is organized religion. Organized religion is the other great teaching entity. Not one that we are supposed to, in this body, specifically legislate about, but it is proper to acknowledge the role that religion plays as one of those three great teachers in the lives of children.

The truth is, in America today we have an awful lot of young children who don't have contact with any one of those three teachers, not one. Their teachers are the streets. Colin Powell talks about it in his America's Promise, which appeals to people to make a voluntary commitment to try to intervene in the lives of some of those children and replace the absence of those three great teachers.

What kids learn in the streets is not the real values of America; it is what I call "coping skills." They learn how to get by. They learn how to survive. They learn the sort of "law of the jungle," as some used to call it. The fact is, we are not doing enough, we Senators are not doing enough, to leverage those things that make a difference in the absence of the three great teachers.

I ask any one of my colleagues: How do we break the cycle of a kid having a kid out of wedlock? How do we break the cycle of a child raised in an abusive household, whose role models in life are people who beat up on each other, shoot drugs, get into trouble, such as the role models for that 6-year-old kid who shot a 6-year-old classmate living in a crack house with an uncle, a parent in jail, no one responsible?

What is that child's future, unless adults make the decision to somehow provide those positive forces that make a difference? What are the positive

forces? Well, the positive forces are often some of the faith-based interventions, whether it is the Jewish Community Center or a Baptist organization or the Catholic Charities; but there are those entities out there that have a wonderful, extraordinary capacity to bring kids back from the brink. And then there are those organized entities that also do it, such as the Boys and Girls Club; Big Brother/Big Sister; YMCA and YWCA; or a program in Boston called Youth Build, or City Year. All of these provide young people with alternatives and the ability to have surrogate parenting, fundamentally. That is what is really taking place. What is really taking place is those entities is providing an alternative.

Now, we will debate in the Senate whether or not we are going to provide 200,000 H-1B visas. I am for it. I think we ought to provide that, or more, because we have an immediate need in this country to provide skilled people in order to keep the economic boom going and provide for critical technologies, to have good working people. But has it not occurred to my colleagues what an insult it is to our own system that we have to go abroad and import skilled labor to the United States, even as we are putting thousands of young kids into prison, into the juvenile justice system, and out into the streets, as the Senator from Connecticut just said, because we don't have afterschool programs? What are we going to do? We are going to import 200,000 skilled people to make up for the unskilled people whom we leave unskilled because we are unwilling to make the adult choices in the Senate that would make a difference in their lives.

How can we boast about the extraordinary surplus we have in this country, with the stock market climbing to record levels, the most extraordinary amounts of wealth ever created in the history of any nation on the planet right here in the United States, but poverty among children has increased by 50 percent and the number of kids who are at risk has increased.

I don't believe in the Federal Government taking over these programs. I don't believe in Washington dictating the solutions. But I do believe in Washington leveraging the capacity of people at the local level to be able to do what they know they need to do. So we are reduced to a debate where the Senator from Pennsylvania has to say, well, oh, my gosh, under our 201(b) allocation—or whatever the appropriate section is—we don't have enough money to be able to allocate because we have a total cap that has no relationship to the reality of what we must do.

We keep saying, isn't it terrific that we have raised the amount of money—and it is terrific—when the real question is, are we doing what we need to do to get the job done? That is the question we ought to be asking.

What is it going to take to guarantee that children in the United States of



America are safe? What does it take to guarantee that we don't dump 5 million kids out into the streets in the afternoons, unsafe, and exposed to drug dealers and to all of the vagaries of the teenage years and all of the pressures that come with it in a modern society that doesn't have parents around to be able to help those kids make a better choice? We don't have to do that. We ought to make it the goal of the Senate to guarantee that every child in America is going to be safe and secure between the hours when teachers stop teaching and when those parents are coming home. And we can ask 100,000 questions about why it is we are not providing arts and music and sports and libraries that are open full-time, and Internet access.

That is where my amendment comes in, Mr. President. Senator KENNEDY has an amendment on teacher quality, which is linked to the capacity of kids to fill those high tech jobs that we talk about. Senator DODD has an amendment talking about making those kids safe after school. My amendment seeks to increase the funding for the technology literacy challenge fund, which is a critically important education program that helps provide technology access, education, professional development, and instruction in elementary and secondary schools.

All we say is that to qualify for the money, States have to submit a statewide technology plan that includes a strategy on how the States will include private, State, local, and other entities in the continued financing and support of technology in schools.

There are two points that I can't stress enough. One is the importance of providing young people with the opportunity to learn how to use technology. I am not one of those people. I don't want to celebrate technology to the point of it being put up on a pedestal and it becomes an entity unto itself. Technology is not a god; it is not a philosophy; it is not a way of life. Technology is a tool, a useful tool. It is a critical tool for the modern marketplace and the modern world. But we are preordaining that we are going to have to have next year's H-1B plan, and the next year's H-1B plan, and another prison, and another program to deal with a whole lot of young kids for whom the digital divide becomes more and more real, who don't have accessibility or the capacity to be able to gain the skills necessary to share in this new world. The fact is that there are too many teachers who don't have the ability to even teach; we have the schools wired; we have the e-rate.

We are beginning to get increased access to the Internet. But what do you do with it? How many teachers know how to use the technology to really be able to educate kids? How many kids are, in fact, having the benefit of the opportunity of having teachers who have those skills so that they can ultimately maximize their opportunities?

All we are suggesting is that we ought to be doing more to empower—

not to mandate, not to dictate, but to empower—those local communities that desperately want to do this but don't have the tax base to be able to do it. Let's give them that ability. That is the best role the Federal Government can play—to leverage things that represent national priorities, leverage the things that represent the best goals and aspirations of ourselves as a Nation. It is not micromanagement; it is, rather, putting in place a mechanism by which we have national priorities—to have good, strong families, to have kids who are computer literate, and to have more skilled workers. Those are national priorities. But if we turn our heads away and say the only priority in this country is to sort of sequester this money for the senior generation in one form or another, without any regard to the generation that is coming along that needs to fund Social Security, that needs to have a high value-added job so they can pay into it and adequately protect it, that is not Social Security protection.

We have gone from 13 workers paying in for every 1 that is taking out—13 workers paying into the system for every 1 worker taking out—to three paying in and one taking out. Now there are two paying in and one taking out.

We have a vested interest as a nation in making sure those two paying in are capable of paying in; that they have a high value-added job that empowers them to pay in; when they pay in, it doesn't take so much of their income that they feel so oppressed by the system that they are not able to invest in their own children and in their own future.

That is in our interest. That is a national priority.

If we don't begin in the Senate tomorrow to adequately reflect the needs of our children in the money that we allocate, we will be seriously missing one of the greatest priorities the country faces.

All of us understand the degree to which there is an increase in the digital divide of the country. The technology literacy challenge fund is a critical effort to try to provide those kids with an opportunity to close that gap.

Last year, my home State of Massachusetts received \$8.1 million. Some of the programs it put in place are quite extraordinary. Let me share with my colleagues one of the examples of this program that works so effectively. It is called the Lighthouse Technology Grant.

The Lighthouse Technology Grant incorporates new technologies into the State curriculum framework so that it better motivates children to be able to learn.

One of the schools in my State—the Lynn Woods Elementary School in Lynn—is integrating technology into the classroom by virtue of this grant. Fifth grade students at the Lynn Woods school are studying Australia.

They have been able to videoconference directly with Australian students who are studying the Boston area.

You have students engaging in a very personal and direct way, all of which encourages their learning and enhances their interest in the topic. They have also developed writing skills through special e-mail pen pal programs with Australian students.

In addition, they have been able to connect more directly with the experience of life, thereby asking very direct questions and engaging in a personal exchange that they never could have experienced before because of telephone rates and because of the difficulties of communication under any kind of telephone circumstance.

The Lighthouse Technology Grant is only one of eight programs funded by this challenge grant in Massachusetts. It also provides grants to a virtual high school program which enables school districts to offer students Internet courses ranging from advanced academic courses to technical and specialized courses. Let me emphasize the importance of that to my colleagues.

A few weeks ago, I visited a high school in Boston, an inner-city high school, Dorchester High. I found that in this high school of almost 1,000 students in the inner city they are not able to provide advanced placement courses. I ask everybody here to imagine a high school that is supposed to be state of the art that doesn't have advanced placement courses.

Yet, because of the virtual high school and because of the access to the Internet, if we close the digital divide, we can in fact make it affordable and accessible for schools that today have difficulty finding the teachers, affording the teachers, and providing the curriculum—and be able to do so immediately.

That is the difference between somebody being able to go to college or being college ready or being able to go to college and advance rapidly in the kinds of curriculum and courses that will make even a greater difference in their earning capacity and in their citizen-contributing capacity at a later time. We need to recognize that unless we encourage this to happen, the transformation could take a lot longer than we want it to take.

For example, it has taken only 7 years for the Internet to be adopted by 30 percent of Americans. That is compared to 17 years for television to be adopted by 38 percent, and for the telephone, 38 percent during the same amount of time.

The world of work is obviously so much different and at a faster rate. But if we leave kids behind for a longer period of time, we will greatly restrain their learning capacity as well as our growth capacity as a country.

The technology literacy challenge fund has been funded under the committee's mark at about \$425 million. The administration actually asked for \$450 million. The House has set a figure

of \$517 million. I think that is more reflective of the level of funding that is necessary in order to achieve the kind of transition that we wish for in this country. Some might argue we could even do more. But it is clear to me that by measuring the priorities as expressed by other colleagues we can, in fact, do more if we will challenge the system a little bit, if we will push the limits a little bit, and if we will look at the reality of the budget choices that the Congress faces.

I think nothing could be more important for all of us as Senators and as Congress this year. I hope my colleagues will embrace the notion that we can in fact do an appropriate waiver of the budget and set this as a priority of the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, here again, there is little doubt that technology literacy is a very important matter for America. There is no doubt about that at all. Here again, it is a matter of how our allocations are going to run.

We debated the Dodd amendment earlier today about afterschool programs—again, a good program. There is a question about the amount of money and where the priorities are.

We debated the Kennedy amendment about teacher recruitment—another good program.

We had to turn down amendments yesterday by Senator WELLSTONE who wanted more money for title I; Senator BINGAMAN, also more money for title I; Senator MURRAY asked for an additional \$325 million on top of \$1.4 billion which was supplied for class size. There is no doubt that so many of these programs are excellent programs.

The Senator from Massachusetts in offering this amendment noted the constraints we are operating under with respect to how much money we have in our allocation. We have established priorities. We have greatly increased the education account by some \$4.6 billion. That is a tremendous increase, coming to a total of \$40.2 billion. In our education account, we have \$100 million more than the President asked for.

I have already today gone over a long list of items where we have increased funding on education on very important items. It is a matter of making the appropriate allocation and the setting of priorities.

I say to my colleague from Massachusetts that the House of Representatives has established a mark of \$517 million in this account. It is entirely plausible that the figure that is in the Senate bill will be substantially increased.

We will certainly keep in mind the eloquence of Senator KERRY's arguments. There is no doubt about technology and about the need for more funding in technology.

I believe that a country with an \$8 trillion gross national product can do

better on education. I said earlier today and have said many times on this floor that I am committed to education, coming from a family which emphasizes education so heavily, my parents having very little education and my siblings and I being able to succeed—I guess you would call it success to come to the Senate—because of our educational opportunities.

That is the essence of our position. We have substantially more time.

I inquire of the Chair: How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 26 minutes remaining. The Senator from Massachusetts has 8 minutes remaining.

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

Mr. REID. Mr. President, if I could direct a question to the manager of the bill, it is my understanding Senator WELLSTONE will offer one of his amendments next.

Mr. SPECTER. That is fine.

Mr. REID. I will also have Senator WELLSTONE agree to a time limit.

Mr. SPECTER. Speaking of the time limit with Senator WELLSTONE on the floor, may we agree to 30 minutes equally divided, 20 minutes equally divided, 15 minutes equally divided? How much time does Senator WELLSTONE desire?

Mr. WELLSTONE. Mr. President, I did not hear the Senator.

Mr. SPECTER. Mr. President, I suggested a time agreement of 30 minutes equally divided, perhaps 20 minutes equally divided.

Mr. WELLSTONE. I say to my colleague from Pennsylvania, my guess is it will take me about 40 minutes on my side. I prefer not to agree to a time limit. I don't think I will go more than that.

Mr. SPECTER. Would the Senator from Minnesota be willing to enter a time agreement of an hour, 40 minutes for the Senator from Minnesota, and 20 minutes for our side?

Mr. WELLSTONE. I am pleased to do so.

Mr. SPECTER. I ask unanimous consent the time be set on the Wellstone amendment at 1 hour, with the Senator from Minnesota having 40 minutes and our side having 20 minutes.

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

Mr. SPECTER. Mr. President, I also ask unanimous consent that no second-degree amendments be in order prior to the vote.

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

Mr. KERRY. If the Senator from Pennsylvania wants to yield back time, I am prepared to do the same. I want to reserve one comment.

I appreciate everything the Senator has said. I appreciate his comments. I know he wants to do more. Unless we in the Senate tackle this beast called the allocation process, and unless we begin to challenge the constraints

within which we are now dealing, we are not doing our job.

These votes are an opportunity to try to do that. My plea is to the Senator, the Appropriations Committee, and others, that we begin to try to change these shackles that are keeping us from responding to the real needs of the country. The measurement should not be what we are doing against a baseline set by us. The measurement should be, what will it take to guarantee we can turn to Americans and say we are addressing the problem, we are getting the job done.

We need to close that gap.

I am happy to yield back the remainder of my time.

Mr. SPECTER. Mr. President, I ask unanimous consent the vote on the Kerry amendment be deferred, to be stacked later today at a time to be mutually agreed upon by our respective leaders.

I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the Kerry amendment provides budget authority in excess of the subcommittee's 302(b) allocations under the fiscal year 2001 concurrent resolution on the budget, and is not in order.

Mr. KERRY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of that act for consideration of the pending amendment, and 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.

Mr. KERRY. I thank my colleague.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3644

(Purpose: To provide funds for the loan forgiveness for child care providers program, with an offset)

Mr. WELLSTONE. I call up amendment 3644.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3644.

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

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

The amendment is as follows:

On page 71, after line 25, add the following:  
SEC. \_\_\_\_ (a) In addition to any amounts appropriated under this title for the loan forgiveness for child care providers program under section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078-11), an additional \$10,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by \$10,000,000.

Mr. WELLSTONE. Mr. President, I come to the floor to offer a very simple amendment. This amendment asks only that we appropriate an additional \$10 million to fund the loan forgiveness program which was authorized under the Higher Education Act. This is a loan forgiveness program for women and men who go into child care work. This would be taken from administrative expenses in the overall budget.

Despite the fact that we know that child care workers struggle to pay back their student loans, and that all too many of them earn poverty-level wages without benefits, which means in turn that many of them are forced to leave their work for higher paid work, we have yet to appropriate one penny for this forgiveness program.

I originally offered this amendment calling for loan forgiveness for those men and women who go into the child care field with Senator DEWINE. My thought was this is sacred work. This is important work. This is work with small children. If people are going to be paid miserably low wages—many having no health care benefits at all, and we understand the importance of early childhood development—then let's at least have a loan forgiveness that will encourage men and women to go into this area.

Right now the child care situation in the United States is critical. We have a system in place where child care is prohibitively high for working families. It is not uncommon for a family to be paying \$6,000 per child, \$12,000 per year, \$10,000 per year. Maybe the family's overall income is \$35,000 or \$40,000.

At the same time, we have child care workers who are taking care of children during the most critical years of development and they don't even make poverty wages.

It seems counterintuitive. How can it be that on the one hand child care is so expensive, but on the other hand those men and women who work in this field are so underpaid?

The problems of the high costs and the low wages are inevitable under the current system of child care delivery in the United States. Colleagues, this amendment is just one vote, but this is a central issue of American politics. Talk to working families in this country and they will list child care as one of their top concerns. They are not just talking about the cost of child care, but they are also saying when both parents work, or as a single parent working, they worry most of all that their child is receiving the best care—not custodial, not in front of a television for 8 hours, but developmental care.

On a personal note, I can remember as a student at the University of North Carolina, barely age 20, Sheila and I had our first child. I will never forget, 6 weeks after David was born, Sheila had to go back to work. That is all the time she could take off. Six weeks is not enough time to bond with a child. We had hardly any money. We asked around and we heard about a woman

who took care of children. We took David over. After about 3 days of picking him up, every day he was listless. Before he had gone to this child care, this home child care setting, he was engaged and lively. It was wonderful.

I was at school, I was working; Sheila was working. At 5 o'clock or 5:30 we would come to pick him up and he was listless. Finally, after 3 days I got concerned and I showed up at her home in the middle of the day. The problem was she had about 20 children she was trying to take care of. Most of them were in playpens and she had stuck a pacifier in their mouth and they were receiving no real care. There was no real interaction. Parents worry about this.

I argue today on the floor of the Senate, one of the keys to making sure there is decent developmental child care—not custodial child care—is to have men and women working in this field being paid a decent wage. Right now, we have a 40-percent turnover in this field. Who pays the price? The children.

I have said on the Senate floor before, when I was teaching at Carleton College as a college teacher for 20 years, I had conversations with students who came to me and said: Look, don't take it personally. We think you are a good teacher, Paul, and we really appreciate your work as a teacher. But we would like to go into early childhood development. The problem is, when you make \$8 an hour, with no health care benefits, and you have a huge student loan to pay off, especially at a college like Carleton, you can't afford to do it. Some of the people want to go into this field, which we say is so important, but they can't afford to do it.

The least we could do is have a small loan forgiveness program.

The result of the system we have right now is poverty-level earnings for the workforce.

By the way, who are the child care providers in the country today? Mr. President, 98 percent of them are women, and one-third of them are women of color. We can do a lot better. We pay parking lot attendants and men and women who work at the zoos in America twice as much as we pay those men and women who take care of our small children. Something is profoundly wrong when we pay people who care for our cars and our pets more money than we do for those who care for our children.

Let me go over the facts. The average teacher based at a child care center earns roughly \$7 an hour. Despite above average levels of education, roughly one-third of the child care workers earn the minimum wage. Even those at the highest end of the pay scale, who are likely to have a college degree and several years of experience, make about \$10 an hour. Family child care providers—a lot of child care is in homes—make even less money. People who care for small groups of children in their home make on average about

\$9,000 per year after all expenses are figured in.

A recent study by the Center For The Childcare Workforce finds that family child care providers earn on the average, when you take into account their costs, \$3.84 an hour, given their typical 55-hour week. Not only that, but the majority of child care workers in our country receive no health benefits, despite high exposure to illness. A lot of kids, when they come, have the flu and they pass it around. Fewer than one-third of the child care providers in this country today have health insurance, and an even smaller percentage of child care workers have any pension plan whatsoever. A recent study in my State of Minnesota found that only 31 percent of child care centers offered full-time employees fully paid health care.

The consequences of these dismal conditions are clear. Let me just put it into perspective for colleagues. In the White House Conference on the Development of the Brain, they talked about how important it is that we get it right for children in the very early years of their lives. The medical evidence is irrefutable and irreducible that these are the most critical years. We all want to have our pictures taken next to children—the smaller the children are, the better. Yet at the same time we have done so precious little to make a commitment to this area. We have child care workers, men and women who work in these centers, who do not even make half of what people make who work in our zoos. I think work in the zoo is important, but I also think work with small children is important.

We have the vast majority of child care workers barely making minimum wage or a little bit above, only about a third at best having any health care coverage whatsoever.

Senator DEWINE and I, several years ago, help pass a bill that authorized some loan forgiveness so you would have men and women who could go to college, with the idea they would go into this critically important field and their loans would be forgiven. What I am trying to do, taking it out of administrative expenses, is just finally to get a little bit of appropriation; start out with \$10 million so we finally set the precedent that we are willing to fund this. We have not put one penny into this program so far.

What happens is that we have this high turnover. As I said before, probably about 40 percent or thereabouts of child care workers in any given year go from one job to another. That figure may be a little high, but it is a huge turnover. Who pays the price? The children pay the price. As I look at my own figures, I guess it is about a third, a third of this country's child care workforce leaves the job each year because they are looking for better work. This leads to a dangerous decline in the quality of child care for our families. The most dangerous decline in quality is the care for toddlers, for infants.

They are exposed to the poorest care of all.

We have not appropriated one cent for the loan forgiveness program we authorized 2 years ago, and at the same time you have 33 percent of child care workers every year leaving, and you don't have the continuity of care for our children, for families in this country. At the same time, it is the infants and the toddlers who are the ones who are most in jeopardy. At the same time, we have not made any commitment whatsoever to at least—at least, this doesn't change everything in the equation—make sure we have a loan forgiveness program.

Another thing that is happening is that as we begin to see a severe teacher shortage, a lot of child care workers are saying that they can't make it on \$8 an hour with no health care benefits. A lot of younger people say they can't make it on \$8 an hour with no health care benefits and a big loan to pay off. They now become our elementary school teachers or middle school teachers.

As a result, what you have is, at the same time the number of child care providers is decreasing, the number of families who need good child care for their children is dramatically increasing. That is not just because of the welfare bill, but because the reality of American families today, for better or for worse—sometimes I wonder—is that you just don't have one parent staying at home. In most families, both parents are working full time. This is a huge concern to families in this country. We could help by passing this amendment.

I want to talk about one study in particular that I think, in a dramatic way, puts into focus what I am talking about. It was a recent study by the University of California at Berkeley and Yale University. They found that a million more toddlers and preschoolers are now in child care because of the welfare law. That wouldn't surprise anyone, given the emphasis on people going to work. So far, so good.

But they also found that many of these children are in low-quality care, where they lag behind other children in developmental measures. This was a study of 1,000 single mothers moving from welfare to work. They wanted to know where were their children. What they found out was their children were, by and large, placed in child care settings where they watched TV all the time, wandered aimlessly, and there was little interaction with caregivers. Here is the tragedy of it. Many of these toddlers from these families showed developmental delays.

Would anybody be surprised? Anyone who has spent any time with small children would not be surprised. When asked to point to a picture of a book from among three different pictures, fewer than two in five of the toddlers in the study pointed to the right picture compared to a national norm of four out of five children.

One of the study's authors is quoted as saying:

We know that high quality child care can help children and that poor children can benefit the most. So we hope that this will be a wake-up call to do something about the quality of child care in this country. The quality of daycare centers is not great for middle class families, but it is surprising and distressing to see the extent to which welfare families' quality was even lower.

I simply want to point out that just because a family is a welfare family or just because a family is a poor family does not mean these small children are not as deserving of good child care. That is not the situation today in the country.

Ironically, as we see the child care system deteriorating, we are now putting more and more emphasis on the importance of developmental child care. We are saying at the same time that we want to make sure single parents work and families move from welfare to work. We are putting the emphasis on work, and more families have to work to make it.

The median income in our country today is about \$40,000 a year. The income profile is not that high. We know investment in early childhood development pays for itself many times over. We know good child care programs dramatically increase the chances for children to do well in school, for children to go on beyond K-12 and go to college and do well in their lives, and we know the lives of low-income families, in particular, quite often lack some of the advantages other families in this country have. Children from low-income families do not always have the same vocabulary; there is not always the opportunity for a parent or parents to read to them. Therefore, the learning gap by kindergarten is wide. Some children start way behind, and then they fall further behind.

I cite one study which began in the seventies on the effects of early childhood intervention. Children who received comprehensive, quality, early education did better on cognitive, reading and math tests than children who did not. This positive effect continues through age 21 and beyond. Parents benefit as well. I do not understand where our priorities are. We should want to make a commitment to working families in this country and make a commitment to children.

I want to give some evidence from the State of Minnesota, and then I will finish up at least with my first comments. This loan forgiveness program works. First, it gives people an opportunity to go to college who want to become child care workers. Second, the turnover is reduced. Third, this means we get better people.

My own State of Minnesota has experimented. We have a State level loan forgiveness program. In 1998, we offered child care providers up to \$1,500 in forgivable student loans for the first time. Fifty percent of the money was set aside for what we call the metro area, and 50 percent of the money was set aside for greater Minnesota, outside the metro area. The money was award-

ed on a first come, first served basis. People began lining up on the first day. In the metro area, all the money was gone by 5 p.m. on the second day, and all of the money for rural Minnesota was awarded within 2 weeks.

This year, Minnesota has made over \$900,000 available through their loan forgiveness program. They started accepting applications in March, and they have committed nearly half the money to family care providers and 50 percent to center-based providers. A lot of it goes to rural Minnesota and a lot of it goes to urban Minnesota.

I am saying to my colleagues, I am hoping I can win on this amendment. I take it out of administrative expenses. We know the budget is going to be better for this Health and Human Services bill. We know we do not have a good budget with which to work right now. We know the cap is going to go up. We know we are going to have more resources with which to work.

We all say we are committed to developmental child care.

It is one of the top issues of working families. It seems to me several years ago—I did this with Senator DEWINE—we authorized legislation that called for loan forgiveness to men and women who want to go into this critical area, and we have not appropriated one penny. We can at least find it in our hearts and find our way to put some appropriations into this legislation. I am calling for \$10 million as a start.

I am saying to Senators today—and I do not think anybody can argue with me—there is not one Senator who can dispute the clear set of facts that we have to get it right for children. We have to get it right for them before age 3, much less before age 5. Nobody can argue with that.

Nobody can argue these are not critical developmental years. Look at the spark in their eyes. They are experiencing all the unnamed magic in the world before them, as long as we encourage them. No one can argue that for working families this is not a huge issue, both the expense of child care, which I cannot deal with in this amendment, and the quality of the care for their children. If both parents are working or a single parent is working, there is nothing more important to them than making sure their child is receiving the best care. They do not want their child warehoused. They do not want their child in front of a television 8 hours a day. They want to make sure their child is stimulated. They want to make sure there is nurturing for their child. They want to make sure there is interaction with their child.

I do not know how some of the people who work in the child care field do it. They are saints; they do it out of love for children; but they should not be the ones who subsidize this system. We are not going to have good people in the child care field if they are making \$8 an hour. We are not going to have good people if they do not have any health

care benefits. I cannot deal with that in this amendment, but I can deal with one thing. I can call on my colleagues, Democrats and Republicans, who say they are committed to good child care, who say they are committed to family values. If they are committed to family values, what better way to value families than to make sure that when people are working, their children are receiving good care? What better way to make sure that happens than to do something about the one-third turnover every year?

How can we best deal with the one-third turnover? We need to do a lot of things, but this amendment in its own small way helps. I am simply saying we ought to at least put \$10 million into this loan forgiveness program so we can encourage men and women—frankly, I would like to see more men in this field; it is almost all women in this field. At least they know their loan will be forgiven. That will make a huge difference. That is all this amendment is about.

I also say to my colleagues, I offer this amendment on behalf of myself and Senator DEWINE. I am so pleased Senator DEWINE is a cosponsor. I have done a number of different bills and legislation with Senator DEWINE. We did the Workforce Investment Act together, and we did this authorization together. I do not think we are asking too much.

This is actually a crisis. The fact is, the studies that have come out about the quality of child care in this country are pretty frightening. Sometimes it is downright dangerous, but almost always it is barely adequate, and we have to do something about it. One of the best ways we can show we care is to at least begin putting some funding into this loan forgiveness program.

I reserve the remainder of my time if, in fact, there is substantive debate on this issue. Otherwise, I will make a few other points. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Alaska.

Mr. STEVENS. Mr. President, on behalf of the committee, we are prepared to accept this Wellstone amendment which provides \$10 million for loan forgiveness for child care providers. The program was authorized by the Higher Education Amendment of 1998 and has never been funded.

The administration did not request funding, I might add. A \$10 million offset in administrative expenses will pay for this amendment.

If the Senator is agreeable, I will accept the amendment to forgive loans for child care providers who complete a degree in early childhood education and obtain employment in a child care facility located in low-income communities. That is acceptable to us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Alaska. And

if this is not presumptuous of me to say, normally I like to call for a recorded vote, but I would be pleased to have a voice vote, if that is what my colleague wants. And there is one reason why. I can't get an ironclad commitment from the Senator from Alaska, but I make a plea to him to please try to help me keep it in conference. It would be a small step toward getting funding for this. I know the Senator is very effective. I don't need to have a recorded vote if he can at least tell me he will certainly try.

Mr. STEVENS. The Senator does not need a recorded vote. This amendment probably applies to my State more than any other State in the Union. I assure him I will be asserting his position in conference.

Mr. WELLSTONE. Mr. President, I am very glad to hear that. I think I would be pleased to go forward with a voice vote.

Mr. STEVENS. Mr. President, we ask for the adoption of the amendment.

The PRESIDING OFFICER. Do both Senators yield back their time?

Mr. STEVENS. I yield back our time.

Mr. WELLSTONE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3644) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, we are awaiting clearance—I understand there is a Kennedy amendment on job training. We would like to get a time agreement on that. I would urge that we consider that at this time.

Does the Senator wish the floor?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the manager, the chairman of the full committee, Senator STEVENS, we would like to have Senator REED of Rhode Island offer the next amendment. He is on his way over to do that.

Mr. STEVENS. Is it possible to get a time agreement on that?

Mr. REID. Yes, it is.

Mr. STEVENS. We would like to get time agreements so it would be possible to stack votes later, if that is possible. Is the Senator prepared to indicate how long it might be?

Mr. REID. We will wait until he gets here, but I don't think he will take a lot of time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I ask my colleagues, there is some order here. There is going to be a Reed amendment—is that correct?—next, and then a KENNEDY amendment.

I have an amendment with Senator REID that deals with mental health and suicide prevention. Might I add that I follow Senator KENNEDY? I am ready to keep rolling.

Mr. STEVENS. I am not prepared to agree to that yet. We are not sure Senator KENNEDY wants to offer his amendment yet. We are prepared to enter into a time agreement on the KENNEDY amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I might state for the information of the Senate, we are trying to arrange amendments from each side of the aisle. We urge Members on the Republican side of the aisle to come forward with amendments if they wish to call them up today.

For the time being, I ask unanimous consent that on the amendment offered by Senator REED of Rhode Island there be a time limit of 30 minutes equally divided, with no second-degree amendments prior to a vote on or in relation to that amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and, it is so ordered.

Mr. STEVENS. We presume that there may be a Republican amendment offered after the Reed amendment. But in any event, the next Democratic amendment to be offered would be that of Senator KENNEDY, his job training amendment, and prior to that vote, there would be—let's put it this way, that time on that amendment be limited to 60 minutes equally divided, with no second-degree amendments prior to a vote.

It is my understanding there would be 2 minutes on each side. Is that the procedure now prior to the vote? Is that correct, may I inquire? Is that your desire?

Mr. REID. That is appropriate.

Mr. STEVENS. I ask unanimous consent that on each of these consents there be a 4-minute period prior to the vote to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Can I ask my colleague in that sequence, that following Senator KENNEDY there be a Republican and then I be allowed—

Mr. STEVENS. It is my understanding the third Democratic amendment to be offered would be the amendment from Senator WELLSTONE. We are awaiting the Republican amendments to see. But it will be the Reed amendment, then a Republican amendment, then the Kennedy amendment, then a Republican amendment, and then the Wellstone amendment.

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

Mr. REID. Senator WELLSTONE has agreed to 1 hour evenly divided.

Mr. STEVENS. I don't know what the subject matter is.

Mr. REID. Mental health.

Mr. WELLSTONE. Suicides.

Mr. REID. It deals with suicides.

Mr. STEVENS. We haven't seen it, but we will be pleased to consider an hour on that amendment and get back to the Senator.

Mr. REID. If you need more time, we don't care. If you decide you do, we will add it on to ours.

Mr. STEVENS. Let's decide the time on that amendment once we have seen it.

Mr. President, while we are awaiting the next amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3638

(Purpose: To provide funds for the GEAR UP Program)

Mr. REED. Mr. President, I have an amendment at the desk, No. 3638, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, and Mrs. MURRAY, proposes an amendment numbered 3638.

Mr. REED. 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 title III, insert the following:  
**SEC. . GEAR UP PROGRAM.**

In addition to any other funds appropriated under this Act to carry out chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, there are appropriated \$100,000,000.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, this amendment would increase funding for GEAR UP by \$100 million. GEAR UP is a critical component of our efforts to provide disadvantaged young people a chance to go on to college. GEAR UP reaches out very early in their educational careers, giving them the mentoring, the support, and the information necessary to succeed, not only in high school but to go beyond, to enter and complete college.

I offer this amendment along with Senator KENNEDY and Senator MURRAY. We are offering it because we believe—as I am sure everyone in the Chamber believes—that the opportunity to go on to postsecondary education is central to our country and

central to our aspirations in the Senate.

This opportunity is particularly difficult to achieve if one is a low-income student in the United States. The GEAR UP program is specifically designed to reach out early in the career of a child, the sixth or seventh grade, and give them not only the skills but the confidence and the expectation that they can succeed and can go on to college. Both these skills and information, together with the confidence that they can succeed, are essential to their progress and to our progress as a Nation.

GEAR UP is based upon proven early intervention models such as the I Have a Dream Program and Project GRAD. These programs have succeeded in improving low-income student achievement, high school graduation rates, and college enrollment rates. We are building on a successful set of models.

GEAR UP provides students with very specific services tailored to help them prepare for college. These services include tutoring, mentoring, and counseling. They are critical to ensure that students are equipped both academically and emotionally to succeed in college. We often hear about the lack of opportunities available to low-income families. This is particularly the case when we talk about entering and succeeding in college. Low-income children are the least likely individuals in the United States to attend college. In fact, if we look at high-achieving students from low-income schools and backgrounds, they are five times less likely to attend college as comparable students in higher-income schools across this country. By focusing on college preparation for these needy students, GEAR UP is directly targeted at eliminating this disparity.

There is something else that is important about GEAR UP. There are many talented young people who, if they are the first child in their family to seriously contemplate college, do not have the advantage of parents who are knowledgeable about the system. Their parents often do not have the information and the incentives to provide the kind of support and assistance these young people need. That, too, must be addressed, and GEAR UP does that.

In fact, GEAR UP addresses the needs not only of students but also of parents. In a recent survey, 70 percent of parents indicated they have very little information or they want more information about which courses their child should take to prepare for college. Eighty-nine percent of parents wanted more information about how to pay for college. This information disparity is particularly acute in low-income areas. Again, GEAR UP provides that type of information and assistance.

It is well documented that continuous programs that are integrated into the daily school life of a child are the best types of programs to provide for successful outcomes. That is exactly

what GEAR UP does. It starts early in a career, sixth and seventh grade, follows the child through their middle school years and into high school, and is integrated with other subjects so there is both continuous support and an integrated approach to preparing a child for college.

GEAR UP does this through partnerships and collaborations among State departments of education, high-poverty school districts, institutions of higher education, businesses, and other private or non-profit community organizations. GEAR UP is a college preparatory program, a Federal program that focuses on children in early grades. As such, the existence of other programs such as TRIO does not eliminate the need to fully fund GEAR UP. We have to recognize that we have not only the responsibility but also an opportunity to fully fund the GEAR UP program.

I commend Senator HARKIN and Senator SPECTER. They have dealt with a variety of educational issues in a budget that constrains their choices—indeed, their desires—significantly. They have done remarkable work, including funding for the LEAP program, which provides low-income students with funds to go to college. But if you don't have the first piece, if you don't have a GEAR UP program that gives students the skills, the confidence, the insights to get into college, Pell grants and LEAP grants are irrelevant because these deserving young students won't even be in the mix.

GEAR UP is important. It is fundamental. The budget that Senators SPECTER and HARKIN were dealing with did not give them the full range of choices they needed to ensure they could fund these important priorities. That is why we are here today, to provide a total of \$325 million for GEAR UP, an increase of \$100 million over what is in this current appropriations bill. If we do this, it will allow every State to have a GEAR UP program. As a result of the additional \$100 million, GEAR UP would serve over 1.4 million low-income students across the country. That would be a significant and commendable increase in our efforts.

If we don't provide this full \$325 million, we will see over 400,000 needy students denied essential academic services which are provided through GEAR UP. Without this amendment, the need for these types of skills and support systems will not be met.

Furthermore, the demand for GEAR UP is not being met. In 1999, GEAR UP received 678 partnership and State grant applications covering all 50 States. However, due to limited resources, only one out of four partnerships and half of the State applications could be funded. Clearly, the need is there. The demand is there. We must meet it with sufficient resources.

Today GEAR UP's reach is limited because of the constraints on our appropriations. We need to provide sufficient resources so we can do our best to

reach all the needy students in the United States.

My home State of Rhode Island was fortunate to be one of the States to receive GEAR UP funding. The current Rhode Island GEAR UP program is comprised of a partnership of 21 non-profit organizations known as the College Access Alliance of Rhode Island. They reach out to schools. They reach out to homes. They provide community support, a network which helps these young students understand their potential and tells them: Yes, you can go on to college; yes, you can succeed; yes, you can be part of this great American economy and this great American country.

Providing these resources has helped countless young Rhode Islanders to reach their full academic potential. In just one year, Rhode Island GEAR UP has provided invaluable services. It has helped 1,300 students enroll and participate in summer academic programs. It has tracked the academic progress of over 8,000 highly mobile, disadvantaged students. They move many times from school to school, city to city. Rhode Island GEAR UP has been able to track these youngsters, keep in contact with them, keep encouraging them, keep getting them ready to go on to college. It has also identified 1,000 low-income students in need of extra support. It has linked these students to academic tutoring and mentoring, the kind of help they need to succeed.

Although these are impressive numbers, because of limited resources we currently cannot duplicate this type of effort in every State, in every community across the country. I believe we should.

My amendment is cosponsored by Senators KENNEDY and MURRAY. It is also supported by a broad coalition of interested groups: the United States Student Association, the California State University; the College Board, the National Association for College Admission Counseling, the Association of Jesuit Colleges and Universities, the American Association of Community Colleges, the National Association of State Student Grant and Aid Programs, the American Association of University Women, the American Counseling Association, the National Association of Secondary School Principals, the National Association of State Boards of Education, and the National PTA.

I have a letter representing their support. At this time, I ask unanimous consent that this letter be printed in the RECORD.

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

UNITED STATES STUDENT ASSOCIATION,  
Washington, DC, June 23, 2000.

Hon. JACK REED,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR REED: On behalf of the undersigned, I wish to express my strong support and appreciation for your amendment to provide \$325 million for GEAR UP in FY 2001.

As you know, early intervention and mentoring programs drastically increase the chances that low-income students will attend and graduate from college. GEAR UP takes a unique approach to early intervention. First, GEAR UP involves whole cohorts of students, beginning in middle school and extending throughout high school. Research clearly demonstrates that we must help students to begin preparing for college no later than the middle school grades.

Second, GEAR UP is sparking the development of university/K-12 partnerships that often include businesses and community-based organizations. In fact, more than 4,500 big and small businesses, community-based organizations, religious and civic organizations, chambers of commerce, and others joined the states, universities, and middle schools that submitted applications for the first round of GEAR UP awards in 1999. Clearly, our nation's business and community leaders recognize that the quality of tomorrow's workforce depends, in large part, upon what we do today to prepare middle and high school students for the rigors of college-level work.

Because such programs are crucial to increasing access to higher education, we believe that it is important to point out that the undersigned strongly support all efforts to increase access through early intervention programs, including TRIO. Although the objectives of these programs are similar, the approaches that TRIO and GEAR UP employ are quite different. In view of the tremendous challenges we face in breaking down the barriers to college attendance for students from low-income families, we also support funding the TRIO program at the highest possible level.

Some \$231 million in FY01 funding is needed just to keep year-one and year-two GEAR UP grantees on their current trajectory. Should the Senate fail to adopt your amendment, needy students in communities that have not yet received GEAR UP grants will be denied the opportunity to gain the skills and information essential for going to college.

Senator Reed, we thank you for all you are doing to ensure that the door to higher education is opened wide to low-income students in Rhode Island and throughout our nation.

With best regards,

Sincerely,

KENDRA FOX-DAVIS,  
PRESIDENT,

*The United States Student Association.*

This letter is sent on behalf of the following entities:

American Association of University Women  
American Counseling Association  
The California Community Colleges  
The California State University  
Chicago Education Alliance  
Chicago Teachers' Center  
Cincinnati Public Schools  
Cincinnati State Technical and Community Colleges  
Cincinnati Youth Collaborative  
The College Board  
Council of the Great City Schools  
DePaul University  
Gadsden State Community College  
Hispanic Association of Colleges and Universities  
Loyola University  
National Alliance of Black School Educators  
National Association for College Admission Counseling  
The National Association for Migrant Education  
National Association of School Psychologists  
National Association of Secondary School Principals

National Association of State Boards of Education

National Association of State Student Grant and Aid Programs

National Education Association

The National HEP-CAMP Association

National PTA

New York State Education Department

Northeastern Illinois University

Ohio Appalachian Center for Higher Education

Oklahoma State Regents for Higher Education

Pennsylvania State System for Higher Education

Roosevelt University

Rutgers, The State University of New Jersey  
Saint Olaf College

State Higher Education Executive Officers

State University System of Florida

United States Student Association

University of Cincinnati

University of North Carolina

University of Washington

Vermont Student Assistance Corporation

Mr. REED. Mr. President, one of our primary educational goals should be to ensure that all students with the skill, talent, and ambition to go to college can go to college. In order to accomplish that goal, we have to fund, of course, Pell grants; we have to fund the LEAP program. We have to do many of the things Senators SPECTER and HARKIN have insisted upon in this bill. But we also have to do something which helps students early on through the GEAR UP program, and give these young students the skills, the confidence, and the expectation that they can and should go on to college. That is why I urge my colleagues to support this amendment.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, there is no doubt that the GEAR UP program is a very fine program. It has been in existence for a fairly short period of time. It originated with Congressman CHAKA FATTAH from Philadelphia, who had the initial idea and took it to the President, who agreed with it. It was put into effect just a few years ago. It started out at a funding level of \$120 million. Last year, the President requested an increase, and we came up to some \$200 million, and our Senate bill has \$225 million in the program.

Coincidentally, I happened to attend the President's program where he did one of his Saturday speeches on it. So I know the program thoroughly. In fact, with Congressman CHAKA FATTAH, I visited a school in west Philadelphia where this program was being used. Regrettably, there is simply not enough money to accommodate all of the programs, which are good programs, which we would like to have. It is not possible to accommodate the program Senator KERRY of Massachusetts offered about technical training, or the Bingaman amendment on an extra \$250 million for title I, or the Wellstone amendment of \$1.7 billion.

We have put substantial money into job training programs. Job Corps is up to more than \$650 million, with almost a \$20 million increase. We have structured a program on school safety as to



violence and a program as to drugs. These are programs we have structured to do the best we can.

The Senator from Rhode Island has commented about what Senator HARKIN and I have attempted to do in this bill, which is the maximum stretch, as I had said earlier, that can be accommodated on this side of the aisle at \$104.5 billion. Regrettably, the money is simply not present. I wish it were.

The House has \$200 million, which is less than the \$225 million we have on the Senate side. We will do our best to maintain that kind of an increase, which would be \$25 million, which is as far as we can realistically go.

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

The PRESIDING OFFICER. The Senator has 12 and a half minutes.

Mr. SPECTER. I have 12 and a half minutes out of the 15?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I have said what I had to say. I will not use all of my time. How much time does the Senator from Rhode Island have left?

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes.

Mr. SPECTER. I intend to raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the Reed amendment would provide budget authority in excess of the subcommittee's 302(b) allocation and therefore it is not in order.

The PRESIDING OFFICER. The Chair notes that the Senator from Rhode Island still has time pending and the motion would not be in order.

Mr. SPECTER. As I said, I intend to raise that point of order after he has completed his statement.

I yield the floor and reserve the remainder of my time.

Mr. REED. Mr. President, I recognize Senator SPECTER's dilemma with the budget resolution, as it fairly constrains his ability and the ability of his colleagues on the committee to fund programs that are worthwhile. In fact, I note that GEAR UP is a program that evolved from a model that was very popular in Pennsylvania, the I Have a Dream Program, and others. The Senator is familiar with it and is supportive of it. My point is that this is one of those critical programs, and we have to reach beyond this budget resolution and budget constraints and try to find the resources.

It is particularly appropriate at this moment, as we are looking ahead at significant surpluses that are growing—dividends from tough fiscal decisions we have made over several years—that we begin to develop a strategy to invest more and more into education. GEAR UP is a worthwhile program—eminently worthwhile. One could argue it is the first step in so much of what is included in this legislation, such as Pell grants, LEAP, and all of those programs that actually give these youngsters the money to go to college. But if they don't have the

skill, motivation, and the confidence to try, those grants won't be useful to them.

So I once again urge that we move forward with this amendment. I understand that the Senator from Pennsylvania will make a budget point of order. At that time, I will make a request to waive that applicable section. If the Senator is ready to make the motion, I am happy to yield back all my time and then be recognized.

Mr. SPECTER. Mr. President, I will just add one thing. I appreciate the sincerity of the comments of the Senator from Rhode Island that this is a more important program. That is what the proponents of all of the amendments have had to say. If the Senator from Rhode Island could find offsets within the budget resolution and tell me and Senator HARKIN what programs are less important and have offsets, I would be pleased to entertain that consideration. To add to the budget, it is the same point that has been made repeatedly—that everybody's program is special. And I happen to agree with them; they are all special programs. But if you made it more special than something already in the program and have an offset, we would not raise the rule.

I ask unanimous consent that the vote on the Reed amendment be stacked to occur later today at a time to be agreed upon by the leaders.

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

Mr. SPECTER. Mr. President, I yield back all time if the Senator from Rhode Island is prepared to do the same.

Mr. REED. Yes.

Mr. SPECTER. Mr. President, it is now relevant to raise the point of order under section 302(f) of the Budget Act that the amendment would exceed the subcommittee's 302(b) allocation and therefore it is not in order.

Mr. REED. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and 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.

Mr. SPECTER. Mr. President, sequencing now comes to the Senator from Massachusetts, Mr. KENNEDY. Parliamentary inquiry: It is my understanding that there is a time agreement for 1 hour equally divided.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3678

(Purpose: To adjust appropriations for workforce investment activities and related activities)

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY], for himself, Mr. WELLSTONE, Mr. ROBB, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. REED, Mr. DODD, Mr. AKAKA, Mr. DURBIN, Mr. KERRY, and Mr. BAYH, proposes an amendment numbered 3678.

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

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

The amendment is as follows:

On page 2, line 12, strike "\$2,990,141,000" and insert "\$3,889,387,000".

On page 2, line 13, strike "\$1,718,801,000" and insert "\$2,239,547,000".

On page 2, line 15, strike "\$1,250,965,000" and insert "\$1,629,465,000".

On page 2, line 17, strike "\$1,000,965,000" and insert "\$1,254,465,000".

On page 2, line 18, strike "\$250,000,000" and insert "\$375,000,000".

On page 5, line 6, strike "\$153,452,000" and insert "\$197,452,000".

On page 5, line 7, strike "\$3,095,978,000" and insert "\$3,196,746,000".

On page 5, line 26, strike "\$153,452,000" and insert "\$197,452,000".

On page 6, line 1, strike "\$763,283,000" and insert "\$788,283,000".

On page 20, line 1, strike "\$19,800,000" and insert "\$22,300,000".

Mr. KENNEDY. Mr. President, this amendment is based upon a rather basic and fundamental concept; that is, every worker who enters the job market is going to have seven or eight jobs over the course of his or her lifetime.

A number of years ago when I first entered the Senate many of the workers in my own State got a job at the Fall River Shipyard, and their father or mother had a job there, and many times their grandfather had a job there, as well. They knew early in their lives that they would enter the same career as their family before them. They acquired their skills through training. They lived their lives more often than not with only a high school diploma. They acquired their skills and upgraded their skills at the place of employment, but usually their job changed very little. They were able to have a very useful and constructive and satisfying life.

The job market has changed dramatically in recent years. It is changing more every single day with the obvious globalization and the move towards the information economy. New technologies are creating new careers and new businesses, and many people are in jobs that didn't exist a generation ago. These new businesses are an important part of our new economy, and they also create many new jobs. But they have

also created new challenges for our workers. Education has become increasingly important to move up the ladder in the job market. And the idea of continuous skill development has become a critical part of workplace success.

We have learned that continuing ongoing training has to be a lifetime experience. We know that some companies are providing training programs. More often than not, those training programs are directed to those in the upper levels of the management of those companies. For too long we have left behind those who have been the real backbone of so many of these companies—the workers who often lack basic academic and technical skills.

These programs which have been included in the amendment that I have offered are basically to try to make sure we are going to offer more workers the skills necessary in order to continue to be the world leader in terms of our economy.

I don't know how many others in this body go back home over the weekends and meet with various groups, including various business groups. I find in my State of Massachusetts and generally throughout New England that the first issue people raise is: When are we going to do something about the H-1B issue? People who listen to talk about H-1B wonder what in the world it is. H-1B is a visa program. It permits importation of highly skilled foreign nationals to work in our plants and corporations. That is a key question on the minds of those involved in so many of the expanding economies in this country.

I always say: Yes. We ought to move ahead. I hope we can move ahead and expand that program before we leave this Congress.

H-1B visa provides a temporary solution to a labor market shortage of highly skilled workers. I think the answer to this is not only in the temporary way to have an expansion of the highly skilled workers coming to the United States, but to develop the skills for American workers so they can have those jobs in the future. Those are good jobs. They are well-paying jobs. Americans ought to be qualified for those. The only thing that is between Americans gaining those jobs are the training programs for upgrading their skills. We need to strengthen our secondary education and provide better access to post-secondary education for more students. And we have to improve the access to on-the-job training for current workers, and provide the resources to support dislocated workers with training and re-employment services.

What happened in the Senate? It is almost as if this appropriations bill just fell off the ceiling. It has lacked, with all due respect, the focus and attention to what we have tried to do in some of the authorizing committees.

This fall, for the first time, we will put in place the Workforce Investment Act, which I was proud to cosponsor

with Senators JEFFORDS, DEWINE and WELLSTONE, to consolidate the 126 different workforce programs in 12 different agencies that too often are tied up with a good deal of bureaucracy. We started working on that legislation with Senator Kassebaum and it took three years before we passed that program.

I had the opportunity on Monday of this last week to go out to Worcester, MA. There were 800 people gathered there interested in the work training programs from all over New England. They are eager to know how they are going to get the resources to try to put together this consolidation of training programs in order to get the skills for people in our region of the country. Workers know that they have to increase their skills, especially in the area of computer technology, and they want to know how to access those programs. Those discussions are taking place in cities and towns all over the country.

Part of that consolidation was what we call one-stop shopping where a worker, for example, who has been dislocated or has lost their job, maybe because of the merging of various industries, would be able to come to one place to learn about all the options that they have for training. They would be able to have their skills assessed. They could get information on jobs that are available in their areas and the skills that they would need to compete for those jobs. And they would get an accurate assessment of their current skills.

They could see how long each training program takes, and a look at the employment prospects. They also get information about how many former participants in those programs did in the job market. How many of them got jobs right away, and at what salary? They also get a look at how many of those workers were still employed after a year, and how many were able to move up in those jobs to better paying jobs with their companies.

The person can make up their mind. They can say: OK. I want to take that particular program, and they are going to be able to go to that program and acquire the skills. It could be at a community college, a four year college or at a private center. Wherever they choose, they are aware of how participants of that program performed in the workplace.

That is what we attempted to do in a bipartisan way 3 years ago. Those programs are ready to go. What happens? The appropriations bill pulls the rug out from under those programs.

Our amendment is trying to restore the funding at the President's request to make sure we are going to have the training programs that are necessary so American workers can get the skills to be able to compete in the modern economy.

That is what this is all about. It may not be a "front-page issue." It may not be a "first-10-pages issue." But as

workers can tell you all over this country, skills are the defining issue as to what your future is going to be and what you are going to be able to provide for your family.

This provides additional resources out of the surplus to be able to fund these programs in the way that the President has recommended.

There has been a lack of serious attention to the various programs which we mentioned. Tragically, I think the most dramatic has been in the Summer Jobs Program.

Here is the story in the Wall Street Journal: "Fewer youths get a shot at the Summer Jobs Program. This summer the Workforce Investment Act replaces the Nation's previous federally supported summer jobs."

We tried to upgrade it and tighten it to eliminate some of the bureaucracy. We know that there needs to be a year-round connection to the job experiences that young people have in the summer. What happens? The minute we expand the mission of the Summer Jobs program, they cut out all of the funds for the Summer Jobs Programs for youth. We mandate a year-round approach to getting some of the neediest youth equipped for the world of work and we critically under-fund that effort. In doing that we doom those young people to fail.

While local groups agree that the expansion will make the program more effective, it will be more expensive. Washington hasn't provided the funds. The Labor Department estimates participation will drop 25 percent to 50 percent from last year's 500,000 young people.

Dropping over 500,000 young people—most of them in the cities of this country—and cutting them loose is probably about as shortsighted of a decision as could be made by this Congress.

At a time where we just had the announcement yesterday of surpluses going up through the roof, we are talking about today cutting out effectively the Summer Jobs Program for the most economically challenged urban and rural areas of our country.

You can't talk to a mayor in any city of this country, large or small, who won't tell you that is the most shortsighted decision that could possibly be made by the Congress today.

I know in my own city of Boston where they have anywhere from 10,000 to 12,000 Summer Jobs Programs, what happens? The private sector comes in and provides maybe 2,000 to 3,000 jobs. They try to build upon the jobs program that existed in previous summers. High school students get a chance to improve their academic skills and learn important workplace skills that enable them to get higher paying jobs in future summers. Many of them make business connections that give them employment opportunities throughout high school and college.

They will find children who have completed 1 year in the Summer Jobs

Program, a second year in the Summer Jobs Program, and the third year the private sector picks them up, and more often than not they get the job. If the young person is interested enough to continue the Summer Jobs Program and acquire some skills, more often than not in my city of Boston they will be picked up and given a job to move ahead.

I wonder how many Members of this body have ever been with a young person in the summer youth program the day they get their first paycheck and see the pride and satisfaction and joy of those young people? They have a paycheck, many of them for the first time. They have a sense of involvement, a sense of participation, a responsibility, a willingness to stay the course.

We are saying to those young people: No way, we are cutting back. We have record surpluses, but not for you, young America. Then we wonder around this body about violence in school, we wonder why young people are upset, disoriented, or out of touch with what is going on. We send them back into the confusion of the inner city, send them out there without any supervision, send them out there without any sense of training or pride. That is what we are doing. We are basically abdicating our essential and important responsibility to the children of this country and abandoning our commitment to give workers help and assistance.

Soon the Senate will discuss the issue of expanded trade with China. The votes are there to pass it. Many have pointed out that some are concerned because some will benefit, and benefit considerably, while others are going to sacrifice, and sacrifice considerably. We have heard those arguments about this providing new opportunities for many aspects of our American economy. Many have said yes. But what about others who will be laid off? They ought to get a little training to find a future for themselves and their family.

What is happening now? We are closing the door for them. We are denying them the right to have that kind of job training. We are denying young people their first job experience and we are denying older workers the training programs to give them job security. It is fine for those who will make the big fortunes. Increase the number of billionaires in our society. What about those men and women who are laid off? The only way they can survive is to get training in a different job. That training will not be there with this budget.

Our amendment provides \$1 billion additional dollars to the various training programs and the summer job programs. This is a tangible way to show Americans that we are going to provide the tools for them to fully participate in this growing, expanding, and global society. We need to send a clear message that workers are the backbone of this country, the backbone of our econ-

omy, and every hard-working American is going to be able to gain skills to be useful and productive workers in the future in our society. This amendment ought to pass.

How much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. KENNEDY. I yield 6 minutes to each Senator.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, for yielding time. I am pleased to be a cosponsor of the Democratic skills training amendment to the Labor-HHS-Education Appropriations bill for fiscal year 2001. This amendment further increases our country's human capital by adding \$1.05 billion to skills training programs at the U.S. Department of Labor.

Mr. President, while I commend the chairman and ranking member for their efforts in coming forward with a bill that avoids many of the drastic cuts approved by the House of Representatives, there are still a number of vital programs that continue to be seriously underfunded. This amendment provides adequate funding for Federal skills training programs to serve more individuals who are seeking to improve their ability to contribute to the workplace. Today's global economy demands that the United States do all it can to ensure that every member of our workforce is prepared to meet new workplace challenges. Unfortunately, the gap between high-skilled and low-skilled workers continues to grow, leaving many at the lower end of the spectrum even farther behind.

One particular program I would like to mention is the Fathers Work, Families Win program. This important initiative improves the employment potential of certain low income individuals who generally have lower levels of education and work experience. As a result, these individuals usually end up accepting jobs that pay relatively low wages and have few benefits. They often have irregular track records in employment: they hold several jobs at a time, work part-time or intermittently, or endure periods of unemployment. Many of these individuals have been on the welfare rolls or are living under conditions that make them vulnerable to becoming dependent on Federal assistance.

We must not forget that these individuals have the potential to make meaningful contributions to the economy and, given the opportunity, can become self-sufficient and successfully support their families. This is one reason why I am interested in seeing the Fathers Work, Families Win program funded. The portion of the program entitled Families Win provides \$130 million in competitive grants for programs to help low income parents stay employed, move up the career ladder, and remain off welfare.

The program's Fathers Work component provides \$125 million for competi-

tive grants to help certain non-custodial parents find a job, maintain employment, and advance on their career path. This is important because many fathers, rather than being "deadbeat dads," are "dead broke dads." They have the desire to support their families through child support payments and other means, but cannot do so because they cannot secure or maintain steady employment paying a living wage.

Fathers Work, Families Win would build on the investments and partnerships started under the Workforce Investment Act and the Welfare-to-Work program. State and local Workforce Investment Boards are eligible applicants under both parts of Fathers Work, Families Win. These boards have been implementing WIA [weeeea] across the country, reforming the way in which job training and job placement services are conducted. The competitive grant program funds enable the Boards to further integrate services for the population of low income workers under programs such as WIA, Wagner-Peyser [wag-ner pie-zer] grants, Welfare-to-Work grants, and grants under the Temporary Assistance for Needy Families program. This integrated approach will help to ensure that many low income families will not fall through the cracks and will find it easier to use the network of services at their disposal.

I continue to be a strong supporter of the Welfare-to-Work program. Last year, I introduced the Welfare-to-Work Amendments of 1999 which included provisions to reauthorize the program and to improve access to the program for more low income individuals. The eligibility changes were included in the consolidated appropriations bill for fiscal year 2000, which I thank my colleagues for working on and supporting. However, the Welfare-to-Work program itself has not yet been renewed. With eligibility changes taking effect for competitive grantees at the beginning of 2000 and for formula grantees later this year, Welfare-to-Work efforts must be given more time to run. If the program is not reauthorized, worthwhile efforts at the State and local levels to help low income families will be adversely impacted.

Because the Welfare-to-Work program has not been extended, many local communities are concerned because their efforts to help Welfare-to-Work participants have just begun. An abrupt end to the program would cause significant investments to go to waste. As the U.S. Conference of Mayors states in a letter dated June 10, 2000, "Without the extension of the Welfare-to-Work program, welfare reform will be dealt a serious set back in our nation's cities which are home to the highest concentrations of people still on welfare." I ask unanimous consent that this letter be printed in the RECORD.

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

THE UNITED STATES  
CONFERENCE OF MAYORS,  
Washington, DC, June 10, 2000.

DEAR MEMBER: The United States Conference of Mayors, assembled in Seattle, is gravely concerned about the future of the Welfare-to-Work Program. We urge you to extend the Welfare-to-Work program as proposed in the Clinton FY 2001 budget. Without the extension of the Welfare-to-Work program, welfare reform will be dealt a serious set back in our nation's cities which are home to the highest concentrations of the people still on welfare.

Mayors are aware that some members of Congress have legitimately raised concerns about the low expenditure rate in the current Welfare-to-Work program. Unfortunately, a large percentage of the funding did not reach the local level until the last quarter of 1998. In addition, the initial Welfare-to-Work eligibility requirements have excluded a large segment of the hardest-to-serve welfare population and thus inhibited the expenditure of the first \$3 billion in funding.

We were pleased that Congress made the necessary changes in the eligibility requirements in the FY 2000 appropriations bill. However, these eligibility changes were not effective immediately. The changes are not effective for WTW formula grant funds until October 1, 2000. For WTW competitive grant funds, the changes became effective January 1, 2000.

We believe that the need for the extension of this funding will become increasingly evident as the program becomes fully operational and the eligibility changes are enacted. In fact, indications from the U.S. Department of Labor's quarterly reports on WTW spending are the expenditures for formula and competitive grant funding have increased overall and that expenditures for competitive grant funding has increased significantly since January 1, 2000, when the eligibility changes became effective. It is also expected that spend-out rates will also increase significantly as larger numbers of TANF recipients reach their time limits and lose eligibility for cash assistance.

Mayors more than anyone else recognize that although welfare roles have declined significantly across states, great numbers of former welfare clients living in cities who are in need of services still remain. Many of these individuals who are still not working have little or no skills, are unable to read and write beyond the 8th grade level, and have no work experience. When they are able to go to work, the jobs often pay below minimum wage, have no health benefits and are insufficient to support the individual, let alone his or her family.

As Mayors we realize that while many in the nation believe the job of welfare reform is complete, we know that much work remains to be done. The targeted and direct resources provided by Welfare-to-Work are essential for us to address the concentrated welfare caseloads in our cities and ensure that those still on welfare make the transition into the workforce. Discontinuing the Welfare to Work program at this time would be a great disservice to those welfare recipients still unable to find self-sustaining jobs.

The U.S. Conference of Mayors urges you to extend the Welfare-to-Work program until we can honestly say that most of those in need of these services are working in permanent, self-sustaining jobs. Now is not the time to stop the progress already made on Welfare Reform and Welfare-to-Work. Now is the time to ensure that those remaining on the welfare rolls who have the greatest challenges to employment are served.

Sincerely,

WELLINGTON E. WEBB,

President Mayor of  
Denver.  
BEVERLY O'NEILL,  
Chair, Jobs, Education  
and the Workforce  
Standing Committee,  
Mayor of Long  
Beach.  
H. BRENT COLES,  
Vice President, Mayor  
of Boise.  
MARC H. MORIAL,  
Chair, Advisory  
Board, Mayor of  
New Orleans.  
DAVID W. MOORE,  
Chair, Health and  
Human Services  
Standing Committee,  
Mayor of Beaumont.

Mr. AKAKA. The letter goes on to note that although welfare rolls have decreased significantly across the country, "great numbers of former welfare clients living in cities who are in need of services still remain." These are the hardest-to-help families who need our greatest assistance. Furthermore, many of these individuals will be reaching their lifetime limit on welfare benefits imposed by the 1996 welfare reform law and will no longer be able to rely on regular cash assistance to support their families. We cannot allow these families to be left without any safety net and should continue pursuing efforts to "teach them how to fish"—this is what the amendment before us would do.

While I am disappointed that the bill before us does not extend the Welfare-to-Work program, I hope that under the eligibility changes I helped to pass last year, Welfare-to-Work program accomplishments will continue to grow and provide strong impetus for the program's reauthorization. In the meantime, I strongly urge my colleagues to support programs such as Fathers Work, Families Win for low income individuals.

It is interesting to note that in 1998 and 1999, while the nation was experiencing low unemployment, layoffs were still widespread. This trend was mainly due to companies requiring new skills to meet the demands of a new economy. Unfortunately, as we have seen by the announcements of large-scale layoffs from companies such as Coca-Cola, J.C. Penney Company, and Exxon Mobil Corporation, the situation is not getting any better.

So, why are we in Congress looking at reducing or eliminating funding for vital programs that empower former welfare recipients and low-wage workers with the information and skills necessary to become viable citizens in their communities? Skills Training programs are essential to ensure that displaced workers will be able to transition into another trade. We must not forget that the Federal Reserve Board is reviewing the possibility of raising interest rates in an effort to slow down U.S. economic growth. This could negatively impact not only Hawaii's economy, especially the construction industry that is one of Hawaii's leading

areas for job growth, but the nation as a whole. Hawaii's economy is just recovering from a decade of economic stagnation and layoffs and cannot afford another recession without providing the necessary funds for skills training programs.

The current and proposed funding levels for skills training programs are inadequate to ensure the availability of a trained workforce. We must remain committed in our efforts to equip employers with an employment system capable of addressing potential labor shortages. For the State of Hawaii, eliminating all new funding for One Stop Career Centers/Labor Market Information will adversely impact Hawaii's ability to comply with the Workforce Investment Act. Hawaii will not be able to develop core employment statistics products used by employers, job seekers, educators, students, and others. More specifically, valuable labor market information would no longer be provided to the public.

I commend Hawaii's Job Corps program for its successful placement rate of 70 percent. This is significant given Hawaii's fragile economy in recent years. The success of this program clearly illustrates the positive effect the skills training programs have on our communities. We should not reduce or eliminate funding for these vital programs that enhance employment opportunities for individuals and their families.

The amendment offered by my distinguished colleague from Massachusetts, Senator KENNEDY, would address the potential shortcomings in funding as proposed in the House and Senate. This amendment provides appropriate funding for the Department of Labor's Youth and Adult Employment and Training Programs, especially funding for Dislocated Worker assistance, Youth Opportunity grants, Job Corps, and One Stop Career Centers. In addition, this amendment also provides appropriate funding for the Summer Jobs program resulting from implementation of the Workforce Investment Act.

We must continue to improve our skills training program to ensure that America's workforce remains competitive to the global economy. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, we have just learned within the last few minutes that a decision has been made on Capitol Hill to eliminate the Summer Jobs Program for this year. That decision was made by Republican leaders who have decided that it costs too much—\$40 million.

We have to sit back, from time to time, and measure the relative cost of decisions we make. If we are going to say to literally tens of thousands of young people across America that there will not be a Summer Jobs Program, what price will we pay for that decision? For many of these kids, it

means there will not be an opportunity for the first time in their lives to have a real job, a real learning experience in the workplace.

In this country we are prepared to pay whatever it takes when we sentence someone to prison. In Illinois, it costs about \$30,000 a year to keep someone in prison. That failed life that led to crime and conviction ends up costing us \$30,000 a year. Is it too much to pay? No, we will pay it. But when it comes to jobs for kids during the summer, the Republican leadership has decided it is too much to pay.

How about school dropouts? When kids drop out of school, they not only ruin their own lives but often affect the communities in which they live. These are the kids hanging out on the street corners. These are the ones who may never have a job. These are the ones who become chronic statistics in our society. We will pay for those statistics one way or the other. We have decided that is a cost we will pay. But when it comes to providing jobs in the summer for kids going to school, the Republican leadership decided today it was too high a cost to pay. Of course, when we talk about tomorrow's workers, we realize that kids who are not put on the right track with the right values early in life may not go on to finish school or to become the workforce of the 21st century for America. That is an expense to this country. It is obviously something the Republican leadership is willing to pay, rather than pay for a Summer Jobs Program.

What does this program mean? In my home State of Illinois, the decision today by the Republican leaders to take out the Summer Jobs Program means that 10,000 kids coming out of schools in the Chicagoland area will not have a 6-week minimum wage summer job. Is that an important life experience? Boy, it sure was for me. Going to work meant a lot for me. As my folks used to say: We want you to learn the value of a dollar. When I went to work, I understood the value of a dollar. I added up every paycheck and how I was going to save it, how I was going to spend it. It also teaches you the value of hard work, the fact that you do get up with the rest of the world and go to work and don't expect somebody to hand you something. That is the value of a summer job, a value that will be denied to tens of thousands of kids because of a decision the Republican leadership made to kill the Summer Jobs Program. The value of showing up on time to work, dressed properly, prepared to work with your coworkers, you cannot teach all that in school. Some of that is a life experience. It is an experience I had and virtually everyone has on their way to a successful life. For tens of thousands of kids, they will be denied that opportunity because of this decision by the Republican leadership.

Of course, for me and a lot of others, that summer job taught us the value of staying in school. How many times did

I stop behind that shovel and think: I don't want to do this the rest of my life. I am going to go back to school. I am going to get my college degree and go on. That is the value of a summer job, too.

Senator KENNEDY is right. If we have the values, the same values of families across America, we would be voting for this program and this amendment he is proposing for summer jobs for kids so they can have a valuable work experience. We would be voting for this amendment so there will be job training for those dislocated from their jobs. We don't want to give up on workers. I believe in free trade, but I know that millions of workers in America lose their jobs each year because of technology and trade and change. We should be there with programs to help them move to the next job so they do not lose pace with the economy and the quality of life they are used to.

This amendment gets to the heart of the values of the Members of the Senate. Senator KENNEDY is right. I am happy to cosponsor it. The mayor of the city of Chicago said: The School Jobs Program keeps kids away from gangs, guns, and drugs. He hit the nail on the head. If we put more and more kids into positive programs where they learn how to work and continue to learn in the workplace, their lives can be transformed. If there is one value we share as Americans, it is the value of hard work.

The decision by the Republican leadership to close down the Summer Jobs Program is a decision that flies in the face of the values of this country.

THE PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Massachusetts.

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

THE PRESIDING OFFICER. The Senator has 4 minutes.

MR. KENNEDY. I yield myself 2 minutes.

Mr. President, I welcome the superb statement made by my friend and colleague from Illinois. The Commission for Economic Development says that half of manufacturing companies nationwide do not offer any training programs. Nationally, all employer training programs equal just 1 percent of their payroll costs.

I have here this "Opportunity Knocks," a study done as a Joint Project of Mellon New England and Massachusetts Institute for a New Commonwealth. It says:

Which workers get employer-provided job skills? For large employers with 50 workers or more, 80 percent are management. These employers are more likely to provide job skills training for managers, computer technicians, and sales workers that for production or service workers. How are these lower skilled workers supposed to improve their skills and move up the ladder? This really is the case. Companies are doing more hiring and firing simultaneously than ever before. Workers who need a new set of skills are often replaced rather than retrained. We

need to get workers the skills that they need to compete in this information-age economy. That is quite different from Europe, for example, where the companies are required to provide a range of different skills training so there is an investment in a company's workers. They value the individual, and they know that continual, ongoing training programs in each of those major industries makes good business sense.

This study goes on to say that the poor odds of an employer offering any training is only part of the problem. Access to employer-provided training is by no means equal across categories of workers. Most businesses are unlikely to provide any training opportunities to clerical or production workers and when they do offer training it is in the form of an orientation to their present job. There is no attention to up-grading the skills of those workers.

I want to mention, as we reach the end of this presentation, the comments of Federal Reserve Chairman Alan Greenspan. He recently said:

[The] rapidity of innovation and unpredictability of the directions it may take imply a need for considerable investment in human capital.

Workers in almost every occupation are being asked to strengthen their skills to ensure long-term success in the workplace. The technical know-how that workers need to stay on the cutting edge is being redefined every day.

We are being told by the head of the Federal Reserve that this is what is necessary to keep America's economy strong. We are being told that by the business community. We are being told that by workers. We are being urged to do that by the President of the United States. It makes no sense to undermine that.

We have taken action in a bipartisan way to develop a workforce development system that will be effective. In the next month every state will come on board to implement the new law. Without this amendment we are effectively undermining this Nation's commitment to provide important, necessary skills for America's workers so they will be able to be full participants in the American economy of tomorrow.

It is wrong. I hope the Senate will accept my amendment.

I reserve the remainder of my time.

Mr. President, I ask unanimous consent to print letters from the U.S. Conference of Mayors, National Association of Counties, and the Mayor of Boston.

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

THE UNITED STATES CONFERENCE

OF MAYORS,

*Washington, DC, June 27, 2000.*

Hon. EDWARD M. KENNEDY,  
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express the strong support of The U.S. Conference of Mayors for the Skills Training Amendment that you will be offering to the Labor-Health and Human Services and Education appropriations bill. At our recent Annual Conference in Seattle, we sent a letter

to Majority Leader Lott urging him to do just what your amendment does—restore critical funding to the Department of Labor for youth and skills training.

The U.S. Conference of Mayors just released a survey, *Examining Skills Shortages in America's Cities*, which shows that 86 percent of cities suffer shortages in technology workers; 73 percent suffer shortages in health workers; 72 percent lack enough construction workers to fill available jobs; 71 percent lack manufacturing workers; and 50 percent lack enough workers to fill retail and wholesale jobs. It is imperative that we make the critical investment in our nation's current and future workforce by supporting the President's budget proposals and increasing year-round funding for youth. It is crucial that sufficient resources are provided to address the needs of our nation's youth and the skills gap that seriously affects our nation's economy.

The funding level for the Summer Jobs and year-round youth programs currently proposed in the FY 2001 appropriation bill is unacceptable, especially as programs gear up under the recently enacted Workforce Investment Act of 1998 (WIA). The funding level of the Youth Opportunity Grant Program for out-of-school youth is also short-sighted, as there are massive unmet needs of unemployed, out-of-school youth in high poverty areas.

We applaud your leadership in addressing these issues and your efforts to restore this critical funding. We should be investing in our current and our future workforce—the health and vitality of our cities, and our nation, depend on it.

Sincerely,

J. THOMAS COCHRAN,  
*Executive Director.*

NATIONAL ASSOCIATION OF COUNTIES,  
June 28, 2000.

Subject: Sen. Kennedy's amendment to the Labor/H appropriation to increase funding for skills training.

DEAR SENATOR: The National Association of Counties (NACo), the only organization representing America's counties in Washington, DC, fully supports Senator EDWARD M. KENNEDY's amendment to increase appropriations for workforce investment activities by \$792 million for fiscal year 2001. NACo urges the Senate to adopt this amendment to H.R. 4577, the Labor, Health and Human Services and Education Appropriations bill.

NACo has identified increased funding for workforce development programs as a critical funding priority for 2000. Therefore, we will be tracking your vote on this amendment and any related motion to waive the Budget Act. Your vote will be recorded on our web site ([www.naco.org](http://www.naco.org)) and the information will be made available to county commissioners in your state.

This amendment is of critical importance to America's counties. Current and proposed funding levels for inadequate to ensure that America's counties can effectively implement the Workforce Investment Act. Sen. Kennedy's amendment would address the substantial shortfall in funding currently proposed in the House and Senate by addressing funding for youth programs, incumbent and dislocated worker programs, and one-stop career centers.

Sincerely,

LARRY E. NAAKE,  
*Executive Director.*

CITY OF BOSTON, MA,  
Boston, MA, June 27, 2000.

Hon. EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my outrage at efforts to cut funding

for summer jobs programs and other youth and skills related programs. As you know, Boston operates one of the nation's largest summer jobs programs. While we are at record low unemployment levels nationally, youth unemployment rates in our cities are still unacceptably high. There is a crisis among our young people as evidenced by the violence and despair among youth in many of our cities. The move to strip summer jobs funding from the Emergency Supplemental comes at a time when we should be investing in our young people, not cutting the future out from under them.

I applaud your efforts to restore critical funding to the Department of Labor for our youth and our nation's workers. The Skills Training Amendment you are offering to the Labor-Health and Human Services and Education Appropriations bill will do exactly what we need to be doing—providing sufficient resources to address the needs of our nation's youth and the skills gap that seriously affects our nation's economy.

As always, thank you for your tremendous efforts on behalf of our youth.

Sincerely,

THOMAS M. MENINO,  
*Mayor of Boston.*

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we start from the proposition that this bill, for various education and health care and job training efforts, is dramatically larger than the bill that was passed in this body last year, to everyone's satisfaction, increasing at a rate far more rapid than the pace of inflation or population growth in the United States.

Obscured in the debate so far is the fact that there is some \$5.4 billion in job training programs in this bill, at a time of record low unemployment. This represents an increase of more than \$16 million over the bill that is currently in effect for the present year. The greater increases in the bill, of course, were for education and for biomedical research, both of which exceed the amounts requested by President Clinton. Even so, the bill provides funding for two new programs requested by the Clinton administration: Worker training and responsible reintegration of youthful offenders, each at \$30 and \$20 million respectively, a 22-percent increase for dislocated workers in the course of the last 4 years, and a 25-percent increase in the same period of time for the Job Corps.

The private sector, of course, now looking more than ever for qualified employees, has dramatically increased its own hiring and training programs. Of course, in comparison with the House bill, this rejects the \$400 million cut in the House bill in that field.

As for summer training, the argument of the Senator from Illinois was a peculiar one. The current law for summer jobs, a law passed last fall, of course, well after last summer was over, has \$1 billion in it for just exactly that purpose: \$1 billion for summer jobs for youth.

We have another in a series of amendments that illustrates the proposition that no matter how generous this body is, even I may say in many cases no matter how generous the ad-

ministration is, some Members will come to the floor and demand more, whatever its impact on the budget.

To quote the Chairman of the Federal Reserve Board implicitly as being in favor of programs such as this is to fly in the face of logic. It is the clear position, often quoted by Members on the other side, that the Chairman of the Federal Reserve Board believes that the single most important means to the goal of a stronger economy we can follow is not to increase Federal spending and, in fact, to decrease it. He has consistently, over the years, held to the position that for the economy as a whole, for future job growth, the best thing we can do is be modest in our spending, not to increase it, I suspect, as much as it is increased in this bill.

In any event, as has been the case with previous amendments of this nature, it will simply add millions, in some cases billions, of dollars to the bill. It is subject to a point of order under the Budget Act. At the appropriate time, that budget point of order will be presented.

Mr. KERRY. Mr. President, I would like to take a few minutes to express my enthusiastic support for the amendment offered by my colleague and friend, Senator KENNEDY. Mr. President, Labor Secretary Herman summed up the challenge of today's economy when she declared at the National Skills Summit in April that in this country we have "a skills shortage, not a labor shortage."

Right now we have the lowest unemployment rate in this country in the last 30 years. But even as we celebrate this remarkable feat—and it is remarkable—we must remember that there are still some 13 million people in this country who want, but do not have, a full-time job. The Kennedy amendment would make full-time employment a real possibility for homeless veterans, young people, and for youths seeking summer employment.

I appreciate that the Labor-HHS subcommittee's allocations were inadequate to fund at sufficient levels all of the programs in this legislation and I think they have done a good job with what they had to work with. But clearly Mr. President this bill retreats from our commitment to fund many critical education, training, and health programs. I am troubled that the bill before us does not adequately fund job training programs for homeless veterans. Veterans issues are especially important to me, and I know it is of great importance to my fellow veterans here in the Senate. The Kennedy amendment would allow 1,400 more veterans to receive employment placement and economic security than does the bill put forth by the Republicans.

This appropriations bill severely under-funds many important programs, but none more critical than the youth job programs like Job Corps, Youth Opportunity Grants program, and the Summer Jobs program.

Mr. President, Job Corps is the nation's largest residential education and



training program for disadvantaged youth. This program takes head on the issues and the people who have been left behind in this period of economic expansion. While many Americans enjoy unprecedented prosperity, the nation's unemployment rate among African-American teenagers is 22%, almost double the national teenage unemployment rate. Twenty-six percent of those who dropped out of high school between October 1998-99 are unemployed. We cannot relegate these people to the margins of our society, especially during this moment of great national wealth.

There are 120 Job Corps centers in 46 states, including three in my state of Massachusetts. Since 1964, Job Corps has given 1.7 million young people in this country the academic and vocational training they need to get good, entry-level jobs, join the military, or go to college. Job Corps offers GED or high school equivalency programs and training in various occupations, as well as advanced training and additional support services. Graduates of Job Corps go on to work in every field from automotive mechanics and repair, to business, and to health occupations. This amendment would allow Job Corps to serve more than 70,000 additional students and reduce staff turnover by offering Job Corps employees a more competitive salary.

This amendment would also greatly increase funding for the Youth Opportunity Grants. These grants serve some of the poorest inner-city areas and Native American reservations in the country, where unemployment levels are well above the national average. Unfortunately, the Republican legislation would not allow the Department of Labor to expand this program. Last year, the Department of Labor was able to fund only 36 of 150 grants under the Youth Opportunity Grant program, two of which are in Boston and Brockton, Massachusetts. This amendment would allow the Department of Labor to fund 15-20 new grants, allowing us to provide job skills and real work experience to people who live in areas that have only heard rumors about our nation's economic growth, but have not seen it for themselves.

I would also like to voice my support for increasing funding by \$254 million to restore cuts in the Summer Jobs program. In late March I met with 20 members of the Boston Mayor's Youth Council, who raised money to travel to Washington. We met right outside this chamber on the Senate steps. The 20 young people that I met with spoke extremely eloquently and passionately about their experiences in summer jobs programs, and they asked me to speak on their behalf in Washington in support of the Summer Jobs program.

Well, Mr. President, I intend to speak on their behalf. Approximately 85% of youths in the summer jobs program last year were between the ages of 14-17. Teens in that age group typically do not find private-sector work. But these

young people were afforded the opportunity to learn job skills and responsibility. We have all heard teachers lament that students often greet lessons with cries of "When are we ever going to have to use this again?" Summer jobs make education relevant to teenagers, helping to reduce drop-out rates and fostering an interest in higher education.

The Workforce Investment Act consolidates the Summer Jobs program and year-round jobs program into a comprehensive system of services for at-risk, low-income youth. But under the bill before us, 13,000 teens will be eliminated from this program. The Kennedy amendment would add back \$254 million, allowing us the opportunity to provide summer jobs to 152,400 low-income students, 85% of whom would not otherwise be able to find summer employment.

In March I received a letter signed by 22 mayors in the State of Massachusetts, urging me to fight for Summer Jobs program funding. In this letter, the mayors write "The state has benefitted because with the young people working, negative behaviors that often result from idleness are prevented." Mr. President, I ask unanimous consent that this letter be printed in the record following my statement. I know these programs are important and are working. And I know they should receive greater funding.

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

(See Exhibit 1.)

Mr. KERRY. Mr. President, I don't want to end today without pointing out the importance of this amendment to our national trade policy. I believe very strongly in free trade. I know that the Trade and Development Act that we passed earlier this year and granting PNTR to China—if we ever get the chance to debate it in the Senate—will grow Massachusetts's economy and produce long-term benefits for workers in Massachusetts and across the country. But the budget put forth by the Republicans takes no responsibility for protecting those who are most at risk for being left behind. This amendment does claim that responsibility. As we continue with our push to open new markets, we have got to ensure those who lack the skills, the income or the education to get quality jobs can have an opportunity to succeed in the new economy. I urge my colleagues to support this amendment.

#### EXHIBIT I

MASSACHUSETTS MUNICIPAL  
ASSOCIATION,  
Boston, MA, March 22, 2000.

Hon. EDWARD M. KENNEDY,  
*Russell Senate Office Building,*  
*Washington, DC.*

Hon. JOHN F. KERRY,  
*Russell Senate Office Building,*  
*Washington, DC.*

DEAR SENATORS KENNEDY AND KERRY: We are writing to urge you to advocate for summer jobs funding in the Emergency Supplemental Appropriations bill currently before Congress.

As you are aware, the Workforce Development Act (WIA), which was signed into law in August 1998, will become effectively July 1st, 2000. While we certainly support the WIA goal of offering more comprehensive services for youth on a year-round basis, we are concerned that the additional requirements of WIA and the lack of an increase in funding for year-round youth programs will result in the Commonwealth's inability to provide the number of jobs that we need to serve our youth population this summer. Estimates project that we may have to turn over half of the eligible youth away this summer barring an increase in summer jobs funding.

The summer jobs program in Massachusetts has been phenomenally successful, both for our young people and the state as a whole. The young people gain work experience (many for the first time), earn a paycheck (which many contribute to household expenses), and have the chance to gain academic skills (as summer is often a time when young people slide backwards academically). The state has benefited because with the young people working, negative behaviors that often result from idleness are prevented.

This year we face a double threat, as Governor Cellucci has chosen not to fund the state summer jobs program in his budget. We are working with the Legislature and others to restore this funding to the state budget. We will certainly have a major problem if we lose funding from both the federal and state programs.

At its winter meeting in January, the U.S. Conference of Mayors passed a resolution to support: (1) an emergency appropriation to address the shortfall of funds needed to serve youth this summer; and (2) increased funding in the FY2001 budget to meet the projected doubling of program costs resulting from the new requirements of the Workforce Investment Act. A copy of the resolution is enclosed.

Please keep us updated on the efforts to include funding for summer jobs in the emergency appropriation and increased funding in the FY 2001 budget. Thank you for your continued support and assistance on this high priority issue.

Sincerely,

Thomas Menino Mayor, Boston; Daniel Kelly Mayor, Gardner; Mary Whitney Mayor, Fitchburg; Michael Tautznik Mayor, Easthampton; Robert Dever Mayor, Woburn; William Scanlon Mayor, Beverly; Mary Clare Higgins Mayor, Northampton; Lisa Mead Mayor, Newburyport; John Yunits Mayor, Brockton; Thomas Ambrosino Mayor, Revere; Ted Strojny Mayor, Taunton; David Madden Mayor, Weymouth; Edward Lambert, Jr. Mayor, Fall River; Gerald Doyle Mayor, Pittsfield; Patrick Guerriero Mayor, Melrose; Peter Torigian, Mayor, Peabody; James Rurak, Mayor, Haverhill; John Barrett III Mayor, North Adams; Richard A. Cohen Mayor, Agawam; David Ragucci Mayor, Everett; Frederick Kalisz, Jr. Mayor, New Bedford; James A. Sheets Mayor, Quincy.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about the amendment my good friend from Massachusetts, Senator KENNEDY, has offered to the Labor/HHS appropriations bill to restore critical funding to skills training programs at the Department of Labor.

Mr. President, I appreciate the work that Senators SPECTER and HARKIN have put into this bill. Finding the appropriate balance in this bill is particularly difficult. And, while I am disappointed with the funding levels for



many of the programs at the Department of Labor, I do understand that Senator SPECTER and Senator HARKIN care deeply about the programs affected by this amendment.

There are several components of the amendment offered by Senator KENNEDY but I would like to take a minute to discuss one in particular that is of critical importance to my state of New Mexico.

Mr. President, the amendment calls for an additional \$181 million for dislocated worker assistance. This additional funding would meet the President's request for fiscal year 2001.

When Congress passed the Workforce Investment Act a couple years ago, an important component was the funding stream for dislocated workers. While much of the Nation has prospered over the past eight years, many in my home state have not. I have seen plant closing from Roswell and Carlsbad in the east, to Las Cruces in the south, Albuquerque in the north and Cobre in the west. Thousands of high paying jobs have been lost, and especially hard hit has been the extractive industries. I don't need to tell my colleagues how devastating a plant closing can be on a community and families.

The Workforce Investment Act authorizes grants to States and local areas to provide core, intensive training and supportive services to laid off workers with the aim being to help them return to work as quickly as possible at wages as close as possible to those received prior to the layoff. These funds are critically important as the nature of our economy has changed over the last decade from an industrial base economy to a technologically based one. Workers who are laid off today, particularly those who have been with the same company for a number of years, are often unprepared to reenter the work place or for the new economy they face. Training and retraining is critical to develop the skills they need to quickly find a decent paying job and get back on their feet.

Under President Clinton, dislocated worker funding has tripled from \$517 million in Program Year 1993 to \$1.589 billion in Program Year 2000. Yet despite these increases, the need for these services has unfortunately kept pace with, and in some cases exceeded, the availability of funds. The President's budget for year 2001 continues the commitment to dislocated worker programs by providing adequate funding levels that will give dislocated workers the tools to compete in the new economy. This is the second installment of a five-year Universal Reemployment Initiative. Under the Universal Reemployment Initiative, dislocated worker funding was to be increased each year to ensure that by 2004 every dislocated worker would receive training and reemployment services if they want and need it, every unemployment insurance claimant who loses their job through no fault of their own would get the re-

employment services they want and need, and every American would have access to One-Stop Career Centers.

However, and unfortunately in my opinion, unless the level of funding in the Senate's Labor/HHS bill is not increased, this will be the first year since 1994 that there will be no increase in these funds, and our commitment to universal reemployment will be in serious jeopardy. Specifically, this bill cuts over \$181 million from the President's request which will mean the Department of Labor will be able to serve 100,825 fewer recipients. While the bulk of this cut would fall on State/local formula funding, it is important to note that 20 percent of the cut—over \$36 million, would be in the Secretary's reserve funds, reducing her capacity to make National Emergency Grants to respond to disasters and large scale layoffs.

Mr. President, as my colleagues know, New Mexico has been through a couple rough months. These funds for dislocated workers are extremely important and I urge my colleagues to support the Kennedy amendment to bring the level of funding for this, and many other important programs, up to the level of the President's request.

Finally, Mr. President, I would also encourage my colleagues to support this amendment because of the increased funding levels for Youth Opportunity Grants, the Summer Jobs Program, and for Job Corps, among others. These programs, and the funding levels contained in this amendment are likewise critical to meeting the needs of young people in my state.

Again, Mr. President, I hope my colleagues will support this amendment and commend my friend, Senator KENNEDY, for his leadership on issues that are so important to families and working men and women throughout this country.

Mr. BAYH. Mr. President, I rise today in support of Senator KENNEDY's skills training amendment. This amendment contains important measures to provide individuals with the necessary skills to succeed in the workforce. The amendment addresses the need to provide employment skills training to noncustodial parents, particularly fathers. The "Fathers Work, Families Win" initiative begins to address a very troubling epidemic, fatherlessness.

The number of children living in households without fathers has tripled over the last forty years, from just over five million in 1960 to more than 17 million today. Although the work of single mothers is truly heroic, father absence has caused unnecessary burdens on women and has forced millions of children to overcome difficult social hurdles. For example, children that live absent their biological fathers are five times more likely to live in poverty. They are more likely to bring weapons and drugs into the classroom, to commit a crime, to drop out of school, to be abused, to commit sui-

cide, to abuse alcohol or drugs, and to become pregnant as teenagers. The \$255 million requested for this initiative is dwarfed in comparison by the amount of money the Federal Government spends on dealing with the consequences of fatherlessness.

There are several pieces to this puzzle, one of which is employment services. Too many fathers are unable to provide financial support for their children. Although many of these fathers have the desire to take responsibility for their children, they do not have the means. In short, these fathers are not dead-beat, they are dead-broke. The "Fathers Work, Families Win" initiative gives us a way to work through the current infrastructure to deliver employment services to fathers and noncustodial parents. Skill-building and employment services will help to increase the employment rate among noncustodial fathers and therefore, increase child support payments.

Our challenge is to give fathers the tools necessary to be successful parents. While employment services for noncustodial parents is an essential component to making fathers responsible, it is not the only service that is needed to ensure these fathers become good parents. Senator DOMENICI and I have introduced a comprehensive package designed to address the fatherlessness epidemic. S. 1364, the Responsible Fatherhood Act of 1999 would provide states with funds to promote the maintenance of married, two-parent families, strengthen fragile families, and promote responsible fatherhood. In addition to the program grants available to states, states would receive funds for a media campaign. A media campaign would be an effective way to communicate the message of father responsibility across ethnic, racial, and income barriers. The bill also recognizes the need to remove federal disincentives to pay child support.

We face a great challenge, but we must not let it overwhelm us. We must instead begin to put the pieces of the puzzle together. I commend Senator KENNEDY for including the "Fathers Work, Families Win" initiative in his amendment. It is my hope that the Senate will enact this legislation and continue to pursue other solutions to the epidemic of fatherlessness.

Mr. REED. Mr. President, I'm here to speak about the Kennedy Workforce Investment amendment restoring cuts to the Department of Labor's training funds.

This amendment is just plain common sense. The single best thing we can do for our society, and for every working family, is to make sure that every American who wants a decent paying job has the skills necessary to obtain a decent paying job. By helping youths and adults get the job training they need, we help turn them into tax-paying citizens who can purchase goods and services, buy homes and afford health care, and contribute to our growing economy.

This amendment, in a multitude of ways, tries to address the most basic challenge facing our country: How do we help American workers develop the skills they need to excel in an increasingly complex and constantly evolving economy?

First, our amendment helps by fully funding the Dislocated Worker Assistance Program. It restores \$181 million in funding to a program that has made a substantial difference in the lives of Rhode Island workers. We, like many formerly industrial states, have suffered great worker dislocation as industries have left, often to go somewhere overseas where labor was cheaper. Restoring this funding to the President's request would allow 100,000 more workers, dislocated through no fault of their own, access to training, job search and re-employment services.

Our amendment also grants the Administration's request for \$44 million to improve access to One-Stop services for million of Americans and make the job search process less overwhelming and more efficient. The Director of the Rhode Island Department of Labor and Training informed me that the current cuts to this program will "seriously impact" the ability of our state to provide the services and information now required by the Workforce Investment Act for use by job seekers and employers.

In addition to fully funding adult worker skills programs, our amendment would add \$254 million to restore cuts in the Summer Jobs Program resulting from implementation of the Workforce Investment Act. Many states, like my own, were unprepared for this dramatic change in the federal funding stream. Thousands of kids in Rhode Island, especially 14- and 15-year-olds, are now going without summer jobs. Many of these kids are from small towns, others are from inner city Providence—both are limited by their age and the lack of job opportunities in their respective communities.

Giving young people job experience benefits the entire country. The development of good work habits and a respect for the virtues of labor alone are strong payoffs. Everyone in this Congress should be supporting a restoration of these cuts.

Finally, our amendment would restore \$29 million to the Job Corps program, one of the most effective programs in the country for kids between the ages of 16 and 24. A recent Mathematica Policy Research Inc. study shows that 16- to 17-year-old youths who go through the Job Corps program are 80 percent more likely to earn a high school diploma or GED than a control group excluded from the program. This group also earned salaries that were 20 percent higher and had arrest rates that were 14 percent lower. This program works, and we should be fully funding it.

Strengthening our workforce strengthens our families, and ultimately makes our entire country

stronger. Adopting this skills training amendment is good for both American business and American workers, and every member of this Chamber should be in support of it.

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

The Senator from Massachusetts has 1 minute remaining. The Senator from Washington has 26 minutes remaining.

The Senator from Washington.

The Chair notes there is time still pending on the amendment.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. GORTON. I yield back the remainder of my time.

I raise a point of order under section 302(f) of the Budget Act, as amended, that the effect of adopting the amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 Concurrent Resolution on the Budget and, therefore, is not in order.

Mr. KENNEDY. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the Budget Act for consideration of the pending amendment, and 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.

Mr. GORTON. Mr. President, I ask unanimous consent that for the time being we lay aside the current amendment.

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

Mr. GORTON. Mr. President, I ask unanimous consent that following the conclusion of the debate on the Wellstone amendment on the subject of suicide, the Senate proceed to vote in relation to the previously debated amendments, with 2 minutes prior to each vote for explanation. Those votes are as follows:

Dodd amendment No. 3672 on community learning centers;

Kerry of Massachusetts amendment No. 3659 on technology literacy;

Reed of Rhode Island amendment No. 3638 on the GEAR UP program; and Kennedy amendment No. 3678 on workforce investment.

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

Mr. GORTON. Those votes, Mr. President, will start at about 3:30 p.m., for the information of my colleagues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

#### AMENDMENT NO. 3680

(Purpose: To provide for a certification program to improve the effectiveness and responsiveness of suicide hotlines and crisis centers)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. WELLSTONE, proposes an amendment numbered 3680.

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

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

The amendment is as follows:

On page 34, line 17, insert before the period the following: "Provided further, That within the amounts provided herein, \$3,000,000 shall be available for the Center for Mental Health Services to support through grants a certification program to improve and evaluate the effectiveness and responsiveness of suicide hotlines and crisis centers in the United States and to help support and evaluate a national hotline and crisis center network".

Mr. REID. Mr. President, it is my understanding there are 30 minutes that have been designated for the amendment being offered.

The PRESIDING OFFICER. No formal time agreement has been entered regarding this amendment.

Mr. REID. If the Chair would be kind enough to advise me when I have used 15 minutes, I won't ask for a unanimous consent agreement, but there was an agreement that there would be approximately a half hour on this.

This amendment would provide \$3 million to certified crisis centers. This deals with the plague of suicide that is sweeping this country. Every year in America, 31,000 people kill themselves. This is probably far fewer than the actual number. It is something that is very devastating to those who are survivors. But there is also a situation in this country that creates a tremendous loss of economic benefits for everyone concerned.

I offered this amendment on behalf of Senator WELLSTONE because I was asked to by his staff. Since Senator WELLSTONE is the prime sponsor of this amendment and is now on the floor, I would like for him to proceed. I will be happy to proceed when the Senator has completed his remarks. The amendment has been offered.

Mr. SPECTER. Mr. President, parliamentary inquiry: Is there any pending business at the moment?

The PRESIDING OFFICER. The pending business before the Senate is amendment No. 3680.

Mr. SPECTER. Is that the amendment by the Senator from Minnesota?

The PRESIDING OFFICER. It is.

Mr. SPECTER. Mr. President, I believe we were scheduled to vote at 3:30 on four amendments. So I inquire of my colleague from Minnesota how long he will be on this matter.

Mr. WELLSTONE. Mr. President, I will be quite brief. I apologize. I didn't realize the amendment was coming up now. Senator REID and I were doing this together. Probably 10 minutes is what I will need. My understanding is that the Senator from Pennsylvania, who has been focused on suicide prevention and trying to do better with mental health treatment, would accept

the amendment. I think I can do this in 10 minutes.

Mr. REID. Mr. President, I was going to take 15 minutes, but 10 minutes would be fine.

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to the Wellstone amendment on a 10-minute time agreement.

The PRESIDING OFFICER. The Chair advises Senators that there is no time agreement, unless we get this unanimous consent agreement.

Mr. SPECTER. Mr. President, I ask unanimous consent that the time on the Wellstone amendment be divided with 7 minutes for Senator WELLSTONE and 3 minutes for this Senator.

Mr. REID. I haven't spoken yet. I have only spoken for 1 minute.

Mr. WELLSTONE. I object. I say to my colleague from Pennsylvania, I haven't been out here on the amendment. He knows that, and I don't want the Senator from Nevada to only have a few moments. It is an important issue. I don't think we can do it in that time.

Mr. SPECTER. I withdraw my request and suggest that we proceed.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, we will move forward and not go through any unnecessary delay. This amendment would support a certification program to improve and evaluate the effectiveness and responsiveness of suicide hotlines and crisis centers in the U.S. and to help support and evaluate a national hotline and crisis center network.

Let me go through these figures here on the chart.

Suicide facts for our country:

Every 42 seconds someone attempts suicide.

Each 16.9 minutes someone completes suicide.

Suicide is the eighth leading cause of all deaths.

Death rates from suicide are highest for those over age 75.

The incidence of suicide among 15- to 24-year-olds has tripled over the past 40 years, making it the third leading killer in that age group of 15- to 24-year-olds.

In the State of Minnesota, it is the second leading killer of young people from age 15 to 24. These statistics that deal with mental illness and suicides are disturbing. I point out to my colleagues that one of the factors that makes it so disturbing is that so much of suicide is connected to mental illness, especially depression or substance abuse, and so much of it is diagnosable. Frankly, it is treatable.

Really, there should be a hue and cry in the country for corrective action. I do a lot of work with Senator DOMENICI, and I get to do this work with Senator REID and Senator KENNEDY as well. There are a whole host of issues that deal with our failure to provide decent mental health coverage for people.

I thank Surgeon General David Satcher for doing marvelous work. The Surgeon General's report, which came out recently, talks about 500,000 people every year in our country requiring emergency room treatment as a result of attempted suicide. In 1996, nearly 31,000 Americans took their own lives.

I think of Al and Mary Kluesner in the State of Minnesota who started this organization called SAVE. They themselves have lost two children to suicide. Several of their other children have been unbelievably successful in their lives. There has been, up until fairly recently, this shame and people feeling as if it is their own moral failure. But it has so little to do with that.

I met a couple weeks ago with Dr. David Shaffer from Columbia University and Kay Jamison from Johns Hopkins University. She has done some of the most powerful writing. It was Dr. Jamison who said before Senator SPECTER's committee, "The gap between what we know and what we do is lethal."

We know so much about the ways in which we can treat this illness and we can prevent people from taking their lives, but we have not done nearly as much. We have many different organizations that support this amendment. I ask unanimous consent that this list be printed in the RECORD.

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

ORGANIZATIONS SUPPORTING THE WELLSTONE-REID-KENNEDY SUICIDE PREVENTION AMENDMENT TO THE LHHS APPROPRIATIONS BILL, JUNE 28, 2000

#### 38 ORGANIZATIONS

American Association of Suicidology (AAS).  
American Foundation for Suicide Prevention (AFSP).  
Suicide Prevention and Advocacy Network (SPAN).  
Suicide Awareness/Voices of Education (SA/VE).  
National Mental Health Association (NMHA).  
National Alliance for the Mentally Ill (NAMI).  
Bazelon Center for Mental Health Law.  
American Psychiatric Association.  
American Psychological Association.  
National Mental Health Awareness Campaign.  
Light for Life Foundation (Yellow Ribbon Campaign).  
QPR Institute (Question/Persuade/Refer).  
National Organization of People of Color Against Suicide (NOPCAS).  
National Institute for Gay, Lesbian, Bisexual, Transgender (NIGLBT).  
With One Voice.  
Contact USA.  
Crisis Support Services of Alameda County.  
Contra Costa Crisis Center.  
Didi Hirsch Community Mental Health Center.  
San Mateo Crisis Intervention and Suicide Prevention Center.  
Pueblo Suicide Prevention Center.  
Alachua County Crisis Center.  
CrisisLine of Lantana.  
Switchboard of Miami.  
Cedar Rapids Foundation 2.  
Prince George's County Hotline and Suicide Prevention Center.

St. Louis Life Crisis Services.  
Crisis Call Center, Reno, Nevada.  
Covenant House.  
Fargo HotLine.  
HelpLine of Delaware County.  
HelpLine of Morrow County.  
CONTACT of Pittsburgh.  
Sioux Falls, Volunteer Information Center HelpLine.  
Nashville Crisis Intervention Center.  
Houston Crisis Center.  
Crisis Link of Northern Virginia.  
Friends of Mental Health of Loudon County.

Mr. WELLSTONE. Mr. President, what this amendment does is add \$3 million to SAMHSA to support, through grants, a certification program that would evaluate the effectiveness and responsiveness of crisis centers and suicide hotlines across the United States.

It also helps to support a national hot line and crisis center network. There are 750 such crisis services in place across the country today. These centers are documented in the directory kept by the American Association of Suicidology.

To date, there has been little or no funding to help support the training and to improve the quality of guidance through these hot line and crisis services. This amendment does exactly that. These funds will be used to improve the training and the skills of the staff at the crisis hot lines for suicides. There will be a variety of ways in which we can get the money to people so this work can be done.

In awarding these grants, I encourage the Secretary of Health and Human Services to collect an experienced nonprofit organization with significant expertise to administer this program.

According to U.S. Surgeon General David Satcher, approximately 500,000 people each year require emergency room treatment as a result of attempted suicide. In 1996 alone, nearly 31,000 Americans took their own lives. In the U.S., suicide is the third leading cause of death of people age 15-34. A suicide takes place in our country every 17 minutes.

In some parts of our country, including my own state of Minnesota, suicide is the second leading cause of death for these young people. Three times the number of Minnesotans die from suicide than from homicide.

We know, without a doubt, that 90 percent of all completed suicides are linked to untreated or inadequately treated mental illness or addiction. To prevent suicide requires an all-out public health effort that will recognize this problem, and will educate our country that we can no longer afford to turn our eyes away from the unthinkable reality that our citizens, even our children, may want to die.

Dr. Satcher and other national mental health experts, such as Dr. Steve Hyman, Director of the National Institute of Mental Health, have helped bring this issue forward, and to help us understand that, with proper treatment, this is one of the most preventable tragedies that we face as a country.

In 1996, the World Health Organization also issued a report urging members worldwide to address the problem of suicide, and one result was the creation of a public/private partnership to seek a national strategy for the U.S., involving many government agencies and advocacy groups. This is clearly a serious problem throughout the world.

For too long, mental illness has been stigmatized, or viewed as a character flaw, rather than as the serious disease that it is. A cloak of secrecy has surrounded this disease, and people with mental illness are often ashamed and afraid to seek treatment, for fear that they will be seen as admitting a weakness in character. For this reason, they may delay treatment until their situation becomes so severe that they may feel incapable of reaching out.

Although mental health research has well-established the biological, genetic, and behavioral components of many of the forms of serious mental illness, the illness is still stigmatized as somehow less important or serious other than illnesses. Too often, we try to push the problem away, deny coverage, or blame those with the illness for having the illness. We forget that someone with mental illness can look just like the person we see in the mirror, or the person who is sitting next to us on a plane. It can be our mother, our brother, our son, or daughter. It can be one of us. We have all known someone with a serious mental illness, within our families or our circle of friends, or in public life. Many people have courageously come forward to speak about their personal experiences with their illness, to help us all understand better the effects of this illness on a person's life, and I commend them for their courage.

The statistics concerning mental illness, and the state of health care coverage for adults and children with this disease are startling, and disturbing.

One severe mental illness affecting millions of Americans is major depression. The National Institute of Mental Health, an NIH research institute, within the U.S. Department of Health and Human Services, describes serious depression as a critical public health problem. More than 18 million people in the United States will suffer from a depressive illness this year, and many will be unnecessarily incapacitated for weeks or months, because their illness goes untreated. Many will die.

I recently had the good fortune to meet with a group of some of the foremost experts on suicide prevention, including Dr. David Shaffer, from Columbia University, and Dr. Kay Jamison, from John Hopkins University. They gave me an extraordinary overview of the many critical points of intervention where suicide may be prevented, and it is my intention to develop a larger bill, in collaboration with Senator HARRY REID, and hopefully many of my colleagues, that will address many of these issues.

But this amendment will meet an important need right now, one that is

timely, and even with its modest funding can help save many lives. This amendment has the support of Senators REID and KENNEDY, as well as the support of the national groups:

American Association of Suicidology, American Foundation for Suicide Prevention,

SPAN (Suicide Prevention and Advocacy Network),

National Mental Health Association, National Alliance for the Mentally Ill,

American Psychiatric Association, American Psychological Association, Bazelon Center for Mental Health Law, and SA/VE, a group based in Minnesota (Suicide Awareness/Voices of Education), headed by Al and Mary Kluesner.

My amendment will add \$3 million to SAMHSA to support through grants a certification program to improve and evaluate the effectiveness and responsiveness of crisis centers and suicide hotlines across the United States, and to help support a national hotline and crisis center network. Although there are 750 such crisis services in place across our country—these centers are documented in the directory kept by the American Association of Suicidology—to date there has been little or no funding to help support the training and improve the quality of the guidance that is provided through these hotline and crisis services.

This amendment will do exactly that. These funds will be used to help improve the training and skills of the staff at crisis hotline suicides, through guidance provided by the American Society of Suicidology, the Center for Mental Health Services, the National Institute Mental Health, and other mental health professionals. It will also help support the development of a national hotline and network of certified crisis centers.

In the awarding of grants, I would encourage the Secretary of HHS to select an experienced non-profit organization with significant expertise in this area to administer the certification process, so that this process of training can begin as quickly as possible.

Telephone hotlines are only one of the points of intervention, and are not and cannot be the only solution to those who suffer from severe mental illness and the extraordinary despair that leads to suicide. Our country also needs to ensure that Americans have fair access to medical care, that the stigma associated with mental illness is reduced, and more education and training for health care providers is made available. But the hotline does provide a lifeline for those who need to reach out for help and have nowhere else to turn too when they reach the point of despair.

The crisis centers that run suicide hotlines are often patched together through a variety of funding sources, and struggle to keep their staff trained and their services of the highest quality. Although some centers are cer-

tified by the American Association of Suicidology, and some are connected through the Hope Line Network that is working to establish a national network, this process has only just begun. These centers perform a critically important service and would benefit enormously from a national certification process and regular staff training. The time is right to fund such a process.

Staff at crisis centers need to be trained to conduct a suicide risk assessment to determine the seriousness and urgency of someone who may be contemplating suicide. They also need to know when to refer the individual to a local community mental health provider if the person is not in crisis. But most importantly, they need to know when to send the police to the person's home or workplace if the staff person is convinced that a suicide is about to take place.

Most people think that there is a national suicide hotline already in place that links people throughout the country. But until recently, this was not so. Crisis centers operated on their own, with volunteer help, and few resources. Recently, a national hotline number (1-800-SUICIDE) was established through the Hope Line Network, through the National Mental Health Awareness Campaign. As an example of the incredible need for such a number, the national hotline found itself flooded with calls after recently advertising on MTV and Fox Family Channel. Additionally, 1.5 million Americans logged onto their website during the 2 weeks after this advertising began. There are obviously many people who are in need of this service. And it needs to be the best possible service, and linked as best it can be to local help.

By improving the training and skills of crisis hotline operators, such contact can be of the highest quality. Certification would require rigorous on site training and visits, evaluation of operations, records reviews, verification of staff training and skills, and the like.

The Surgeon General is to be commended for bringing this issue of suicide forward as a major public health crisis in his 1999 report, *Call to Action to Prevent Suicide*. In his report, he specifically cited the need for instituting training programs concerning suicide risk assessment and recognition, treatment, management, and aftercare intervention. He also asked that community care resources be enhanced as referral points for mental health services. This amendment helps to support both of these requests.

I must emphasize that suicide is often linked to severe depression and other forms of mental illness. These illnesses are not the normal ups and downs everyone experiences. They are illnesses that affect mood, body, behavior, and mind. Depressive disorders interfere with individual and family functioning. Without treatment, the person with a depressive disorder is

often unable to fulfill the responsibilities of spouse or parent, worker or employer, friend or neighbor. And far too often, without treatment, a person can reach such a level of despair that they will take their own life. This amendment will fund programs to help people get the treatment they need before it is too late. As Dr. Kay Redfield Jamison stated in a recent Senate hearing on suicide, when it comes to treatment for mental illness, "the gap between what we know and what we do is lethal."

The issue of suicide prevention is one that we have discussed before, at a hearing held by Senator SPECTER, and during other discussions about mental health research and treatment. I am proud of my colleagues who have supported these efforts, including the cosponsors of this amendment, Senator REID and Senator KENNEDY. I am proud to join them in bringing this amendment forward, and I ask you for your support.

There is a piece of legislation I have with Senator DOMENICI called the Mental Health Equitable Treatment Act. We believe, especially when it comes to physician visits and days in hospitals, that people with a mental illness should be treated the same way as people with a physical illness. We think it is time to end this discrimination.

I have two other amendments that are included in other legislation which deal with the problem of suicide and mental health—especially with young people—and ways of getting money to communities that can then put the money to use, whether it be substance abuse treatment programs, whether it be family counseling, or whether it be pharmacological treatment, or you name it.

The amendment I introduced with Senator REID is very basic. It is very straightforward.

It basically provides the grants through a certification program to improve the effectiveness of these suicide hot lines and crisis centers in the United States. It will help them support and evaluate a national hot line and crisis center network.

I say to my colleague from Nevada that this is really incremental. It is not the be all or the end all. But the additional resources will really help SAMHSA. It will help us make sure these crisis hot lines are put to the very best use; that the people who are working there have the best training; that people who will be working these lines will do their very best in taking calls and know how to help people.

This is important. It is a network of support for people. It is one step and only one step.

But I will finish my remarks and then hear from my colleague from Nevada who really is taking the lead on this amendment.

Again, every 42 seconds someone in our country attempts suicide. Every 16.9 minutes someone completes suicide. Suicide is the eighth leading cause of all deaths.

This one really gets to me. I admit that until I saw this—I believe I do a lot of work in the mental health area—I didn't realize the suicide rates are highest for those over age 75. I didn't realize that. My focus has really been on young people because in my State of Minnesota, for the age of 15 to 24, suicide is the second leading cause of death.

We need to do better. In this piece of legislation, we take this funding from administrative services and put it into this program. I think it will make a very positive difference.

I am delighted that my colleagues on the other side of the aisle are going to support this amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which is a long overdue attempt to deal more effectively with suicide, a serious public health threat in the United States.

In 1998, suicide was the cause of more than 29,000 deaths—nearly 60 percent higher than the number of homicides in that year. The nation's Surgeon General, Dr. David Satcher, issued a Call to Action to Prevent Suicide in 1999, in which he recommended a national strategy to reduce the high toll that suicide takes. Our amendment will provide grants through the Center for Mental Health Services to help support a national network of suicide hotlines and crisis centers, and to provide a certification program for the staff members of the network. This program will ensure that people who seek help during a crisis will receive an effective response from appropriately trained and certified personnel.

In Massachusetts, the state's 1999 Youth Risk Behavior Survey found that one of every five adolescents had seriously considered suicide in the previous year, and one in twelve—more than 20,000 teenagers—made an actual attempt. But this serious problem is not limited to young Americans. It affects all age groups. In fact, suicide rates increase with age, and are highest among men aged 75 years and older.

Suicide also affects all racial and ethnic groups. Between 1980 and 1996, the rate of suicide among African-American male teenagers more than doubled. Native American communities have long experienced high suicide rates.

Suicide and suicide attempts affect both genders. Although males are four times more likely to die of suicide, females are more likely to attempt suicide. Each year in the United States, half a million people require emergency room treatment for a suicide attempt.

But suicide and suicide attempts can be prevented. Ninety percent of people who complete suicide have depression or another mental or substance abuse disorder. These disorders respond to effective treatment.

The amendment we offer today will ensure that when a person is in crisis anywhere in our nation, there is a net-

work of hotlines and crisis centers to call for help, and that a trained and certified staff member will be available to intervene effectively. Every 17 minutes another American completes suicide. We can do much more to prevent this national tragedy. Our proposal is a small, but significant, step toward preventing the unnecessary loss of American lives, and I urge the Senate to support it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friend from Minnesota has been a great partner on this issue. He has been very understanding. He is a very caring person, as indicated by the work he has done. He has outlined very generally and in many cases specifically the problems we have in America today relating to suicide.

There is no question about it. Suicides occur more often in this country than can be calculated. As I have indicated, the statistics that the Senator from Minnesota gave us are reported suicides. There are many deaths that appear to be accidents that are suicides, and they cannot be calculated.

The State of Nevada leads the Nation in suicide. It doesn't matter what age group it is. It doesn't matter whether they are teenagers or senior citizens. The State of Nevada has the dubious distinction of leading the Nation in suicide. That is too bad.

This amendment is a step in the direction of helping people not only in Nevada but all over the country. The amendment offered by the Senator from Minnesota and the Senator from Nevada will set up a number of crisis centers. Today, we have about 78 crisis centers that are certified. This would allow hundreds more to be certified.

What does this mean? It means that when you call 1-800-SUICIDE, which was activated a little more than a year ago—people who are depressed or suicidal or those concerned about someone else who is depressed or suicidal—you are automatically connected to someone who is at one of these centers and who is trained. These calls are routed to the crisis center nearest to the person where the call is placed.

The crisis center calls are answered by certified counselors 24 hours a day, 7 days a week—on Thanksgiving and on Christmas; it is sad to say but Christmas is one of the biggest suicide days in this country.

In the event the nearest crisis center is at a maximum volume, the call is routed to the next nearest center. There is never a busy signal, or a voice mail. People in crisis usually reach a trained counselor within two or three rings, or about 20 to 30 seconds from the moment they dial 1-800-SUICIDE.

What does this suicide crisis line mean?

Let me read excerpts from a few letters.

This one is written to the Northern Virginia hot line. It says, among other things:

I would like to name NVHL (Northern Virginia Hotline) as one of my beneficiaries on my life insurance policy . . .

The reason for this act of kindness is to give back to your organization what your organization has given to me. You see, over the past twenty years I have used your listeners during moments of crises in my life. When I had no one to turn to, I could turn to your listeners for insight and support . . .

I want to give back to the organization that has been responsible for helping me through many tough late nights over the past twenty years.

We have a letter from the Catholic Newman Association in Houston, TX. It is a three-paragraph letter. I will read only one paragraph.

I simply want to say that because of you, Karen, a girl named \_\_\_\_\_ is alive today and has, for perhaps the first time in her life, a real hope and desire to live. She called you a few weeks ago, with a razor blade in her hand, and she had already begun to cut her wrist. You talked to her for almost an hour, though she tried to hang up a number of times. You were able to get information about the fact that she had recently talked to me, as well as where she lived. You were able to keep her on the line while you had someone contact me and I got to her apartment in time to keep her from completing the suicide attempt. She has been hospitalized and has undergone intensive therapy and is soon to be released, with real hope that there are good reasons to stay alive. You must have been very skillful, Karen because she is a very sharp girl and it was a true suicide attempt prevented only by the fact that she wanted to talk to one human being—you—before killing herself. Because you took her seriously, because you cared, because you knew what to say and do, she is alive today and wants to continue to live.

We also have a letter addressed to Arlene, someone who works at one of these hot line centers.

Among other things, this woman says:

A member of my staff had come to me with some family problems, both financial and emotional, which were causing that person to be very despondent . . .

Fortunately, I was able to refer my employee to the Hotline. I don't know the details of the conversations but I can see the results. Having someone available to talk to, combined with the follow-up counseling, has helped this person to find a solution to problems which had seemed overwhelming. I now have a valuable, productive employee and the individual now feels in control of life and circumstances.

Finally, I have a letter from the Fairfax County Police Department. This is from Capt. Art Rudat. He is a commander in the McLean substation. He is writing a letter to say having this hotline helps the police department, freeing them to do other things. He says:

Upon our arrival, we found the subject in his room and he was extremely upset and agitated. He was holding a 4" knife to his jugular vein, threatening to kill himself. This threat was not taken lightly because he had already cut his left wrist and was bleeding. The atmosphere at the time was tense, not knowing if anything that the officers would say would further upset the subject. There was a moment, when the subject stood up screaming and pressing the knife into his throat almost cutting his jugular vein, that it was thought the incident would have a tragic ending. \* \* \*

Even this was occurring, the subject was on the phone, still deep in conversation with

Miss Dicke. He would go from being out of control to a very peaceful state. Slowly though, he became less upset and eventually sat down and began listening to Miss Dicke reason with him and win him over. Of course, the officers didn't know what Miss Dicke was saying, but it was enough for him to eventually give up his knife and go to the hospital with rescue to receive much needed assistance.

It is my understanding that of the nearly 18,000 calls that are received at the hotline center per year, approximately 600 are suicide calls and only 5 involve weapons. We at Fairfax County Police Department were quite fortunate to have had both Miss Dicke and Miss Ross working that night. Without their teamwork, tenaciousness and training, this incident could have had a tragic ending. \* \* \*

Although hotlines do not historically receive the fanfare and headlines that other public service groups do, we at the Police Department realize what a tremendous resource you are to us and the outstanding service which you provide to the community.

I ask unanimous consent these letters be printed in the RECORD.

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

REVENUE RECOVERY CONSULTANTS, INC.,  
Fairfax, VA, October 8, 1998.

Ms. ARLENE KROHMAL,  
Northern Virginia Hotline,  
Arlington, VA.

DEAR ARLENE: I just wanted to take a moment to thank you and to compliment the Hotline for the assistance your staff provided to one of my employees recently.

A member of my staff had come to me with some family problems, both financial and emotional, which were causing that person to be very despondent. This attitude was affecting the individual's work and life. An appointment with a counselor had been set, but it was ten days away and it seemed as if help was needed immediately. This person told me that, if not for worry about two children, life wouldn't be worth living.

Fortunately, I was able to refer my employee to the Hotline. I don't know the details of the conversations but I can see the results. Having someone available to talk to, combined with the follow-up counseling, has helped this person to find a solution to problems which had seemed overwhelming. I now have a valuable, productive employee and the individual now feels in control of life and circumstances.

Thank you for providing a valuable service to the community.

Sincerely,

FRAN FISHER,  
President.

CATHOLIC NEWMAN ASSOCIATION, RELIGION CENTER, UNIVERSITY OF HOUSTON,  
Houston, TX.

PEACE!

I am writing this letter simply out of my own need to express gratitude, plus the fact that I am aware you likely don't get much positive feedback for what you are doing. It is addressed primarily to one of your people named "Karen" whom I have been unable to contact personally, but really to all of you because it could have been any one who happened to answer the phone that day.

I simply want to say that because of you, Karen, a girl named \_\_\_\_\_ is alive today and has, for perhaps the first time in her life, a real hope and desire to live. She called you a few weeks ago, with a razor blade in her hand, and she had already begun to cut her wrist. You talked to her for almost an hour, though she tried to hang up a number of times. You were able to get information

about the fact that she had recently talked to me, as well as where she lived. You were able to keep her on the line while you had someone contact me and I got to her apartment in time to keep her from completing the suicide attempt. She has been hospitalized and has undergone intensive therapy and is soon to be released, with real hope that there are good reasons to stay alive. You must have been very skillful, Karen because she is a very sharp girl and it was a true suicide attempt prevented only by the fact that she wanted to talk to one human being—you—before killing herself. Because you took her seriously, because you cared, because you knew what to say and do, she is alive today and wants to continue to live.

I am writing this, as I say, simply because I want to let you know—and all of you who work at Crisis Hotline—that what you are doing is beautiful as beautiful as life compared to death, as beautiful as hope compared to depression, as beautiful as loved compared to apathy. I realize, because of my own life-work in this way that you often don't know the effects of your listening, your caring, your loving, that you very likely wonder sometimes if it's worth the time and effort. All I can say is: "Hey, today I saw the sun shine in a girl's eyes!" It's worth it!!!

Thank you, Karen, I love you,  
Rev. JIM BARNETT.

ASHBURN, VA, June 14, 1999.

ARLENE KROHMAL,  
Director, Northern Virginia Hotline,  
Arlington, VA.

DEAR ARLENE, I have a request. Please send to me information about your organization, for you see, I would like to name NVHL (Northern Virginia Hotline) as one of my beneficiaries on my life insurance policy. I need to know exactly how to word NVHL as a beneficiary so that there would be no loop holes for anyone to contest.

The reason for this act of kindness is to give back to your organization what your organization has given to me. You see, over the past twenty years I have used your listeners during moments of crises in my life. When I had no one to turn to, I could turn to your listeners for insight and support.

I came to know about the benefit of your hotline due to meeting the original director Bobby Schazenbach and hearing her story why this wonderful and unique organization was set up. I have very fond memories of Bobby and everytime I call your hotline, I often think of her and wonder how she is doing. Her creation of this hotline has been a link to my survival for many years. I won't bother you with the details, but I want to give back to the organization that has been responsible for helping me through many tough late night over the past twenty years.

Please send to me any information on your organization that might help facilitate in changing my beneficiary to your organization. I also want you to know that I will be naming the Loudoun Abused Women's Shelter as well.

Thank God for all of you and thank God for Bobby.

Fondly, and forever grateful, \_\_\_\_\_

FAIRFAX COUNTY POLICE DEPARTMENT,  
Fairfax, VA, March 31, 1998.

Ms. ARLENE KROHMAL,  
Northern Virginia Suicide Hotline,  
Arlington, VA.

DEAR MS. KROHMAL: I would like to bring to your attention, the actions of two of your volunteers and the impact it had upon a family's future. On March 7, 1998, at approximately 5:59 pm, officers from the McLean

District Station responded to the Ritz Carlton, near Tysons Corner, for a subject threatening to commit suicide with a knife. The 911 call was made to the Fairfax County Police by Miss Katie Ross, of the Northern Virginia Suicide Hotline, who was assisting Miss Marilyn Dicke, also with the Suicide Hotline. The information received was that the subject had been involved in a continuing domestic dispute with his parents and was at the end of his rope.

From the beginning, the information given to us by Miss Ross was clear and concise and left little for us to wonder about. This is a key element in our response to a complaint and how the officers will handle the case from the onset. Upon our arrival, we found the subject in his room and he was extremely upset and agitated. He was holding a 4" knife to his jugular vein, threatening to kill himself. This threat was not taken lightly because he had already cut his left wrist and was bleeding. The atmosphere at the time was tense, not knowing if anything that the officers would say would further upset the subject. There was a moment, when the subject stood up screaming and pressing the knife into his throat almost cutting his jugular vein, that it was thought the incident would have a tragic ending.

Even this was occurring, the subject was on the phone, still deep in conversation with Miss Dicke. He would go from being out of control to a very peaceful state. Slowly though, he became less upset and eventually sat down and began listening to Miss Dicke reason with him and win him over. Of course, the officers didn't know what Miss Dicke was saying, but it was enough for him to eventually give up his knife and go to the hospital with rescue to receive much needed assistance.

It is my understanding that of the nearly 18,000 calls that are received at the hotline center per year, approximately 600 are suicide calls and only 5 involve weapons. We at Fairfax County Police Department were quite fortunate to have had both Miss Dicke and Miss Ross working that night. Without their teamwork, tenaciousness and training, this incident could have had a tragic ending.

This exemplifies how the citizens of Fairfax County and the Police Department benefit from programs such as yours. Although hotlines do not historically receive the fanfare and headlines that other public service groups do, we at the Police Department realize what a tremendous resource you are to us and the outstanding service which you provide to the community. It is without any reservation that I commend Miss Dicke and Miss Ross for the outstanding job they did that evening. They should be very proud of themselves and the organization they are affiliated with.

Sincerely,

CAPTAIN ART RUDAT,  
Commander, McLean District Station.

Mr. REID. I extend my appreciation to the Senator from Minnesota.

Mr. DORGAN. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I support the legislation dealing with the issue of suicide. It is very important.

Many, many years ago, early one morning I came to an office and found a coworker had taken his life. It was, of course, a morning I will remember the rest of my life, finding a coworker and a friend who had, over the nighttime hours, taken his life.

I suppose only those who have been acquainted with that circumstance can

barely imagine the kind of horrors that persuade someone to take their own life. I think anything we can do as a country in public policy to reach out and say to those who are visited by those emotional difficulties, those pressures and internal problems that persuade them to consider taking their life, anything we can do to reach out to them to say, here is some help, we ought to be able to do that.

This amendment is very small. Incrementally, it will be helpful.

I appreciate the work of Senator WELLSTONE and Senator REID. I think someday—we may never know the name—adding these resources will help someone who is ravaged by these emotional difficulties and can be prevented from taking their own life, and we will be rewarded for having paid attention to this issue.

Mr. REID. The Senator from South Dakota knows I had the misfortune of my father committing suicide. As the Senator from North Dakota, I saw my father lying there after having shot himself. This is something that never leaves you.

People think suicide always happens to someone else, but it doesn't. I say to my friend from North Dakota, we could go around this room and we would be surprised; almost everyone in this Senate Chamber has had a relative, a neighbor, or a friend who committed suicide. It is remarkable and sad.

I appreciate the Senator from North Dakota sharing his story. The reason it is important he shares it is to recognize what a universal problem this is, at 31,000 people a year. We know, as I indicated a number of other times on this floor, many more people commit suicide.

I think the mere fact that we talk about it is going to help the problem. We now have this crisis hotline established. We also, of course, have support groups that we didn't have 15, 20 years ago. The problem is not getting easier, but it is getting better with people better understanding the issue.

Mr. WELLSTONE. Mr. President, two things. First, I thank the Senator from Nevada for his comments. Second, I say to Senator SPECTER, I am sure he remembers when Kay Jamison testified before his committee, saying the gap between what we know and what we do is lethal. This is just a small step. I am hoping that the Senate—the sooner the better—will embrace this issue and put some resources back to communities that can put this money to work in terms of suicide prevention. Much of this is diagnosable and preventable.

We have some confusion. Before I agree, I say to Senator REID, I want to suggest the absence of a quorum. We have a disagreement about how we will deal with this amendment.

Mr. SPECTER. Let me make a short statement. We are anxious to move ahead with our votes scheduled at 3:30.

The amendment is acceptable. The subcommittee held a hearing on this matter in February and had extraor-

dinary heartrending testimony from families who had been touched directly by suicide. The hearing was held at the request of the Senator from Nevada, Mr. REID. It was quite compelling.

The subcommittee and the full committee allocated \$662 million to the mental health services, an increase of \$31 million over last year. A number of amendments have been offered seeking to reallocate the money in a variety of ways. I have responded that, unless they have offsets, we have made the allocations as best we can.

I think the fact we have such a large sum of money in mental health services on a relative basis, including a \$31 million increase for this year, is a testament to the propriety or the value judgments which have gone into the structure of this bill. The \$3 million for the hotline can be accommodated easily within the existing funds. We had already urged the mental health services to find ways through their research to prevent suicides—to find other means of communicating with people who were emotionally stressed coming to grips with the issue, and preventing suicides. The substantial allocation the Appropriations Committee has made is a testament to the value judgments and the priorities we have established.

I thank Senator REID for sharing his own experiences. It is a very telling matter. At his request, we had a very informative hearing in February, with quite a few people coming forward, including Danielle Steel, the noted authoress who talked about her own son's experience. It made quite an impact. I think it is true that while the C-SPAN 2 audience may not be enormous, people will hear what is being said and it can have a salutary effect.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I am happy to yield to the Senator.

Mr. REID. It was very difficult for the Senator to work this hearing into the very busy schedule of this huge subcommittee. The Senator did that. I think it has done so much good across the country to have people such as Danielle Steel and Kay Jamison, who are experts, to come in and talk about their experiences. I am grateful to you for doing this, as I think anyone is who has had the misfortune of having had some connection with suicide. You are to be applauded for having done this with schedule that was really a burden to you.

We appreciate this very much.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for those kind remarks. Perhaps we could move ahead to acceptance of the amendment.

I urge the adoption of the amendment.

Mr. WELLSTONE. Mr. President, I thank my colleague from Pennsylvania for his genuine concern, and the ways in which, as the chair of this committee, he has supported this initiative. He cares about it deeply. I thank



him. I am pleased he will accept the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3680) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3672

Mr. SPECTER. Mr. President, I ask for the yeas and nays on the pending motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 2 minutes equally divided on the motion to waive the Budget Act with regard to the Dodd amendment.

Mr. SPECTER. Mr. President, parliamentary inquiry: Which is the first amendment?

The PRESIDING OFFICER. The Dodd amendment No. 3672 on community learning centers.

Mr. SPECTER. Mr. President, the point of order has been raised because, although the Dodd amendment for afterschool programs takes up a meritorious subject, we have already added approximately \$150 million to that account, bringing it up to \$600 million.

The program has been in effect for only a few years. We have provided for additional funding in many similarly related situations. We believe the priorities established were appropriate. Had there been a suggestion for an offset, had the Senator from Connecticut made a suggestion that this priority was more valuable than others, we would have been willing to consider it. But it simply breaks the allocations and therefore the point of order has been raised. We urge it be sustained and not waived.

The PRESIDING OFFICER. Who yields time in favor of the motion to waive the Budget Act?

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. 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. DODD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is a motion, to the Senator's amendment, on the Budget Act.

Mr. DODD. Mr. President, as I understand it, I have 2 minutes to explain the amendment?

The PRESIDING OFFICER. It was reduced to 2 minutes equally divided. Those opposed to the motion have already spoken. The Senator has 1 minute to speak.

Mr. DODD. Mr. President, to my colleagues, very briefly, this amendment is a carryforward to what has been offered by Senator KENNEDY, Senator BINGAMAN, Senator WELLSTONE, and Senator MURRAY, all trying to improve the quality of public education in the country. One of the key issues is afterschool programs.

We know from parents all across the country the most dangerous period for 5 million children unattended is between 3 and 6 in the afternoon. Good afterschool programs are meaningful. The country wants it. School boards have asked for it. But despite efforts, we have only funded 310 afterschool programs. Last year, there were 2,500, close to 3,000, applications for afterschool dollars. We could only meet the requests of 310 school districts.

It seems to me we must do something to improve the quality of education with good afterschool programs, when children are most at risk, most vulnerable, when they get involved with habits of smoking, and alcohol, of marijuana, when they are victimized. As we know by every police study, afterschool programs work.

I realize there are budgetary concerns, but we spend less than one-half of 1 percent of the entire Federal budget on the quality of public education in this country. That is a disgrace.

What we have offered in these series of amendments is to improve our Federal investment in education. This amendment is to improve the quality of afterschool programs for the 5 million children in America who need that assistance.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 3672. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The yeas and nays resulted—yeas 48, nays 51, as follows:

The result was announced—yeas 48, nays 51, as follows:

#### [Rollcall Vote No. 154 Leg.]

##### YEAS—48

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Smith (OR)
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

##### NAYS—51

Abraham	Bunning	Craig
Allard	Burns	Crapo
Ashcroft	Campbell	DeWine
Bennett	Cochran	Domenici
Bond	Collins	Enzi
Brownback	Coverdell	Fitzgerald

Frist	Inhofe	Santorum
Gorton	Kyl	Sessions
Gramm	Lott	Shelby
Grams	Lugar	Smith (NH)
Grassley	Mack	Specter
Gregg	McCain	Stevens
Hagel	McConnell	Thomas
Hatch	Murkowski	Thompson
Helms	Nickles	Thurmond
Hutchinson	Roberts	Voinovich
Hutchison	Roth	Warner

#### NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment would increase budget authority and outlays scored against the allocation of the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee, and that subcommittee has reached the limit of its allocations. Therefore, the point of order is sustained and the amendment falls.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

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

Mr. LOTT. Mr. President, I think it is only fair to say to the Members that we are going to try to enforce the more limited time on these votes. I know we try to accommodate Senators on both sides when they get delayed because of elevators or the subway or whatever. But it is also unfair to the managers and people trying to do the bill, when we are all here, if we can't do the votes in the prescribed time. We will push for that.

Secondly, I commend the managers for trying to begin to make some progress. We have had a whole series of votes here in this grouping—four, I guess. But we still have an awful lot of pending amendments. I don't want to mention a number because it is too scary.

I can't complain about the Democratic side because there are almost as many amendments on the Republican side. When Members are asked to come and either work out their amendments or offer them, they are too busy to get it done. We need to get this Labor, HHS, and Education appropriations bill done tonight. In order to do that, it is going to take an awful lot of work. The managers, or the whips, HARRY REID and DON NICKLES, can't do it by themselves. Some are beginning to say how about Thursday night. When we get Labor-HHS appropriations done, we are going to the Interior appropriations bill, plus we have the military construction conference report with the emergency provisions, providing funds that we have been wanting to get completed for defense and for disasters and

for Colombia. We may not get that until late Thursday night, so that we can't vote on it until Friday. We will have other votes on Friday. So we have to complete this bill, the Interior appropriations bill, and the MILCON conference report.

I thank Senator DASCHLE for his work in that effort and for his support as we try to complete this work. I know it is a lot to do in 3 days, but I know we can do it if we really stick with it.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I join in the request made by the majority leader to try to cooperate in a way to allow us closure on this bill. He has proposed an aggressive agenda. At the very least, we have to finish this bill. As he said, there are scores of amendments that have to be addressed before we can complete our work. I want to finish this bill this week. I want to be as cooperative and as forceful with our colleagues on both sides of the aisle in accommodating that kind of schedule. We have been on this bill, and we have had a good debate with good amendments and a lot of votes. There will be more amendments and votes.

There comes a time when we have to try to bring this to a close. I want to do it as soon as we can and still accommodate Senators who have good amendments to offer. Please come to the floor and agree to time limits for each amendment. Work with us to see if we can't winnow down the list a little bit. We have had some cooperation, but it is going to take a lot more cooperation if we, indeed, are going to get the bill done on time.

I believe we are ready to vote, Mr. President.

#### AMENDMENT NO. 3659

The PRESIDING OFFICER. There are 2 minutes equally divided on the motion to waive the Budget Act with regard to the Kerry amendment. Who yields time?

Mr. SPECTER. Mr. President, the pending matter is the motion of the Senator from Massachusetts to waive.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. KERRY. Mr. President, my amendment seeks to address the digital divide that all of us are aware is significantly handicapping the capacity of a lot of Americans to participate in the new marketplace. The House of Representatives has recognized this problem to the tune of \$517 million. In our budget, we are only at \$425 million. We are going to vote in the Senate on the H-1B visa, allowing 200,000-plus people to be imported into this country because of our lack of commitment to our own citizens in developing their skills for the new marketplace.

This is an opportunity to make it clear that, for teachers and their ability to be able to teach, for virtual high school capacity to have advanced placement, in order to enhance the

ability of our young to learn the new marketplace skills and to close the digital divide, we need to make this commitment.

I think everybody in the Senate knows that with this surplus, with our ability to be able to make the choices we have in the budget, we have allowed for a waiver of the budget precisely for this kind of moment. I ask my colleagues to join me in saying the House of Representatives will not have a better sense of this priority than the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I call on our colleagues to oppose the waiver. This bill has \$4.5 billion more than last year's, \$100 million over the President's request, and it is a matter of allocation of priorities.

There is no doubt that technical literacy is an important objective. We have, in the Senate bill, \$425 million. If the Senator from Massachusetts could establish its priority over others, and add offsets, that is something we would be glad to consider. I wish we had more money to spend on things such as technical literacy, but we do not. To accept this amendment would exceed our 302(b) allocations. Therefore, I ask my colleagues to vote no on the waiver.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the budget act in relation to Amendment No. 3659. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The yeas and nays resulted—yeas 48, nays, 51, as follows:

#### [Rollcall Vote No. 155 Leg.]

##### YEAS—48

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

##### NAYS—51

Allard	Domenici	Inhofe
Ashcroft	Enzi	Kyl
Bennett	Fitzgerald	Lott
Bond	Frist	Lugar
Brownback	Gorton	Mack
Bunning	Gramm	McCain
Burns	Grams	McConnell
Campbell	Grassley	Murkowski
Cochran	Gregg	Nickles
Collins	Hagel	Roberts
Coverdell	Hatch	Roth
Craig	Helms	Santorum
Crapo	Hutchinson	Sessions
DeWine	Hutchison	Shelby

Smith (NH)  
Smith (OR)  
Specter

Stevens  
Thomas  
Thompson

Thurmond  
Voinovich  
Warner

#### NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 48, and the nays are 51. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to.

The amendment would increase the budget authority and outlays scored against the allocations of the Labor, Health, and Human Services, and Education Subcommittee of the Appropriations Committee, and that subcommittee has reached the limits of its allocation. Therefore, the point of order is sustained and the amendment falls.

#### AMENDMENT NO. 3638

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the motion to waive the Budget Act by the Senator from Rhode Island, Mr. REED.

The Senator from Rhode Island.

Mr. REED. Mr. President, this amendment would add an additional \$100 million to the appropriated funds for the GEAR UP program. GEAR UP is the centerpiece of our efforts to reach out to disadvantaged students and give them both the skills and the confidence to go on to college. It is particularly clear in low-income neighborhoods that young people and families do not have either the access to college or the kind of skills they need to make it all the way through high school into college.

This program does that. It complements the Pell grant. It complements other programs because it actually gives young people, starting the sixth or seventh grade, the tutoring, the mentoring, the confidence, the ability to go through high school, and go on to college.

By voting for this amendment, we will say to scores of disadvantaged children: You can succeed; you can go to college; you can take your place in American society as a college graduate. I urge all of my colleagues to support this incredibly important program, to make opportunities real in the lives of all of our citizens.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SPECTER. Mr. President, there is no doubt this is a good program. It has been in effect only since 1999 when we put in \$120 million; last year, up to \$200 million; this year our figure is \$225 million.

Again, it is a matter of priorities. This bill has \$4.5 billion more than last year's education bill. It is \$100 million higher than the President's figure. When the Senator from Rhode Island argued the matter as being a very special program, I posed a practical question: What should be offset? What is less important?

We think we have established the appropriate priorities. As much as we

want to have additional funds for a program of this sort, it simply isn't there. The extra million dollars would exceed our 302(b) allocation. Therefore, we ask our colleagues not to waive the Budget Act.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 3638. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 156 Leg.]

#### YEAS—47

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

#### NAYS—52

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

#### NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment would increase budget authority and outlays scored against the allocations to the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee and that subcommittee has reached the limit of its allocations. Therefore, the point of order is sustained and the amendment falls.

#### AMENDMENT NO. 3678

The PRESIDING OFFICER. There will be 2 minutes for debate on the Kennedy amendment. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this amendment basically follows the President's recommendation, and that is to provide a cost-of-living increase to the

training programs for youth and adult workers in this country.

At the present time, half of all the employers in this country provide no training whatsoever, the other half of the employers provide 1 percent of payroll costs, and 80 percent of that training goes to management level workers.

We have talked a good deal about H-1B visas and bringing into the United States those guest workers who have special skills, but I think we have a basic responsibility to ensure continuing training programs for America's workers as we continue to expand our economy and compete in the world.

That amendment provides an important increase for training programs. Two years ago, along with Senator JEFFORDS, we consolidated the training programs. We now have an effective one-stop system that will offer real opportunities for workers.

Finally, this amendment also restores the Summer Jobs Program. Without this amendment, there will be no Summer Jobs Program for the youth of this country. I hope this amendment will be accepted.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as with so many of the pending amendments, the objective is good if we had more funding. We have increased the funding for the Department of Labor by \$400 million. We have funded two new programs requested by the administration: incumbent worker training for \$30 million and responsible reintegration of youthful offenders for \$20 million.

Over the last 4 years, there has been a 32-percent increase for dislocated workers and a 25-percent increase for the Job Corps. If it were possible to have additional funding, we would be glad to provide it. We think we have established the priorities in an appropriate order for this complex bill. I ask the motion to waive the Budget Act be denied.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 3678. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 157 Leg.]

#### YEAS—49

Abraham	DeWine	Kerry
Akaka	Dodd	Kohl
Baucus	Dorgan	Landrieu
Bayh	Durbin	Lautenberg
Biden	Edwards	Leahy
Bingaman	Feingold	Levin
Boxer	Feinstein	Lieberman
Breaux	Graham	Lincoln
Bryan	Harkin	Mikulski
Byrd	Hollings	Moynihan
Chafee, L.	Jeffords	Murray
Cleland	Johnson	Reed
Conrad	Kennedy	Reid
Daschle	Kerrey	Robb

Rockefeller  
Sarbanes  
Schumer

Snowe  
Torricelli  
Wellstone

Wyden

#### NAYS—50

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

#### NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment would increase budget authority and outlays scored against the allocations to the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee, and that subcommittee has reached the limit of its allocations. Therefore, the point of order is sustained and the amendment falls.

The Senator from Texas.

Mr. GRAMM. Mr. President, I yield to the distinguished Senator from Pennsylvania for the purpose of making a unanimous consent request and will then reclaim the floor.

Mr. SPECTER. Parliamentary inquiry, Mr. President: Who has the floor?

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

Mr. GRAMM. Mr. President, I yield to the distinguished chairman of the subcommittee for the purpose of propounding a unanimous consent request.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following listed amendments be the only remaining first-degree amendments in order to the pending Labor-HHS appropriations bill and they be subject to relevant second-degree amendments.

I further ask unanimous consent that with respect to HMO-related amendments, they be subject to second-degree amendments relating to the subject matter of the conferenced HMO bill or the underlying Labor-HHS bill or the original first-degree language.

The list is Specter managers' amendment; Domenici 3561, telecom training center; Frist 3654, education research; Jeffords 3655, IDEA; Jeffords 3656, medicine management; Jeffords 3677, Public Health Service Act; Jeffords 3676, high school; Collins 3657, defibrillator—

Mr. REID. Will the Senator withhold for a moment? If I could respectfully request, maybe we could just submit our two lists, Democrat and Republicans lists. The staffs have looked at them. Unless the Senator wants to read

them for some reason, we have 80-some on our side that we don't want to read.

Mr. SPECTER. Well, that would be fine with me, Mr. President. The question would arise as to how we are going to get consent if Members don't know what is on the list.

Mr. REID. We have made on our side numerous hotlines to Members. We had the 11 o'clock time that we were going to submit the amendments. If the Senator wants to read them, that is fine with me.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment lists be printed in the RECORD as they are. Senators knew there was a time. They checked this list. Statements were made. I think it would save some time.

Mr. BAUCUS. Reserving the right to object, I will object until I can get some understanding or we can get some understanding from the majority leader as to when we are going to have a date set for a vote on PNTR. This is an issue which transcends politics, if I might have the attention of the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed for 2 minutes.

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

Mr. BAUCUS. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, I know we are in a hurry. We are trying to get through with this bill. I think that is important work, and I am for it. Let me make my point very succinctly.

This bill, in section 515, has a provision that changes current law and shifts the payment date for SSI, the Supplemental Security Income program, from October back to September. What that does is shift \$2.4 billion worth of spending out of the budget year for which we are writing this appropriation back into the previous fiscal year. In the process, it allows \$2.4 billion more to be spent this year by spending \$2.4 billion in the previous fiscal year. This payment shift was specifically debated during the budget resolution debate. It was rejected. Part of the agreement that was made that passed the budget was that there would be no payment shift on SSI.

This provision is subject to a point of order because it violates the budget agreement. It shifts spending into fiscal year 2000 and drives up spending in that year \$2.4 billion above the level provided for in the budget.

If we are going to write budgets, they have to have some meaning. This is not just some minor provision. The debate on this issue was a key element of the debate on that budget, and the Budget Committee and the Senate specifically rejected this payment shift.

So on the basis of that, Mr. President, I make a point of order that sec-

tion 515 of the bill, as amended, violates section 311 of the Budget Act, since it would cause fiscal year 2000 budget authority and outlays to exceed the spending aggregates in the budget resolution.

Mr. SPECTER. Mr. President, pursuant to section 904 of the Budget Act, as amended, I move to waive section 311 of that act with respect to the consideration of this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have just had a discussion with the Senator from Texas about setting this issue aside so that we can proceed with other matters and try to make a determination as to how we can solve this issue.

Mr. REID. Mr. President, objection. Respectfully, I know how hard the Senator from Pennsylvania and the Senator from Iowa worked on this measure. But with this hanging over our heads, we might as well get this resolved now. We have spent 3 or 4 days on this bill already. If this prevails, we are all through here. So we believe this matter should be resolved now.

Mr. SPECTER. Mr. President, it takes unanimous consent to set it aside. I urge the Senator from Nevada to reconsider. We had an issue yesterday raised by the chairman of the Finance Committee, and there was an agreement between the chairman of the Finance Committee and the chairman of the full Appropriations Committee as to what would happen in conference, that items would be taken out, and that we would seek an additional allocation.

Mr. GRAMM. Mr. President, if the Senator will yield, I want to remind my colleagues that sustaining this point of order does not bring down the bill. Under the unanimous consent agreement the bill is being considered under, sustaining this point of order would simply strike section 515.

I am perfectly willing to let the Senate go on with other amendments. I am going to insist on this point of order at some point, and it will have to come to a resolution. But if we can do other business while this is being discussed, I think that is a good idea. The point of order is a very targeted point of order against section 515, not against the bill.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. REID. Mr. President, if the objection of the Senator from Nevada is withdrawn and another amendment is considered, would the Senator still have the same right to object to any further proceedings after this amend-

ment that would be brought up next is disposed of?

The PRESIDING OFFICER. Normally, the point of order would occur after another amendment had been disposed of.

Mr. DORGAN. Mr. President, reserving the right to object, I will propound a question under the reservation.

I am trying to understand the consequences of the amendment. Let me reserve the right to object while I ask the Senator from Texas and the Senator from Pennsylvania this: If the point of order is sustained, can we get some notion of what consequences it will have on the spending in this bill for education, labor, and other issues?

Mr. SPECTER. Mr. President, if I might respond, if the point of order is sustained, we would lose \$2.4 billion and there would be required an adjustment of the bill which would be catastrophic.

So it is my suggestion that we set it aside, taking the willingness of the Senator from Texas to do that, and then proceed with other amendments so we can try to figure out what other allocation might be possible. We have an amendment ready by the Senator from Vermont and one by the Senator from North Carolina. We have not had many Republican amendments. It is my hope that we can proceed. We have to find a way out of this. If we have a little time, we have a chance to find our way out of it. So I hope we will proceed.

If I may have the attention of the Senator from Nevada, he will have the opportunity to—we will have to set it aside, as I understand the parliamentary ruling, each time a new amendment is called up. Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. So I hope we will set it aside for the two amendments that we now have lined up and ready to go.

Mr. DORGAN. Mr. President, continuing to reserve the right to object, the Senator from Pennsylvania talked about if this prevails, the requirement of an adjustment to the bill would be "catastrophic." That was the word he used. I am trying to understand the consequences of that. What kind of adjustment would we be talking about with respect to this bill on Education and Labor?

Mr. SPECTER. Mr. President, I don't know how this percentage worked. I am advised that with this provision there would be an across-the-board 6.75 percent cut to bring the bill under the allocation.

I am not sure of that math, although that is the representation made to me. If you take \$2.4 billion out of \$104.5 billion, that, it would seem to me, would be under 3 percent. But it would be very material.

Mr. DORGAN. Mr. President, reserving the right to object, this is a critically important piece of legislation. It is a funding bill for education and labor

issues and a range of things that are very important. If the consequence of the motion offered by the Senator from Texas would be to require a substantial across-the-board cut to this piece of legislation, it is of significant interest to virtually every Member of this body.

I don't believe we ought to go on. If the Senator from Nevada chooses not to object, I shall object. But I will leave it to the Senator from Nevada to comment as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, before we break down in the tears and the shock that would come from not shifting spending from one year to another to break the budget by \$2.4 billion, let me remind my colleagues that with this shift and with the entitlement changes that Senator STEVENS has said we are not going to make, this bill will grow by 20.5 percent over last year. You can't find that growth rate even going as far back as the Carter administration. You have to go all the way back to when L.B.J. was President to find a bill growing that fast.

If the point of order is sustained eliminating the phony pay shift and an adjustment is made in spending, this bill will still be growing by 17.7 percent. Granted that we each look at the world through different glasses. I don't see that as cataclysm; I see that as somewhat of a movement toward fiscal restraint.

But the important point is this provision violates the Budget Act. We considered this payment shift in the budget. We specifically rejected it. We set out numbers that were meant to meet the targets for spending that were agreed to. This provision violates the Budget Act, and it should be stricken. I will insist on the point of order against it, but I am perfectly willing to let amendments move forward. If the minority doesn't want amendments to be considered, it is up to them.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am advised that the 17.7 percent would be the across the board on outlays. I have heard what the Senator from Texas says about those percentages. I do not think they are accurate. We will compute the percentages. That simply is not factually so. I managed last year's bill. But we will tally them up and make representation on the floor at a later point.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I believe the pending motion is the motion to waive the Budget Act. Is that not true?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Is that not a debatable motion?

The PRESIDING OFFICER. It is a debatable motion.

Mr. HARKIN. Thank you.

Mr. President, the figures we just heard from the Senator from Texas

really are quite phony. They include all kinds of advanced funding and everything else to come to that figure that the Senator threw out on the 20 percent.

But you have to ask yourself: Why are we facing this now? What the Senator from Texas is trying to do is to save one day. It is one day, I tell my friend from North Dakota.

This provision was put in there not by me and not by the minority. It was put in there by Senator STEVENS in order to allow us to do the legitimate work we have to do to meet the obligations we have in education and in health and NIH, and all of the other things in this bill which has pretty wide support. It wasn't us. The chairman of the Appropriations Committee put it in.

The Senator from Texas—let's be clear about it—is moving the outlays for SSI paychecks from one day to the previous day—that is all he is doing—one day. But that one day will cause about a 6-percent across-the-board cut in NIH, cancer research, Alzheimer's research, education funding, Pell grants, Elementary and Secondary Education Act, IDEA, you name it—a 6-percent across-the-board cut because the Senator from Texas wants to move by one day the payment of SSI. He wants to move it to one day later. Last year, we moved it one day forward. He wants to move it to one day later.

Who cares about one day? Why is it such a big deal to go from September 30 to October 1? But if it means that it allows us to move forward with this bill and to have the adequate funding in this bill when we go to conference, it means a lot.

This really is a mischievous point of order because it really doesn't do anything. It doesn't save us any money. The money we will spend on SSI will either go out September 30 or it will go out October 1. It is going out. The Senator from Texas is not stopping that money. It is going to go out. It is either going to go out on one day or the next day. He is not saving a nickel. But by doing this, he is causing all kinds of problems on this bill. That is why I say it is just simply a mischievous motion.

Of course, I support my colleague, the chairman, in the motion to waive. Hopefully, we will hear from Senator STEVENS on this. But there is really no substance. I guess what I am trying to say is that there is no substance to the motion—none. You don't save a nickel. You don't help anybody. You don't hurt anybody. You just move the payment from one day to the next. That is all. But you sure hurt this bill.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. HARKIN. Reserving my right to the floor, I will yield for a question.

Mr. DORGAN. If the Senator will yield for a question, I wonder if the Senator recalls last year a technique similar to this used on the Department of Defense bill. I am just curious whether our colleague, the Senator

from Texas, came to the floor to make a point of order when it had to do with defense. I don't know the answer to that. I am curious. It seems to me if there is a consistent point of order against the deployment of this technique, one wouldn't just make it on education issues, which, of course, to you, me, and others is very important. It is some of the most important spending we do. It is some of the most important investments we make in the country.

I ask the question, Does the Senator know whether a similar point of order was made by our colleague when it had to do with the Defense Department last year?

Mr. HARKIN. I don't know the answer to that question. I was not involved in the appropriations bill for defense. I will leave that to others. I have no knowledge of that. I accept the Senator's insight into that. I don't know the answer as to whether the Senator from Texas objected to that. The Senator from Texas can certainly speak for himself in that regard. But I guess the RECORD will show one way or the other.

Mr. DORGAN. If I might ask another question, the point here is this bill deals with the effort the Federal Government makes to respond to the education needs in this country. Most of education funding, of course, comes from State and local governments. We provide some funding in a range of areas. We provide assistance in VA, health care, and a range of other issues. This is a very important piece of legislation that invests prominently in the lives of the people of this country.

The technique that is being objected to is not a new technique; it has been employed before. That is the point I was making. Is it a good technique? I don't know. You could find other ways to adequately fund these needed programs. Some in this Chamber may not want to fund these programs. They may think they are not a priority perhaps. This is not a new technique. But apparently when it comes to funding for VA, health care, and education, we have people come to the floor to make a point of order.

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

Mr. HARKIN. Mr. President, I am glad to yield for a question.

Mr. BAUCUS. On another matter, Mr. President, I ask the Senator from Iowa to yield for a question.

Mr. HARKIN. Mr. President, I will yield, without losing my right to the floor, for a question from my friend from Montana.

Mr. BAUCUS. Mr. President, if I could consult with the good Senator from Iowa on a matter which I raised earlier, that is, the Senator from Mississippi, the majority leader, asked unanimous consent for the Senate to take up a list of amendments on both sides and to have printed that list of amendments with respect to the pending bill.

I asked the majority leader if it might not be a good idea for the leader to set a date certain in July to bring up PNTR. I am not asking the Senator for his view on the bill, but I ask the Senator if he thinks it is a good idea to bring the bill up and at least have a vote on it, particularly in July. Wouldn't it be better to have a bill brought up in July than, say, in September, given the fact that it has passed the House, given the fact that we will bring it up sometime this session of Congress, and given the fact that that delay is dangerous?

Does the Senator agree it would be a good idea to bring it up and have a date certain, at least for insurance that we are going to vote on it this year? The month of July would be the preferable month to vote on it rather than a subsequent month; does the Senator agree?

Mr. HARKIN. I say to my friend from Montana, who is a strong supporter on the Finance Committee of the permanent normal trade relations with China—and he has worked very hard on this issue—I know he desires, as many others, to get on with that, debate it, have a vote and move on.

The Senator is asking this Senator a question on which I do not feel qualified to make an answer. I am not involved in this issue or on the Finance Committee. Right now my interest is getting this bill through. I am trying to help and do what I can to get the amendments through and get adequate funding for education, for NIH, for health care, for human services, to try to educate our kids, and attend to the human needs of our people. We are trying to get this through.

I have not had time now to consider when the PNTR should be brought up. I know my friend from Montana is obviously well versed in this subject. I probably would accede to his knowledge of this issue and when it ought to be brought up. As to my own view, I don't think this Senator is qualified to respond.

Mr. BAUCUS. I thank the Senator. I will not object to a unanimous consent request on this bill today, but I do hope prior to recessing for the July recess we can work out an agreement, that the majority leader will be able to make a statement, the result of which is to make it clear that the vote will come up in July.

I reserve my right as to what action I will take tomorrow. I thank the Senator.

Mr. HARKIN. Mr. President, back to the point at hand, I want everyone to understand what this mischievous motion is all about. All it does, in order to save the money, is move the date from October 1 to September 30. Last year, we moved it up to October 1; we moved it back to September 30.

The motion of the Senator from Texas says, no, you can't do it September 30; you have to do it on October 1. In fairness and in reality, the SSI checks should go out at the end of the

month. If the Senator has an objection, he should have filed it last year because we moved it from September 30 to October 1. SSI checks are to go out the end of the month. All we are doing is bringing it back to where it really ought to be, at the end of the month.

Be that as it may, we are only talking about 1 day. I don't think too many people are hurt by 1 day. The Senator moves it back to October 1 when it ought to be September 30.

What does his motion do if it is upheld? We will have almost a \$3 billion cut in education, a \$1.4 billion cut in NIH, a \$210 million cut from the Centers for Disease Control, a \$300 million cut from Head Start, a \$77 million cut from community health centers.

I heard some talk earlier about going to conference and taking care of it there. The House bill is lower than ours. If we cut these numbers here, when we go to conference, we will be locked into the lower numbers. So it has a great impact.

We have a lot of amendments that have been filed—not only on the Democratic side but the Republican side as well—from Senators COLLINS, DEWINE, SMITH, LOTT, HUTCHISON, COVERDELL, ASHCROFT, HELMS, NICKLES, SMITH, GRAMM, and a whole bunch on our side, too.

How can we debate these amendments in any kind of a legitimate fashion, if, in fact, we don't even know what kind of money we are talking about? Some of the amendments add money; Some take it away; Some modify.

If we go ahead and have the amendments, we don't know whether the motion from the Senator from Texas is going to hold or whether it will be waived, so we will be debating these amendments in a vacuum without the full knowledge of exactly what dollar amounts we are looking at. Are we going to cut it by 6.75 percent across the board or not? We don't know that yet.

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

Mr. SPECTER. In formulating this question as to whether we are going to cut it by 6.75 percent, may I suggest to the distinguished ranking member and comanager that we will not cut funding by 6.75 percent.

What we are seeking to do now is to obtain a reallocation. Discussions are underway with the chairman of the full committee to reallocate some funds to this bill from other bills, which delays the day of reckoning for the whole process. That is the way things are done, not only around here but generally.

It is my hope we can accomplish that. The chairman of the full committee is now busy working on a supplemental, but he will be here in a few minutes. I believe we will find a way on a reallocation to satisfy the issue which has been raised by the Senator from Texas.

Unfortunately, we had three amendments queued up and ready to go to make progress, but seeing the state of affairs on the floor, our amendment offerers have dispersed. We are trying to find some more amendments, and we have an amendment ready to be offered.

It is my hope that on the representation we are making progress on finding an allocation, which will leave our bill at \$104.5 billion, we take the Senator from Texas up on his willingness to set his issue aside so we can proceed with the bill.

Mr. REID. It sounds reasonable. We have one person who wanted me to protect him. He is across the hall. I will see if I can get that taken care of. We object for a little bit.

Mr. HARKIN. Mr. President, I reclaim the floor. I had yielded for a question. I hope we can get this clearance. I think we probably can move ahead. From what my distinguished chairman said, I hope that can happen in terms of reallocation and we can put this thing to bed.

An objection to laying the motion to waive aside holds right now until we can get clearance on our side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to respond to some of the comments made by our colleague from Iowa. My point of order can be called many things, but calling it mischievous—not that there is anything wrong with being mischievous in defense of the public interest—but my point of order is anything but mischievous.

Our colleague from Iowa would have us believe that shifting SSI payments from fiscal year 2001 to 2000 does not increase spending. Nothing could be further from the truth. Under current law, the payments for SSI will be made on October 2 and they will be part of the 2001 budget. What this illegal—under the Budget Act—payment shift does is shift this payment back into fiscal year 2000 and raids the surplus that we have all pledged to protect by a total of \$2.4 billion, freeing up \$2.4 billion more to be spent next year. So the first point is, sustaining this point of order will mean we will spend \$2.4 billion less.

Second, a point of order was not raised against the D.C. appropriations bill last year on the pay shift because there was no point of order available. That pay shift did not violate the budget in effect at that time. This SSI payment shift was considered in the budget and it was rejected, specifically rejected.

Let me explain exactly the arithmetic of where we are. In allocating spending for this fiscal year, the Appropriations Committee allocated to Labor-HHS appropriations, a subcommittee that funds many important programs for America, a 13.5-percent increase in spending. That was far and away the largest increase in spending of any budget allocation. You would

have to go all the way back to when Jimmy Carter was President to find that level of spending.

The first thing this committee did was it put some entitlement reforms in the bill, which the chairman of the committee has already said are not going to be made. They are going to be taken out in conference. But by claiming that they are going to be made, they magically raised their increase in spending from 13.5 percent over last year's level to 17.7 percent over last year's level. You are now in the range where going back to when Jimmy Carter was President does not hold up. We are getting to the point where you have to go back to the time when Lyndon Johnson was President to find increases like that.

But even that was not enough. What they did was include a phony payment shift—by taking SSI payments, which by law are to be made on October 2, which is after the beginning of the new fiscal year, in other words, money they would have had to have funded in the 2001 budget—by taking that payment and moving it into fiscal year 2000, they can rob the surplus by \$2.4 billion and spend \$2.4 billion next year. By doing that, they would then raise the increase in spending over last year's level to 20.5 percent.

These tears that are being shed about my point of order, which simply calls on the Senate to live up to its budget, these tears are being shed because by doing that we could increase spending in this area only by 17.7 percent. By enforcing the budget, rather than increasing spending by 20.5 percent, we would increase spending by 17.7 percent. How many working families have seen their income go up by 17.7 percent in the last year? I submit, not very many families.

So what I have done is simply said: When we adopted a budget we meant it. When we set out what we were going to spend in this coming year, we meant for those constraints to be binding. What is literally happening in the Congress is that this surplus is burning a gigantic hole in our pocket. We are seeing spending increases at levels that have not been approached since Lyndon Johnson was President of the United States. It is very dangerous for two reasons. No. 1, if we have a downturn, those surpluses are not going to be there. Second, some of us had hoped that we would repeal the marriage penalty, so we do not have to make people in America who fall in love and get married pay \$1,400 a year in additional income taxes for that right. We had hoped to repeal the death tax so your family would not have to sell off your family farm or your business that your parents worked a lifetime to build up, simply because they died. But if we are going to be increasing spending like this and busting the budget, we are never going to have an opportunity to share the benefits of this prosperity with working Americans.

When our colleague says this point of order does not save money, that is simply not true. It saves \$2.4 billion.

Second, I am going to raise a point of order on the supplemental appropriation for military construction. I am going to raise it because what we are doing is obscene in terms of spending, and the bill does violate the Budget Act. I intend to raise the point of order.

Let me finally say that this point of order is important. In fact, we have used it five times today to prevent new spending from being added. The amazing thing is that we have before us an appropriations bill that grows by one-fifth, over 20 percent, and yet we have spent all day long where the minority has been trying to add more and more and more spending. You begin to wonder when is it enough? Is there any appropriations bill that could have been written that would have been enough?

Yet with all this spending, we are all talking about locking away money for Social Security, locking away money for Medicare, but the spending goes on and on and on.

I raised the budget point of order. If Senator STEVENS comes over and re-allocates money and takes it away from another use so the total level of spending does not rise, he certainly has a right to do that. That will mean this point of order will stand. This phony payment shift will be stricken. But the money will be allocated to be spent on these programs and taken away from something else. That is how the budget is supposed to work. We are supposed to make decisions like American families make decisions. If they want a new refrigerator they don't buy a new washing machine. If they want to go on vacation, they don't buy a new car. They set priorities.

Our problem is we never set priorities. So I think this point of order is important. This point of order is an enforcement of the budget. We ought to be holding the line on spending. I yield the floor.

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

Mr. NICKLES. Mr. President, I compliment my colleague from Texas. I know sometimes it upsets people when we come out and say: Wait a minute, we are breaking the budget.

I work with the Senator from Texas on the Budget Committee and he happens to be right. I also compliment my colleague from Pennsylvania, who is managing the bill. As the Senator from Texas mentioned, no matter what is in this bill, many people—particularly on the other side—say it is never enough. No matter what is in there, it is never enough. The Senator from Pennsylvania put in more money than the President requested for education, and we have had four or five amendments saying let's spend billions more. It is never enough. No matter what, we more than matched the President.

The bill we have before us has outlays greater than the President requested and it is still not enough.

I happen to be one who is, I don't want to say a wonk on numbers, but I am really picky on numbers. I think we ought to be accurate on numbers. I asked people before, by how much does this bill grow? The Senator from Texas just says it grows by a fifth. He understates the growth by just a tad. The growth in this bill is 20.4 percent in budget authority according to CBO. That is a lot of BA growth. Some people say we are growing other areas of the budget, and that is true. No other area of the budget is growing nearly as fast. The Defense appropriations bill we already had before us and passed, if my memory serves me correctly, was growing at 7-point-some percent. That is a lot. It is a big increase. This is growing almost three times as much in budget authority.

People ask: What does that mean? It means the money we authorize to be spent; we are committing the Government to spend that amount.

What are outlays? Sometimes outlays are easier to figure. The growth percentage in outlays is not quite as much. The growth percentage in outlays is 12 percent. The Senator from Texas wants to take off \$2.4 billion because that is an offset. That is, frankly, a faulty offset. It is only in there so we can have more money in real growth in outlays, in budget authority, in commitment to growth spending.

There is actually \$4.9 billion in outlay offsets. The Senator from Texas might have been able to do the full \$4.9 billion. I know he can do \$2.4 billion, but there is \$4.9 billion in offsets. I believe the chairman of the Appropriations Committee said we will drop those offsets.

The real program growth—and this is what we are talking about in BA—is \$104.1 billion. That compares to last year's \$86.5 million in budget authority. That is a growth of 20.4 percent. That is a lot.

If we adopt the amendment of the Senator from Texas, the growth will still be in excess of 17 percent. Granted, I know it will cause some consternation. I know the members of the committee will have to reshuffle and limit the growth of the spending in commitment to 17.5 percent. I happen to think that is doable. Maybe it is not the easiest thing in the world because we made commitments to grow spending more than the President did in this area or that area. Certainly, 17-percent growth is adequate, sufficient, and responsible.

As to the bill before us, one can only say it complies with the budget if they take into consideration \$4.9 billion of offsets which, frankly, will not happen.

Again, I compliment my colleague from Texas for his amendment. I will submit for the RECORD a chart I put together which shows budget authority and outlays for the Labor-HHS bill for the last 10 years.

For my colleagues' information, in 1990, 10 years ago, budget authority was



\$43.9 billion. Last year, it was \$86.5 billion. It basically doubled in the last 10 years.

The bill before us is trying to grow at 20 percent. In other words, it will double in about 4 years at twice the rate of growth of what we have done in the last 10 years. I think that would be a mistake.

I am not critical of anyone. I compliment my colleague from Texas. He has a good amendment.

I ask unanimous consent that the chart which shows the growth in this particular area of the budget, the Labor-HHS budget, be printed in the RECORD. It shows growth in outlays and in budget authority for the last 10 years.

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

#### LABOR/HHS APPROPRIATIONS

	Budget authority	Outlays	BA growth (percent)	Outlay growth (percent)
1990 .....	43.9	49.4	.....	.....
1991 .....	51.0	54.4	16.2	10.2
1992 .....	60.1	58.5	17.9	7.5
1993 .....	63.2	62.7	5.1	7.3
1994 .....	68.1	68.7	7.8	9.6
1995 .....	67.4	70.2	-1.0	2.1
1996 .....	63.4	69.1	-5.9	-1.6
1997 .....	71.0	71.9	11.9	4.1
1998 .....	80.7	76.2	13.7	6.1
1999 .....	85.1	80.2	5.4	5.2
2000 .....	86.5	86.3	1.6	7.7
2001 House Net .....	97.2	91.1	12.4	5.5
2001 House Gross* .....	101.8	94.3	17.8	9.2
2001 Senate Net .....	98.1	93.1	13.5	7.9
2001 Senate Gross* .....	104.1	96.7	20.4	12.0
2001 President .....	105.8	94.6	22.3	9.6

\*=Gross spending levels do not include mandatory offsets, contingent emergencies, or other adjustments.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take a couple minutes. I heard the Senator from Texas talking about there is never enough. Of course, he just talked about Democrats on this side offering amendments to increase funding. I thought what is good for the goose is good for the gander.

There are Senators on that side of the aisle who have amendments to increase spending in this bill: Senator COCHRAN, Senator COLLINS, Senator DEWINE, Senator INHOFE, Senator JEFFORDS. Those are the only ones I have right now from their side that I know of who add money to the bill. It is not only Democrats; Republicans, too. There are some on that side of the aisle, as well as on this side of the aisle, who understand we have unmet needs in this country when it comes to dealing with education, health, human services, and research.

I point out there is all this talk about how much this budget has increased. It all depends on how you look at it. It depends on your baseline. It depends on your numbers. The Senator from Texas probably knows that as well as anybody around here. So we can look at it a different way.

Let's look at it this way, for example: Twenty years ago, the share of the dollar that went for elementary and secondary education in this country that came from the Federal Govern-

ment was a little over 11 cents. In other words, 20 years ago, 11 cents out of every dollar that was put into elementary and secondary education came from the Federal Government. Today, that is down to 7 cents. We are going backwards. We put the burden on our property taxpayers around the country. It is an unfair tax, a tax that can be highly regressive, especially in an area where there are a lot of elderly people who may not be working and live on Social Security, but they still have to pay the property taxes. When one looks at it that way, one can say we are shirking our responsibility. If we had just kept up that 11-percent level for the last 20 years, we would not be having all these amendments.

Second, the figures they are throwing out about a 20-percent increase is about as phony as the piece of paper it is written on because that takes into account a lot of things that are not figured into how much we are actually increasing programs. If one looks at the program increases—education and the other program increases—this year over last year, it comes in at a little over 9 percent, somewhere between 9 and 10 percent.

Mr. SPECTER. Mr. President, 8.2 percent.

Mr. HARKIN. My chairman is always ahead of me on these things—8.2 percent. If one looks at the increases we are making next year over this year, it comes to 8.2 percent, not 20 percent. I wanted to make the record clear. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have one sentence in reply, and that is, we will provide the details as to increasing 8.2 percent instead of the alleged 20.4 percent, but we want to do it at a later point so we can move ahead with amendments.

We have two amendments lined up: one from the Senator from Ohio, Mr. VOINOVICH, and one from the Senator from Louisiana, Ms. LANDRIEU. I ask unanimous consent that the pending amendments be set aside so we can proceed with the Voinovich amendment.

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

Ms. LANDRIEU. Reserving the right to object, will I be next in line for an amendment?

Mr. SPECTER. Mr. President, I ask unanimous consent that following the Voinovich amendment, we proceed to the Landrieu amendment.

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

#### AMENDMENT NO 3641

(Purpose: To permit appropriations to be used for programs under the Individuals with Disabilities Education Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 3641.

On page 59, line 10, insert “; to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);” after “qualified teachers”.

Mr. VOINOVICH. Mr. President, before I speak on this amendment I sent to the desk, I would like to say just a couple of words in regard to the point of order the Senator from Texas has just made.

I was one of the Members of the Senate who worked with the Senator from Texas to place in the budget resolution certain points of order which we believed we needed to have to make sure spending did not increase more than what the budget resolution provided for.

His point of order is directed at exactly what we were concerned about. It is what I might refer to, in all due respect, as a gimmick. In considering the 2001 budget, money that was put into the FY 2001 budget is being moved back into the 2000 budget in order to make available \$2.4 billion more than could be spent otherwise.

What does that mean? That means that when you shove the cost back into the year 2000, you are going to use \$2.4 billion of the on-budget surplus that many of us recently voted to use to pay down the national debt.

When we put a budget resolution together, at least—I thought it meant something. One of the things that disturbed me last year was that, at the end of the game, we did all kinds of things to exceed what we had originally anticipated to spend. So here we are today, trying to do the same kind of thing we did at the end of last year.

I think this Senate should sustain the point of order; that we ought to live by the budget resolution we agreed to earlier this year, and that the committee should make the hard choices.

One of the things that was brought up is that in order to pay for many of the new increases in spending in new programs, mandatory programs were cut, mandatory programs that I think are fundamental. Things such as the social services block grant, things such as the CHIP program. I have been told they will be taken care of later on.

My belief is that if we have a budget resolution and we agree to spend a certain amount of money, we ought to live within that budget resolution. I hope we sustain the point of order.

Mr. President, few will dispute that each and every child in this Nation deserves to be able to obtain a quality education, a fact Congress recognized 25 years ago when it passed the Individuals with Disabilities Education Act.

Since that time, IDEA has helped ensure that all students, regardless of their disability, are able to receive the educational services they need in order to attend their local school.

In my State of Ohio, IDEA has helped thousands of young men and women go beyond their disabilities and obtain a quality education.

Thanks to IDEA, Ohio students with debilitating problems like Cerebral Palsy and autism have been able to receive help in reading and writing from special education teachers. They can use programs like Dragon Dictate—a speech recognition program that can be used to control a word processor—in order to help them better understand their school work.

Before IDEA, these children would have been virtually forgotten elements in our education system. With IDEA, these children are in school, they are learning and they are growing. And IDEA doesn't just help disabled students. Alexandra Shannon, a 16 year old student from Beavercreek, OH, believes that "enhanced educational opportunities help everyone." In a meeting with one of my staff members just a few months ago, she told of her friend, Peter, who had learned to walk at school with the help of his schoolmates. The entire school was brought closer together by the experience that Alexandra called, the "joy of the year."

However, even with all the success of IDEA across the Nation, the fact remains that the cost to implement this program is draining money from our schools and significantly impeding the ability of State and local educators to fund their own priorities—priorities that include some of the items my colleagues here in the Senate think should be funded at the Federal level.

The cost of serving a handicapped student is typically twice as much as the average amount spent per pupil, while in some school districts, the cost is higher still. Think of this. In Centerville, OH, Centerville High School superintendent, Frank DePalma estimates that in his school, special education services cost 4 to 5 times as much as do services for nonhandicapped students. He said:

Costs for services such as occupational therapy, speech therapy and physical therapy continue to skyrocket.

Indeed, the Cincinnati Post wrote in an editorial just 2 months ago that the city's public schools spend:

\$40.3 million a year on disabilities education. That's nearly 11% of its \$365 million budget.

That is 11 percent of their budget.

Many school districts recognize that students with disabilities require different, and often, expensive needs. They want to help their students, but they also need and want the financial help that the Federal Government has promised.

As many of my colleagues may recall, when IDEA was passed in 1975, Congress thought it was such a national priority, that it promised that the Federal Government would pay up to 40 percent of the cost of this program.

To date, the most that Washington has provided to our school districts under IDEA is 12.6 percent of the educational costs for each handicapped child; and that was in fiscal year 2000.

The remainder of the cost for IDEA still falls on State and local governments.

Because the Federal Government has not lived up to its commitment, IDEA amounts to a huge unfunded Federal mandate. When I was Governor of Ohio, I fought hard for passage of the Unfunded Mandates Reform Act in 1995 so that circumstances like this could be avoided in the future.

And just how large an unfunded mandate has IDEA become?

In fiscal year 2000, Congress allocated almost \$5 billion for special education for school-age children. If we had funded IDEA at the 40 percent level that Congress had promised in 1975, we would have allocated \$15.6 billion in fiscal year 2000 rather than \$4.9 billion.

In essence, a \$10.7 billion unfunded mandate was passed along to our State and local governments for IDEA. And that is on top of the 60 percent—or \$23.3 billion—for which they are already responsible. So, for a federally created program, our State and local governments' "share" in this fiscal year will amount to \$34 billion out of a total of \$38.9 billion.

Indeed, Mr. R. Kirk Hamilton from Southwestern City School, Grove City, OH has written to me, stating that IDEA is:

an enormous, unfunded mandate which is so expensive and so cumbersome that the funds are not available to deliver needed services to children.

Mr. President, that is just wrong.

For all programs under IDEA, the President of the United States assumes an expenditure of \$6.3 billion in fiscal year 2001. That is only a \$332 million increase from the \$6 billion level of funding in fiscal year 2000.

However, the President's fiscal year 2001 budget contained a whopping \$40.1 billion in discretionary education spending. That is almost double the \$21.1 billion in discretionary education spending allocated by the Federal Government just 10 years ago in fiscal year 1991, and nearly 5 times the \$8.2 billion spent on discretionary education spending 25 years ago in 1976. Where is that money going? Think of that. Where is it going?

It is important to understand that the White House and some of my colleagues on the other side of the aisle are very good at reading polls. They see that education is of high interest to the American people.

Even though the Federal Government only provides 7 percent of the funds for education in this country, the White House and these same colleagues consider themselves, sometimes, I think, to be members of a national school board.

They have other, new priorities that they believe Washington should fund instead of providing additional funding for the federally created IDEA—programs like school construction, after-school programs, hiring more teachers, improving technology and training in schools, and creating community

learning centers. They are all great ideas.

They are important initiatives, but they are the responsibility of our States and local communities. Of course, the politically expedient thing to do is to support funding for all these programs at the federal level; it makes us look as if we are "for" education. They are high in the polls. Nevertheless, I believe in the delineation of Federal and State responsibility, and increased funding for IDEA is a Federal responsibility.

It is one that we mandated on the school districts. It is part of our responsibility. We said we would pay for 40 percent of it. It is about time we paid for 40 percent of it, rather than going off on a lot of new initiatives.

During our debate on the fiscal year 2001 budget resolution, I offered, and this body adopted, by a vote of 53-47, an amendment stating that before we fund new education programs, we should make funds available for IDEA.

The amendment that I am offering today makes good on the commitment we made in the budget resolution.

Specifically, my amendment would give local education agencies the flexibility to take \$2.7 billion of Federal money under title VI of this appropriations bill and spend it on IDEA, if they choose. In other words, we are saying that school districts, if they choose, can use new money for IDEA.

If the Federal Government was fully funding IDEA, most of the education initiatives my colleagues are proposing—school construction, after-school programs—could be and likely would be taken care of at the State and local level. That is how our State and local education leaders want it.

In February, with the help of the Ohio School Board Association and the Buckeye Association of School Administrators, I contacted Ohio teachers, superintendents, and educational leaders from urban, suburban, and rural districts in every part of Ohio to ask what they would prefer: a full Federal commitment to IDEA or new Federal funding initiatives.

More than 90 percent of the responses I received so far have shown that Ohio's education community leaders prefer a full commitment to IDEA over new programs. I am confident this same poll conducted in other States would produce a similar result.

Let me read a few responses I received. Mr. Philip Warner, Superintendent of Ravenna City School wrote:

I believe school districts would benefit the most if Congress met its obligations under IDEA, therefore allowing school districts to fund programs that would be specific in each school district.

David VanLeer, Director of Pupil Services, Euclid City Schools, right across the street from where I live:

Congress should honor that pledge to provide 40 percent of the cost of IDEA before any new programs are funded.

Doreen Binnie, speech language pathologist at Colombia local School District responded, "Absolutely," to the

question of whether Congress should fund IDEA before new programs.

We must stop acting as if we are the Nation's school board, trying to fund every education program possible. The truth is, many of the programs that Members of Congress and the President want to enact should be funded at the State and local level. In my view, those programs would have a better chance of being funded if State and local governments didn't have to divert such a large percentage of their funds to pay for IDEA. The Federal Government has a commitment to IDEA and that commitment should be fully honored. I believe our State and local leaders should be given the flexibility they need to spend new Federal education dollars that are allocated under this bill to honor the commitment of IDEA. I appreciate the fact that the appropriations committee provided increased money for IDEA in this budget.

The fact is, we should say to our local school districts that with the \$2.7 billion which is allocated in title VI one of the options we should give them is to fund the Individuals with Disabilities Education Act.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Under the unanimous consent agreement, I have the right to offer my amendment at this time.

Mr. REID. Not until we finish the Voinovich amendment.

The PRESIDING OFFICER. The Voinovich amendment must be disposed of.

Mr. SPECTER. Mr. President, we have been consulting on the complexities of the bill. If I understand the amendment by the Senator from Ohio, it is that the title XI block grant of \$2.7 billion, which is divided for class size and construction, may be used for other purposes at the discretion of the local boards. If they choose not to use it for construction or class size, it could be used at their discretion. He wants to be sure those funds can be used for special education.

Mr. VOINOVICH. That is correct.

Mr. SPECTER. That would be acceptable. It is our purpose that the local boards, having decided they do not want it for the other purposes—construction or reduction in class size—may use it as they decide. We are prepared to accept the Voinovich amendment. We are also anxious to proceed with the bill.

Mr. VOINOVICH. I thank the Senator.

Mr. REID. Mr. President, the minority has reviewed the amendment. I have spoken with Senator HARKIN. We have no objection to it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3641) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER. May we have a time agreement on the amendment of the Senator from Louisiana?

Ms. LANDRIEU. I would need about 20 minutes.

Mr. SPECTER. May we have a time agreement of 30 minutes, 20 minutes for the proponents of the measure and 10 minutes for the opponents, if there are opponents?

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

The Senator from Louisiana.

AMENDMENT NO. 3645

(Purpose: To provide funding for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965, and for other purposes)

Ms. LANDRIEU. Mr. President, I am hoping there will not be opponents because we think this amendment makes a lot of sense. We are happy to agree to a time limit because we are interested in moving this debate along.

I agree with our distinguished colleague from Ohio. I think his is a good amendment. I commend him for coming to the floor and bringing to the Senate an issue that is very important to Louisiana, to our educators, teachers, superintendents, and parents who are very interested in funding. I thank the Senator for continuing to advocate for us to fulfill our commitment and meet our promises to our special education students. I hope the leadership would consider accepting this amendment, which I offer in good faith, because it does not add money to the budget. It simply provides greater flexibility.

I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3645.

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

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

The amendment is as follows:

On page 55, strike line 21 and all that follows through page 56, line 8, and insert the following: "Higher Education Act of 1965, \$9,586,800,000, of which \$2,912,222,521 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which \$6,674,577,479 shall become available on October 1, 2001, and shall remain available through September 30, 2002, for academic year 2000-2001: *Provided*, That \$6,985,399,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That \$1,200,400,000 shall be available for concentration grants under section 1124A: *Provided further*, That \$750,000,000 shall be available for targeted grants under section 1125 of the Elementary and Secondary Education Act of

1965: *Provided further*, That grant awards under sec-".

Ms. LANDRIEU. Mr. President, this amendment will not require 60 votes because it does not seek to waive the Budget Act.

I am somewhat in agreement with what Senator GRAMM said and our ranking member, Senator HARKIN, about the fact that we do need to be concerned with the amount of spending. We need to be concerned about the amount of spending for education, for health, for our military. We want to make sure we are making smart and wise investments. We want to make sure we are not getting back into the era of big Government or irresponsible Government with irresponsible tax breaks. I am much inclined to support many of the comments that were made.

This amendment fits that debate exactly. I am hoping the leadership on both sides will see it that way.

Let me begin by telling my colleagues again what this amendment does not do. It does not ask to waive the Budget Act. It does not add any money to this budget. It does not reduce one penny of title I money to any State in the Nation.

It simply attempts to redistribute the moneys within this budget to reflect a value about which we all speak on both sides of the aisle each day; that is, the value of trying to target the money in this budget to those children, families, and communities that need the most help.

Many communities in Louisiana, California, New York, Michigan, and Mississippi are struggling to meet their obligations to provide a quality education for all children, regardless of their race, religion, or what side of the track they were born on, or whether they have a lot of money in their household or little money.

We believe that in America every child deserves a quality education. We say that on this floor over and over and over again. We speak these words. We say this. But when it comes to writing our budget, which we are doing today, we don't do it. We don't do it. We have the power to do it. Fifty votes, right now, could do this. But, unfortunately, I don't think we may get more than maybe one or two or three or four because we are very good at talking about equality, fairness and justice, but when it comes to writing a budget, we don't do it.

As a Democrat, it is hard for me to say, but I have to be honest and say I am not sure the President's budget reflects that value as closely as it should. I have to say the Republican budget doesn't reflect that value, and some of my own colleagues were not reflecting that value.

This amendment, with all due respect to the committee and to everybody who tried to work on this, attempts to say that with some portion of this increase, we should increase title I because it is the only title that attempts

to send money out in a way to this Nation where the poor children, the neediest children, get the help and attention, giving complete flexibility to the local government to decide whether it is additional teachers, additional resources. Title I has great flexibility. There are few limitations, but it says let's help the poorest children, whether it is in Louisiana or Arkansas or Mississippi or California, and there are many States that would benefit from this change.

All of the increases Senator GRAMM talked about, whether it is a 20-percent increase or an 8-percent increase, for the purpose of my amendment, are not really the issue because of all of the increase—whether 20 percent or 8 percent—a small amount, a few tiny pennies, have been devoted to title I. The poorest children in this Nation, who have no lobbyists, no big and powerful agencies to represent them up here, have literally been left out. In addition, the accountability money that was placed in this budget in past years to make sure the money was going to the poor districts, the middle-income districts, and the wealthy districts has been totally taken out.

So this bill we are debating, that has either a 20-percent or 8-percent increase, literally underfunds the poor children of the Nation, the moderate-income families, the lower income families, who are struggling to make the American dream possible for themselves. Yet we all come here every day and talk about widening the circle of opportunity, how we want to share the great wealth of this Nation. But when it comes to funding education for the kids who need it the most, so they can have a chance, we say no, no, and no. That "no" is being said on the Democratic side, the Republican side and, frankly, from the White House.

This is one Senator who thinks it is wrong. If I am the only vote on the bill, let it be so. I think there will be a few others. I don't think this amendment will pass. I am sure it will be second degreed because when we can't agree, we offer a commission—I am sure someone is going to do that—to study the issue because we have to keep studying the issue of how poor children are affected when their education is at a disadvantage.

I will vote against a study. I am going to vote for this amendment because it will simply move within the confines of this bill \$750 million, which is still a reasonable amount of money, from one title into the title I.

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

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

STATE ALLOCATIONS AT \$738 MILLION (THROUGH BASIC, CONCEN. AND TARGETED)

State	Landrieu Amendment	Appropriations Committee
Alabama .....	144,564	134,762+10 million

STATE ALLOCATIONS AT \$738 MILLION (THROUGH BASIC, CONCEN. AND TARGETED)—Continued

State	Landrieu Amendment	Appropriations Committee
Alaska .....	21,513	20,225+1 million
Arizona .....	40,669	130,766+10 million
Arkansas .....	89,736	84,016+5 million
California .....	1,155,500	1,075,015+80 million
Colorado .....	76,628	72,531+4 million
Connecticut .....	83,202	77,575+6 million
Delaware .....	23,653	22,429+1 million
DC .....	31,071	28,611+3 million
Florida .....	430,617	403,006+27 million
Georgia .....	249,983	234,458+15 million
Hawaii .....	23,306	21,956+2 million
Idaho .....	26,254	24,716+2 million
Illinois .....	362,951	332,172+30 million
Indiana .....	129,110	122,037+7 million
Iowa .....	57,129	54,715+3 million
Kansas .....	62,627	59,452+3 million
Kentucky .....	141,777	131,270+10 million
Louisiana .....	209,188	191,242+18 million
Maine .....	35,358	33,785+2 million
Maryland .....	116,722	109,446+7 million
Massachusetts .....	170,733	161,058+9 million
Michigan .....	380,257	353,215+27 million
Minnesota .....	94,030	89,526+5 million
Mississippi .....	134,957	124,813+10 million
Missouri .....	154,238	144,421+10 million
Montana .....	29,986	28,346+1 million
Nebraska .....	34,320	32,636+2 million
Nevada .....	27,397	25,713+2 million
New Hampshire .....	22,034	20,919+2 million
New Jersey .....	202,046	189,679+13 million
New Mexico .....	78,176	72,541+6 million
New York .....	874,009	803,360+71 million
North Carolina .....	174,860	167,151+7 million
North Dakota .....	22,389	20,984+2 million
Ohio .....	326,933	305,597+21 million
Oklahoma .....	111,448	104,642+7 million
Oregon .....	75,647	72,354+3 million
Pennsylvania .....	376,332	351,631+25 million
Puerto Rico .....	299,038	282,528+17 million
Rhode Island .....	28,262	26,427+2 million
South Carolina .....	116,887	110,255+6 million
South Dakota .....	22,223	20,672+2 million
Tennessee .....	147,499	138,396+9 million
Texas .....	782,711	726,154+56 million
Utah .....	37,139	35,293+2 million
Vermont .....	19,834	18,659+1 million
Virginia .....	136,709	128,802+8 million
Washington .....	118,831	113,362+5 million
West Virginia .....	80,579	74,627+6 million
Wisconsin .....	136,280	126,519+10 million
Wyoming .....	19,942	18,798+1 million

Ms. LANDRIEU. Mr. President, this shows clearly that every State in the Union will benefit. The poor children in every State will benefit significantly by this amendment. I will read specifically into the RECORD the poorest States that will greatly benefit, and those States are: Louisiana, Mississippi, Alabama, Arkansas, California, District of Columbia, Georgia, Illinois, Kentucky, Michigan, New Mexico, New York, Texas, and West Virginia.

Just to read out a few pretty startling numbers, let's take California. This amendment, without adding one penny to the budget, will give California \$80 million more because they have in certain areas a concentration of very poor children who need additional help. Louisiana will get an \$18 million increase. Without this amendment, Senator BREAU and I will basically go home empty-handed to a State where a headline in one of our major newspapers this week was: Louisiana's Children Suffer.

The Kids Count Data Book just came out. It clearly demonstrates which States need the help and which States could use the help. I don't believe in just throwing around new money. I am arguing for flexibility and accountability. But I am also arguing that we have an obligation to target our Federal resources better than we do. I am hoping my colleagues on both sides of the aisle will see the wisdom in this amendment.

I am going to yield a few minutes of my time to my colleague from Arkansas, Senator LINCOLN, who has waited patiently to speak. I thank her for her support, her passion, and her interest in helping us make our point. At this point, I yield 5 minutes to my colleague from Arkansas, and then I respectfully request the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I, too, join my colleague, Senator LANDRIEU, in applauding what our colleague from Ohio, Senator VOINOVICH, was doing previously in bringing up the importance of not only the program of IDEA but also the importance for us to be able to make good on commitments we have made, things we have asked our States and our localities to do and yet have not provided them the resources to do them.

This is just one of those requests. When we look at the targeted grants for the title I dollars, it is a program that was authorized over 6 years ago and never has been funded. That is all the Senator from Louisiana is asking—that we make good on our obligation that came about several years ago to target those dollars to the neediest of children across this Nation.

And to our colleague, Senator GRAMM from Texas, who mentioned that one of the most important things we need to do in this debate is to set priorities, I say: Exactly. Let's set the priorities of educating our children and understanding that we are only as strong as our weakest link, and that devoting the resources we have obligated long ago to the neediest of children should be done.

So I rise in support of the amendment offered by my good friend from Louisiana, Senator LANDRIEU, which would provide a modest increase in title I funding and target those additional resources to the neediest public schools. As I have said on many occasions, I believe strongly that we need to increase the Federal investment in public education to ensure that all students have access to quality education. But spending more money to help educators meet higher standards is only one part of that solution. We also have to ensure that Federal dollars are spent responsibly and that we allocate those resources where we can make a real difference.

Right now, in those title I funds, there are three categories. These targeted grants don't receive any of that funding. Eighty-five percent goes to basic grants and 15 percent goes to concentration grants. Statistics consistently demonstrate that, on average, children who attend schools with a high concentration of low-income students lag behind students from more affluent areas. This is certainly true in Arkansas, where students in the delta region score lower on academic achievement tests than students in our more prosperous regions of the State.

To me, these statistics are a clear indication that title I, which again was created to aid the education of disadvantaged children, isn't working as well as it should. We have diluted our title I program funds to so many different areas, until they have become less effective in the areas where they are supposed to be directed—to the disadvantaged.

Congress recognized that problem back in 1994 when it created those targeted grants for title I dollars. In the most recent ESEA Reauthorization Act, unlike basic and concentrated grants, targeted grants are designed so that school districts with a high percentage of low-income students receive a greater share of title I funding.

I think we were on to something, but unbelievably these targeted grants have never been funded.

This is unfortunate because these are the kids who need the Federal assistance the most, and it is where we could do the most good. Income status alone doesn't determine student achievement. It is the concentration of economically disadvantaged students in a school that makes the most difference.

After visiting dozens of schools and talking with hundreds of parents in my home State, I am convinced that we have to change our approach if we want to maintain public confidence and support for a strong role in education at the Federal level. In addition to more targeted funding, we need tough accountability standards to ensure students are learning core academic subjects, and more flexibility at the local level to allow school districts to meet their most pressing needs. Ultimately, we have to account for the money we spend in Washington and show our constituents results to sustain their support.

I also call on my colleagues to support an amendment Senator LIEBERMAN will be offering later which will address this issue. It calls for a comprehensive GAO study of targeting under title I. At the very least, I believe we have a responsibility to take a good, hard look at the current system because the status quo isn't good enough.

This amendment is an important step in the right direction. I applaud my colleague from Louisiana for the courage to stand up for what is right. Maybe it is not the most popular, but it is right.

I urge support for this proposal. This may not be a political issue, and this certainly may not be the most popular issue with those in this body who want to keep the status quo, but it is the right issue. It is the right decision to make, and it is the right amendment to support. If nothing else, this body should support this amendment on behalf of the neediest children in this Nation.

I applaud my colleague's courage, and I appreciate her leadership in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

The PRESIDING OFFICER. The Senator has 5 minutes.

Ms. LANDRIEU. Mr. President, I yield 4 of those minutes. But I ask for an additional 5 minutes.

Mr. COVERDELL. Mr. President, I have no objection.

Ms. LANDRIEU. I thank the Senator.

I yield 5 of those minutes to my colleague from Connecticut, and I would like 5 minutes to close.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Louisiana.

Mr. President, I commend my friend and colleague from Louisiana, Senator LANDRIEU, and express my strong support for her amendment to better target our Federal education funding to the schools and children who need it most. I know from our collaboration on our comprehensive new Democrat education reform plan, the Three R's legislation, that Senator LANDRIEU's commitment to rescuing failing schools and providing every child with a quality education is unsurpassed in this body.

I also want to thank my friend and colleague from Arkansas for her devotion to this cause, and for her very eloquent statement on behalf of this amendment.

As Senator LANDRIEU and many others have rightly pointed out, we are facing an educational crisis in our poorest urban and rural communities, where learning too often is languishing, where dysfunction is too often the norm, and where as a result too many children are being denied the promise of equal opportunity. It is just not right or acceptable that 35 years after the passage of the Elementary and Secondary Education Act, that the average 17-year-old black and Latino student reads and performs math at the same level as the average 13-year-old Caucasian American student. We must begin to respond to this emergency with a greater sense of urgency, and that is exactly what the Landrieu amendment aims to do, infusing \$1 billion in new funding for FY 2001 into the Title I program for disadvantaged students and allocating those resources to the districts with the highest concentrations of poverty.

We are currently spending \$8 billion a year on Title I. No one in this body questions the value or mission of Title I, which was enacted in 1965 to compensate for local funding inequities and help level the playing field for low-income students. But the unpleasant truth is that this well-intentioned program is not nearly as focused on serving poor communities as it is perceived to be, leaving many poor children without any aid or hope whatsoever.

According to the Department of Education, 58 percent of all schools re-

ceived at least some Title I funding, including many suburban schools with small pockets of low-income students. Of the 42 percent that don't receive any Title I support, a disturbing number have high concentrations of poor students. In fact, one out of every five schools with poverty rates between 50 percent and 75 percent do not get a dime from Title I. Let me repeat that startling statistic, because the first time I heard it I did not believe it—one of every five schools that have half to three quarters of its children living in poverty receives no Title I funding. None.

How does this happen? The formulas we are using to allocate these funds purposely spreads the money thin and wide. Any school district with at least 2 percent of its students living below the poverty level qualifies for funding under Title I's Basic Grants formula, through which 85 percent of all Title I funding is distributed. The rest of the money is channeled through the Concentration Grant formula, which is only marginally more targeted than the Basic formula, providing aid to districts with as few as 15 percent of their students at the poverty level. As a result, almost every school district in the country—9 out of every 10—receives some aid from this critical aid pool.

In fairness, Congress did make an effort to correct this imbalance in 1994 through the last reauthorization of the ESA. We approved the creation of a new Targeted formula, which puts a much heavier weight on poverty and therefore would direct a much higher percentage of funds to schools with higher concentrations of poor children. The key word there, of course, is would. Congress has unfortunately never appropriated funding through the Target formula. Not a penny. Instead, we have perpetuated a system that promises one thing and delivers another, that succeeds in letting us bring home funding to each of our districts but fails to meet its fundamental goal of helping those most in need.

That is exactly what this amendment introduced by the junior Senator from Louisiana will do. Once again, I congratulate her on her leadership. This is an amendment which would put our money where the needs generally are. I urge my colleagues to support it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will try to be brief as I conclude my remarks on this important amendment.

I thank my colleague from Connecticut for his extraordinary leadership in the area of education. It is particularly wonderful and refreshing to note that there are some Members of this body who will take their time and give their energy to speak on an amendment on the principles because States benefit from this—and Connecticut most certainly benefits from this. Connecticut is not one of the

poorer States in the Union. I thank my colleague for his extraordinary leadership and commitment, even though he doesn't come from a State where the per capita income is low. It is quite high. It makes his leadership on this issue all the more inspiring. I thank him for his help.

Connecticut will do well under this formula, as will many other States. But it is the States that have poorer rural students and poorer urban students that will do the best because that is what the Federal Government should be doing with a portion of our education money, helping to level the playing field.

We talk a lot about opportunities, and then we don't fund them.

We talk a lot about fairness, but we don't fund it. We talk a lot about equality, but we don't fund it.

Mr. President, talk is cheap. Whether it comes from this side, that side, or down Pennsylvania Avenue, that is what this amendment is about. That is why I am insisting on a vote. That is why, while a study may be helpful, what really would be helpful is a vote for the poor kids of this Nation.

One of the great Presidents of one of our distinguished universities said: If you think education is expensive, try ignorance.

I offer to this body that there is not any way in this world, not with any tax cut, not with any fancy new technology, not with any new program that anybody in this Chamber can think of, we can help sustain this economic miracle of growth if we don't fund a quality education for every child in this Nation.

Mr. President, this budget doesn't do it.

This amendment helps to target some money to the kids who need it the most. We need to put back our accountability money, put our money where we say our values are.

I yield the floor, and I ask for a vote on my amendment.

Mr. LOTT. Mr. President, parliamentary inquiry: I believe Senator REID was going to offer a second-degree amendment on this matter.

The PRESIDING OFFICER (Mr. BROWNBACK). A second degree amendment would not be in order until the time has been used.

Mr. LOTT. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes and the Senator from Louisiana has 2 minutes.

Mr. LOTT. Mr. President, I renew the unanimous consent request with respect to the limit of first-degree amendments to the pending bill and send the list of amendments to the desk.

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

The list of amendments is as follows:

Ashcroft, Medicare; Baucus, Medicare; Baucus, Impact aid; Bayh, State children's health program, No. 3614; Bingaman, Energy, No. 3652; Bingaman, Drop out; Bingaman, Tribal colleges; Bingaman, Relevant.

Bingaman, Relevant; Bingaman, Relevant; Bingaman, Relevant; Bingaman, Relevant; Boxer, Relevant; Boxer, Relevant; Boxer, Relevant; Breaux, Point of order.

Brownback, Disease treatment, No. 3640; Brownback, Family research, No. 3646; Byrd, Relevant; Byrd, Relevant; Collins, Defibrillator, No. 3657; Collins, Defibrillator, No. 3643; Collins, Drug treatment for homeless, No. 3642; Collins, Rural education.

Conrad, Relevant; Conrad, Relevant; Coverdell, Contracts with criminals, No. 3647; Coverdell, Needles, No. 3648; Daschle, Discrimination; Daschle, Relevant; Daschle, Relevant to any on list; Daschle, Relevant to any on list.

Daschle, Relevant to any on list; DeWine, Troops to teachers, No. 3591; DeWine, Poison control, No. 3592; Dodd, After school program; Dodd, Restraints; Dodd, Relevant; Domenici, Telcom training center, No. 3651; Domenici, Telecom training center, No. 3662. Dorgan, Relevant; Dorgan, Relevant; Dorgan, Institutional Development Award Program, No. 3611; Durbin, Asthma, No. 3606; Durbin, Asthma, No. 3607; Durbin, Immunization, No. 3608; Durbin, Immunization, No. 3609; Edwards, Relevant. Edwards, Plan to eliminate syphilis, No. 3613; Enzi, OSHA (ERGO), No. 3660; Feingold, Defibrillations; Feingold, Relevant; Feingold, Campaign finance; Feingold, Campaign finance; Feinstein, Master teachers; Frist, Education research, No. 3654.

Graham, Social services, No. 3595; Graham, Healthcare providers, No. 3597; Graham, Health; Graham, Health; Graham, Relevant; Gramm, Budget limit, No. 3667; Gramm, Relevant; Harkin, School construction.

Harkin, Discrimination; Harkin, Relevant; Harkin, Relevant; Helms, School facilities; Hollings, Amendment; Hollings, Amendment; Hollings, Amendment; Hutchinson, NLRB, No. 3627.

Hutchinson, Medicaid waivers; Jeffords, IDEA, No. 3655; Jeffords, Medicine management, No. 3656; Jeffords, Public Health Service Act, No. 3677; Jeffords, High school, No. 3676; Kennedy, Mental health services; Kennedy, Health professionals; Kennedy, Job training.

Kennedy, Relevant; Kennedy, Relevant; Kennedy, Health care; Kennedy, Health care; Kerrey, Web-based education, No. 3605; Kerry, Technology literacy, No. 3636; Kerry, Technology, No. 3659; Landrieu, Adoption services, No. 3668.

Lautenberg, Health spending; Lautenberg, Relevant; Leahy, Office of Civil Rights; Levin, Relevant; Levin, Relevant; Lieberman, GAO study on Title I funds; Lieberman, Targeted education, No. 3650; Lott, Relevant.

Lott, Relevant to any on list; Lott, Relevant to any on list; Lott, Energy, No. 3615; Murray, Class size; Nickles, Relevant to any on list; Nickles, Relevant to any on list; Nickles, Relevant to any on list.

Nickles, Relevant to any on list; Nickles, Relevant to any on list; Nickles, Health care; Reed, Gear-Up, Nos. 3637, 3638, 3639; Reed, Immunization; Reed, Summer job; Reed, Youth violence-drug and gun free schools; Reed, Relevant.

Reid, National Institute of Child Health, No. 3599; Reid, Relevant; Reid, Relevant; Robb, School Construction; Schumer, Vocational rehab; Schumer, Cancer funding; Schumer, Relevant; Smith, (NH) CHIMPS, No. 3603.

Smith (NH), CHIMPS, No. 3670; Smith (NH), Invasive medical tests in schools; Smith (NH), Davis-Bacon; Smith (NH), Davis-Bacon; Smith (NH), Relevant; Smith (NH), Relevant; Specter, Managers amendment; Stevens, Relevant.

Stevens, Relevant; Torricelli, Fire sprinklers; Torricelli, HCFA regulation;

Torricelli, Lead poisoning; Torricelli, Lead poisoning; Torricelli, Lead poisoning; Torricelli, Cost effective emergency transportation, No. 3612.

Wellstone, Perkins Loan cancellations; Wellstone, Stafford Loan forgiveness; Wellstone, NIH grants and drug pricing; Wellstone, Child care, No. 3644; Wellstone, Social services, No. 3596; Wellstone, Suicide prevention; Wellstone, 1.1 billion advance LIHEAP; Wellstone, Relevant; Wellstone, Relevant; Wyden, NIH.

Mr. LOTT. Mr. President, the Senator from Louisiana has 2 minutes remaining. Does she wish to use that time or reserve it?

Ms. LANDRIEU. I thank the distinguished leader. I have made my closing arguments. If there is no one else to speak, I am happy to receive a motion on the amendment so we can call for a vote.

Mr. SPECTER. Mr. President, I have a very short statement to make.

I applaud the Senator from Louisiana for this amendment. I do believe it is a very good idea to target funds for disadvantaged children under title I. The difficulty is that the \$600 million will be taken from title VI, where we have already allocated the principal sum of those funds to meet the President's requirements for new school construction and for class size on the condition that local boards may use it for other purposes if they decide they do not need classroom construction or additional teachers.

When the Senator from Louisiana concludes, I will move to table the amendment.

Ms. LANDRIEU. I ask the Senator, is it not true that there is a \$1.5 billion increase in title VI; yet there is a very small percentage or a \$400 million increase for title I? If we are going to build schools or reduce class size, and this is a question, does the Senator think we should try to do it for the poorer communities first and then we can do it for everyone else? That is what my amendment attempts to do. I ask the Senator that.

Is that in the interest of the Nation, to do it for the poor schools first and then worry about everyone else?

Mr. SPECTER. If I may respond, my preference would be to move for the poor schools first.

In constructing this bill, there were many objections as to how the money was going to be allocated. The only way we could work through the complications was to put it in title VI. That was not my first choice, nor are the programs my first choice.

Working through a great many considerations, we ended up in title VI leaving the options to school districts, if they choose not to have construction, or if they choose not to have reduction in class size. That is an accommodation to very many disparate views.

Ms. LANDRIEU. I thank the Senator for his honesty, and I yield the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent, and this has been cleared on the other side, that the vote

on the Landrieu amendment be set at 7:45.

Mr. LOTT. Mr. President, if I could amend that request to ask consent that votes occur on the pending amendments at 7:45 in the order which they were debated, with no second-degree amendments in order prior to the votes, and that there be 2 minutes for explanation prior to each vote.

Mr. REID. Reserving the right to object, there will be a motion to table on the Landrieu amendment. There will be a motion to table on the Jeffords amendment. We would not want a right taken away, in case a motion to table fails, to second degree.

Mr. LOTT. That is not limited by this.

I further ask consent that the time between now and 7:45 be equally divided on the Jeffords amendment.

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

The Senator from Vermont.

AMENDMENT NO. 3655

(Purpose: To increase the appropriations for carrying out the Individuals with Disabilities Education Act, with an offset)

Mr. JEFFORDS. Mr. President, I now send amendment No. 3655 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. HAGEL, Mr. SESSIONS, Mr. BROWNBACK, Mr. DEWINE, Mr. SANTORUM, and Mr. VOINOVICH, proposes an amendment numbered 3655.

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

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

The amendment is as follows:

On page 58, line 15, strike "\$4,672,534,000" and insert "\$3,372,534,000".

On page 58, line 17, strike "\$2,915,000,000" and insert "\$1,615,000,000".

On page 58, line 22, strike "\$3,100,000,000" and insert "\$1,800,000,000".

On page 58, line 26, strike "\$2,700,000,000" and insert "\$1,400,000,000".

On page 60, line 16, strike "\$7,352,341,000" and insert "\$8,652,341,000".

On page 60, line 19, strike "\$4,624,000,000" and insert "\$5,924,000,000".

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senators COVERDELL and CHAFEE be added to the other cosponsors of the amendment.

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

Mr. JEFFORDS. Mr. President, I begin by commending my colleague from Pennsylvania for his leadership as chairman of the Labor, HHS, Education, and related agencies subcommittee. His efforts to increase funding for education and health care often receive too little attention. I offer him my thanks on behalf of all Members who share our dedication to education.

He has had a challenging job crafting appropriations bills that balance the many real and competing needs of the

Nation. He has been a strong advocate for education funding and an even stronger advocate for the funding of IDEA. He has been an equally strong advocate for more funding for the National Institutes of Health. This year he has once again taken up the challenge of balancing competing needs. The appropriations bill he brought to the Senate is a product of difficult negotiations between competing viewpoints.

Because of my respect for my friend from Pennsylvania, I come to the floor with an amendment only because of my conviction that there is an unmet Federal obligation that must now be met in full. Almost all the Members of this body have gone on record in support of fully funding our commitment to our local schools. We should fully fund IDEA for special education.

I also commend my good friend from Iowa, Senator HARKIN, who has been a tireless champion of education funding and health care funding.

I anticipate that the opponents of my amendment may argue that this amendment should be defeated because it takes funds from one education program and provides it to another. I, too, support increased funding for education, and have voted repeatedly over the past several days to waive the Budget Act in order to secure additional funds for education. It is clear, however, that this does not reflect the will of the Senate.

Because it is very clear that there is not sufficient support for an amendment which would exceed the budget caps, we must make difficult choices regarding which programs should be given priority. I have been a longtime advocate for funding for the title VI block grant program. This appropriations bill provides this program with a \$2.7 billion increase, while providing a \$1.3 billion increase for IDEA. I believe, and this belief is held by every school board in Vermont, that IDEA should be our very first priority.

In 1974 we made a commitment to fully fund IDEA. If 25 years later we cannot meet this commitment in an era of unprecedented economic prosperity and budgetary surpluses, when do we plan to keep this pledge?

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Act of 1975.

As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with my chairman John Brademas and then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a free and appropriate public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation.

Recognizing that the costs associated with educating these children was more than many school districts could bear alone, we pledged to pay 40 percent of these costs of educating students.

I know that there is some disagreement about whether or not a commitment was made. I want to tell you as someone that was there at the time that we made a pledge to fully fund this program.

I have in my hands a petition from every school board in my State. I urge all of my colleagues to come by my desk and look at these petitions. They know we made that commitment. Passing this amendment will do more to help our school districts meet their obligation to improve education in this country than nearly anything else we can do.

In 1997 Congress once again took up this landmark legislation. This a complex bill that has profound impact on classrooms across the Nation. With the strong leadership of Senator LOTT, Senator FRIST, Senator GREGG, Senator KENNEDY, Senator DODD, Senator HARKIN, and many others, we passed the first reauthorization of IDEA in 22 years. It is an accomplishment that many of us are very proud of.

At that time, we reaffirmed our commitment to pay 40 percent of the costs of educating children. We made this pledge to families, to school boards and to the Governors of our States. Over the past 3 years, we have made some progress.

But as my good friend from New Hampshire has pointed out several times over the past year, we are only supporting 13 percent of these costs. In 1975, we made a pledge which we did not keep. In 1997 we made that same pledge once again when we reauthorized IDEA.

In the 105th Congress we felt it important to reaffirm our commitment to full funding for IDEA. We added language to the fiscal year 1999 Budget that stated that IDEA should be fully funded as soon as feasible. And it is feasible now. We know that. This language was adopted unanimously by the Senate. At that time, we still faced budget deficits and it was argued that full funding was not feasible.

In the 106th Congress we continued to press for full funding for IDEA. The fiscal year 2000 appropriations provided a \$600 million increase in funding for IDEA. During the debate over the 2001 Budget Resolution the Senate adopted language that I advocated calling for full funding of IDEA as soon as feasible.

The appropriations bill that is before us raises funding for IDEA by \$1.3 billion in fiscal year 2001. I commend Senator SPECTER and Senator HARKIN for providing for this historic increase in funding for IDEA. Nonetheless, this increase does not put us on the path toward fully funding this program.

Our amendment is simple. It doubles the increase that is provided in the bill



and provides IDEA with an increase that is comparable to the increase that Senators SPECTER and HARKIN have provided for the National Institutes of Health.

It provides a path by which we will achieve full funding for IDEA by fiscal year 2005. It sends a clear message to the Nation that we, as a body, make good on the commitment we make.

I urge my colleagues to join me in supporting this amendment.

Good Lord, if we can't do it now with budget surpluses and the economy we have, if not now, when will we do it? I do not believe anyone can rationally argue this is not the time to fulfill that promise. I intend to do all I can to make sure we do.

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

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

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

The PRESIDING OFFICER. The Senator from Iowa controls 14 minutes.

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by my friend from Vermont. I want to make it clear I am not rising in opposition to his goal. Senator JEFFORDS' goal is the same goal I have. We both want to do everything we can to fully fund, on the Federal level, our stated goal of paying 40% of the costs of special education. We should do it. So I agree with the Senator on that. Senator JEFFORDS has been a stalwart supporter of that goal. I believe I have been, too. So I do not rise in opposition to what my friend from Vermont is trying to do. Just like me, he wants to educate kids with disabilities and ensure the Federal Government meets its authorized funding goal that was stated in the bill, in IDEA, when it was passed 25 years ago.

I do, however, feel compelled to clarify once again, as I have every year that this issue has come up, usually presented by the Senator from New Hampshire, the terms of the 40 percent. The stated assumption that the Federal Government is to fund 40 percent of the cost of educating children with disabilities is not correct. You must look at the legislation. The authorizing legislation of 25 years ago authorized the maximum award per State as being the number of children served times 40 percent of the national average per pupil expenditure. It was not 40 percent of the cost of educating kids with disabilities.

Mr. JEFFORDS. I did not say it was. I carefully deleted that and said it is the cost of educating a child.

Mr. HARKIN. A child? Then the Senator is correct. Usually it is stated the other way around. The Senator correctly stated the law.

But back to the point I wanted to make. Should we reach that 40-percent goal? Absolutely. We should have reached it a long time ago. I agree the Federal Government has fallen down on its effort to reach that goal.

What I rise in opposition to is how my friend from Vermont does this. What my friend is doing is he is taking money out of title VI, which was put in there for school construction and modernization—\$1.3 billion.

He is taking that money and saying it should be used to help meet our goals on IDEA.

Again, it is a classic case of robbing Peter to pay Paul. Do we have a need for the Federal Government to educate kids with disabilities and meet its goals to our States? Yes. We ought to fully fund IDEA.

Do we also have a responsibility to help States and our local school districts rebuild our dilapidated and crumbling schools? I believe the answer to that is yes. The average school in America now is over 40 years old. They are crumbling. They need to be modernized. They need to be updated.

I say to my friend from Vermont—and he is my friend and he is a great supporter of education, I know that—but I ask my friend to consider this: When we modernize schools and rebuild schools, one of the biggest beneficiaries is a kid with a disability. I want the Senator to consider that because when many of our old schools were built, they were not accessible. The doors are too narrow, the bathrooms are not accessible, and even the drinking fountains are not accessible, especially for someone who uses a wheelchair.

When we talk about school construction and modernization, we talk about \$1.3 billion, which is a mere pittance of what is required. What the Senator from Vermont is actually doing by taking that money and putting it into IDEA, is penalizing kids with disabilities who need these schools modernized and upgraded. But then the Senator proposes that he is putting the money in IDEA to help kids with disabilities. Please, someone make some sense out of that for me.

As I said, the Senator's intentions are very good and laudable to increase funding for IDEA. If he were to do this in an open way and say we ought to increase money for IDEA, I would be on his side, but not at the expense of school modernization and construction because it is kids with disabilities, maybe above all others, who need to have some of these schools modernized, I say to my friend from Vermont.

Second, we just adopted an amendment offered by Senator Voinovich from Ohio. I said: Yes, we will accept it. The amendment of the Senator from Ohio says the schools can use title VI money, an allowable expense, to meet the requirements of IDEA. I submit to my friend from Vermont that the acceptance of the Voinovich amendment takes care of that. It leaves the money in there for school modernization and construction. However, out of the total pot of title VI money, the VOINOVICH amendment says that one of the allowable uses would be to use it to meet the requirements of IDEA.

I hope that will satisfy the Senator from Vermont. It still leaves the

money in there for construction and modernization. I want to make that clear. Because this is where I differ with my friend from Vermont. Under his amendment we will have zero dollars for school construction and modernization. Zero. At least with the Voinovich amendment, they will be able to decide what they want to do. They will have money in there for school modernization and construction.

I hope the Senator from Vermont will perhaps reconsider this amendment. I know the goal is laudable. Heck, I support that. We ought to fund IDEA, but not take it out of school construction and modernization.

I hope we can move beyond this and meet our obligations to all our children in this country in education and not penalize one group to help another group. In this case, we penalize kids with disabilities to help kids with disabilities. That does not seem to make much sense to this Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I suggest to the Senator from Iowa, perhaps we can add a phrase to this amendment that says the communities should make it a high priority to fix any problems with access. Would he then support this amendment?

Mr. HARKIN. The Senator asks me a legitimate question. As I understand it, under the Voinovich amendment, IDEA is an allowable use under title VI. I believe that is well covered in the Voinovich amendment.

Again, the Senator wants to restrict the use of the construction and modernization money. A lot of it will be used for accessibility. Some may not be. Some may be used to repair a ceiling. A ceiling is leaking, and they need to repair it. It might not just help kids with disabilities, it would help all kids. I would not want to narrow it this way.

Mr. JEFFORDS. Again, I want to point out that the people's understanding of our responsibilities are pretty clear in this case. If there is a statutory obligation and a commitment to fully fund a program—as there is in IDEA—this should be our highest priority. And again, I remind my colleague that this body has gone on record in vote after vote that we should fully fund IDEA. To suggest that fully funding IDEA should not be given higher priority than our desire to create a new construction program, is to abandon our original commitment. Certainly, if you owe money to a bank, that is a first priority over putting money in your savings account.

We made these pledges. The people back home know that the best way to improve education using Federal money is to have financial relief from the pressures of IDEA. It should be obvious what our conscience is telling us. We should fully fund the obligations we made back in 1975. That should be our primary priority. We said it over and over again and now we are turning our

back on our commitment. We say: No, we are going to use it for other things, and we are going to use it for things for which we have not already made a commitment, and that is to help with the construction of schools. School construction has always been a state and local responsibility. Fully funding IDEA will allow local communities to fund their own priorities, including construction.

I urge my friends to recognize our commitment to fulfill the promise we made and to use these funds to fund IDEA.

Look at these petitions from every single school board in my state. Every school district in the state says that the first thing we should do is fulfill our promise to fully fund IDEA.

Mr. President, I yield the floor.

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

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

Mr. HARKIN. I just heard my friend from Vermont say some magical words with which I totally agree. I wrote them down as he said them: "Take budget surpluses and meet our commitments." I agree with that.

Do you know what? Just this week we now found out we are going to have \$1.9 trillion over the next 10 years we didn't know we were going to have in surplus.

If my friend from Vermont wants to offer an amendment to fully fund IDEA, and to take it out of the surpluses, I am with him 100 percent of the way because he would be right on. The Senator just said that: "Let's take our budget surpluses." I agree with that.

That is not what my friend is doing. He is taking it out of school modernization and construction.

I say to my friend from Vermont, if you want to rewrite the amendment and take it out of surpluses in the future, I am with you.

Mr. JEFFORDS. If I may respond.

Mr. HARKIN. Sure.

Mr. JEFFORDS. I say to the Senator, as you know, I have voted that way. In fact, I offered the amendment to the budget resolution that would have done that. My amendment would have made mandatory money available for IDEA. But it was rejected. I agree with my friend from Iowa that we should dedicate more of the surplus to fully funding IDEA. It is the right route, but we were turned down by three votes. It failed.

Now I am trying to use a different route. I am interested in offering an amendment that I hope will be supported by a simple majority of this body. An amendment which funds education using the surplus is in violation of the budget resolution and must be approved by a sixty vote majority. The Senate has repeatedly voted to reject similar amendments.

This amendment is the one that has a chance to succeed in spite of the limitations imposed by the budget resolution. We can take the money from a

brand new program, which we are doing, and shift it over to IDEA where I believe it ought to be our first priority. That is something we can do on this bill. We can't tap the surplus now, as I tried during the budget resolution. That was turned down.

Mr. HARKIN. As the Senator knows, I supported that when he offered it.

Mr. JEFFORDS. Right.

Mr. HARKIN. That was on the budget. This is on appropriations.

I say to my friend, offer an amendment. The Senator can offer an amendment right now to fully fund IDEA and take it out of budget surpluses. I will support him on it right now.

Mr. JEFFORDS. It will take 60 votes and fail.

Mr. HARKIN. Who knows if it will fail? Wouldn't it be nice to try?

Mr. JEFFORDS. Sure. If I fail, you can try. All right?

Mr. HARKIN. We should not be taking it out of school construction and modernization—not at all. Our local school districts need this money. Go out and talk to your school districts. The people who are paying our property taxes are getting hit pretty darn hard. Ceilings are falling down. They are leaking. They need this help from the Federal Government. We have the wherewithal to do it. And that is what we ought to stick with.

If the Senator wants to offer an amendment to fully fund IDEA, take it out of the \$1.9 trillion budget surplus—"take it out of the budget surpluses," as my friend said, I am in lockstep with him because that is what we ought to be doing with that surplus. We ought to be meeting this basic goal of our Federal Government.

Of course, while I believe some of the surplus should be invested in quality education, we don't need to touch the surplus to meet the goal of fully funding IDEA. There are many savings we could achieve that could more than pay for the investment.

For example, look at Medicare fraud, waste and abuse. While we've cut it over the last few years, the HHS IG testified before our Subcommittee this March that last year Medicare made \$13.5 billion in inappropriate payments. Eliminating that waste alone would more than pay for IDEA. Yet, the House passed Labor-HHS bill actually cuts funding for auditors and investigators. That means we would lose hundreds of millions more to fraud and abuse.

In addition, I've introduced The Fiscal Responsibility Act of 1999 to promote greater fiscal responsibility in the Federal government by eliminating special interest tax loopholes, reducing corporate welfare, eliminating unnecessary programs, reducing wasteful spending, enhancing government efficiency and requiring greater accountability. This bill would result in savings of approximately \$20 billion this year and up to \$140 billion over five years.

For example, by enhancing the government's ability to collect defaulted

student loans, the bill would save \$1 billion over five years. By ending tax deductions for tobacco promotions that entice our children to smoke, we'd save \$10 billion. And by limiting the foreign tax credit that allows big oil and gas companies to escape paying their fair share of royalties, we'd save about \$3.1 billion.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The Senator from Vermont has 1 minute.

Mr. JEFFORDS. Good.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. The Senator from Iowa has 1 minute.

Mr. JEFFORDS. I am willing to yield back my 1 minute.

Mr. HARKIN. The Senator from Pennsylvania may want a minute.

The PRESIDING OFFICER. Does the Senator from Iowa yield back his minute?

Mr. HARKIN. I want to see if the chairman wants to say anything.

Mr. SPECTER. Mr. President, I know the Senator from Vermont believes very deeply about the importance of the IDEA program and the necessity and desirability of the Federal Government to fund it.

The difficulty is—and we wish we had more funds in the education budget, although this budget has \$4.5 billion more than last year, and \$100 million more than the President's figure—but when it comes out of the construction account, or any other account, they are very carefully calibrated to provide the appropriate balance.

The construction account is one of the President's priorities. We have met that, as with class size, subject to the discretion of the local school boards. If they make a finding they do not need additional buildings or additional teachers, they may use it for what they choose. It may be that they could use it for the purposes articulated by the distinguished Senator from Vermont. So it is with reluctance that we are opposing his amendment. And I move to table.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3645

The PRESIDING OFFICER. There are 2 minutes for debate prior to the vote on the Landrieu amendment.

Who yields time?

Mr. SPECTER. Mr. President, we would ask the proponent of the amendment to step forward to debate.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to table the Landrieu amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has already been made on the Landrieu amendment.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: I just moved to table the Landrieu amendment, and the Chair advised me a motion had already been made to table. And I might ask, by whom was that made?

The PRESIDING OFFICER. The Senator from Pennsylvania, prior to the quorum call, made a motion to table.

Mr. HARKIN. I ask the Senator from Pennsylvania, I believe the Senator from Pennsylvania was moving to table the Jeffords amendment and not the Landrieu amendment.

The PRESIDING OFFICER. At 7:45, the Landrieu amendment was pending. The motion to table was made.

Mr. HARKIN. I believe the hour of 7:45 had not arrived at that point, and that Senator Jeffords had made his remarks. I believe the Senator from Pennsylvania was moving to table the Jeffords amendment.

Mr. SPECTER. Mr. President, if I moved to table, I withdraw the motion and yield to the Senator from Iowa to make a motion.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, now I understand the Senator from Louisiana is here, and she wants a minute. I will make my motion to table after her minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I was under the impression that perhaps the other amendment would go first on the vote, but I thank my colleagues for giving me a moment to get here.

I want to object, of course, to the tabling of this amendment. As I described earlier, I believe very strongly, as do some others, that this money should be better targeted. That is what this amendment does. It does not add new money to this bill. It simply says, of the money that we are going to spend—whether it is a 20-percent increase that Senator GRAMM earlier spoke about, or an 8-percent increase—whatever the increase, if we are going to increase funding in this bill, the money should go to help the poorer children first, the communities around this Nation that need the most help, whether they be in rural areas or urban areas.

Every State will gain. Every State will leave with additional money for title I. The States that need the most help will get that help. That is simply what this amendment does. I object to the tabling.

I thank the Senators for granting the time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HARKIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table Landrieu amendment No. 3645. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—75

Abraham	Feingold	Murray
Akaka	Fitzgerald	Nickles
Allard	Frist	Reed
Ashcroft	Gorton	Reid
Baucus	Gramm	Robb
Bennett	Grams	Roberts
Bingaman	Grassley	Rockefeller
Bond	Hagel	Roth
Boxer	Harkin	Santorum
Brownback	Hatch	Sarbanes
Burns	Hollings	Schumer
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee, L.	Inhofe	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerry	Stevens
Craig	Lautenberg	Thomas
Crapo	Levin	Thompson
Daschle	Lott	Thurmond
Dodd	Lugar	Voinovich
Domenici	Mack	Warner
Dorgan	Mikulski	Wellstone
Enzi	Murkowski	Wyden

NAYS—23

Bayh	Edwards	Leahy
Biden	Feinstein	Lieberman
Breaux	Graham	Lincoln
Bryan	Helms	McCain
Bunning	Kerrey	McConnell
Cleland	Kohl	Moynihan
DeWine	Kyl	Torricelli
Durbin	Landrieu	

NOT VOTING—2

Gregg Inouye

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3655

The PRESIDING OFFICER. There are now 2 minutes for debate on the Jeffords amendment.

The Senator from Iowa requested order in the Chamber. We need order in the Chamber. We will withhold business until there is order in the Chamber.

Who seeks recognition?

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, this is the Jeffords amendment relating to

title VI of the bill. It takes money which is dedicated to school construction and puts it into IDEA and special education.

We have over and over again pledged to fully fund up to 40 percent of the cost of educating children in special education. We have not done that. All of you committed to doing that. We have no comparable historical obligation to contribute money for school construction. That is an option under title VI and will remain an option even if my amendment is approved. We believe we should fund and pay for our current Federal obligations first before we take on new and open ended obligations. It is a promise we have all made. It is a promise we should keep.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with my distinguished colleague from Vermont that it would be desirable to put more money into the program for individuals with disabilities. But in constructing this bill, we have tried to fashion it in a way that it will be signed by the President. We have put the money into construction to meet requests with the proviso that if the local boards do not need it for construction, or want it, they can use it as they choose. If we had additional funds, I would be delighted to acknowledge Senator JEFFORDS' request. But in its present form, we cannot take those funds without increasing the chance of a veto.

This carefully constructed bill ought to stand. Therefore, I move to table the Jeffords amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 3655. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—51

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Gorton	Murray
Bennett	Graham	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Robb
Boxer	Hollings	Rockefeller
Breaux	Johnson	Roth
Bryan	Kennedy	Sarbanes
Byrd	Kerrey	Schumer
Cleland	Kerry	Specter
Conrad	Kohl	Stevens
Daschle	Landrieu	Thompson
Dodd	Lautenberg	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

## NAYS—47

Abraham	Enzi	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Bond	Gramm	Murkowski
Brownback	Hatch	Nickles
Bunning	Grassley	Roberts
Burns	Hagel	Santorum
Campbell	Helms	Sessions
Chafee, L.	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kyl	Thomas
Crapo	Leahy	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	

## NOT VOTING—2

Gregg Inouye

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 4762

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate receives from the House the campaign disclosure bill, it be immediately placed on the calendar. I further ask unanimous consent that it become the pending business after the final vote this evening—just concluded—and that it be considered under the following agreement: 30 minutes for total debate on the bill to be equally divided in the usual form; that no amendments be in order; that following the disposition of the time, the bill be automatically advanced to third reading and passage occur, all without any intervening action or debate, with the vote occurring on passage at 9:40 a.m. on Thursday, with 7 minutes for closing remarks prior to the vote, with 5 of those minutes under the control of Senator MCCAIN. Finally, I ask unanimous consent that following the passage of the bill, the action on the McCain amendment No. 3214 be vitiated and the amendment then be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I do not intend to object, I first say to my distinguished colleague and friend of almost a quarter of a century, JOHN MCCAIN, I judge this action will enable the defense bill then to no longer have this amendment, and at what point will that occur?

Mr. COVERDELL. That needs to be addressed to the Parliamentarian.

Mr. MCCAIN. Immediately following the vote.

The PRESIDING OFFICER. The amendment will be withdrawn following passage of the bill tomorrow.

Mr. WARNER. I want to make certain I hear. The Chair and the distinguished Senator from Arizona were speaking at the same time. Can it be repeated?

The PRESIDING OFFICER. Following final passage of the bill tomorrow, the amendment will be withdrawn.

Mr. WARNER. And that bill being?

The PRESIDING OFFICER. H.R. 4762.

Mr. WARNER. That clarifies it. I thank the leadership on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. If I might just continue, I have consulted with the majority leader, and it is hoped at a subsequent time we can clarify when the Department of Defense bill can be brought up because I know the distinguished Democratic whip, who has helped tremendously on this bill, as have others, is anxious to see this Defense authorization bill move forward; am I not correct, I say to Senator REID?

Mr. REID. I say to my friend from Virginia, I have spoken with the co-manager of the bill, Senator LEVIN, and we are anxious to get to this bill. We have a defined number of amendments. We have spoken to proponents of the amendments. I think it is something we can dispose of within a few hours.

Mr. WARNER. Good. That is interesting. I see my distinguished ranking member.

Mr. REID. I did not see Senator LEVIN. I am very sorry.

Mr. LEVIN. If the Senator will yield, I agree with our whip. It is our intention to, No. 1, limit amendments to relevant amendments, if we can, and, No. 2, begin to work through those amendments and eliminate as many as possible that do not need to be offered, modifying some, agreeing to some, and, if necessary, obviously voting on some. We will be working very hard with our good friend, the chairman of our committee, to proceed through the bill as soon as it is before the Senate, and the moment it is, we think we can make some real progress.

Mr. WARNER. Mr. President, I thank my distinguished colleagues. I hope germaneness will prevail as to the amendments that come up on this bill.

Mr. MCCAIN. I ask for the regular order.

The PRESIDING OFFICER. The regular order has been requested. Is there objection?

Mr. WARNER. There is no objection.

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

THE DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION AND RELATED  
AGENCIES APPROPRIATIONS,  
2001—Continued

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending motion to waive be laid aside and Senator FRIST be recognized to offer his amendment regarding education and that no second-degree amendments be in order prior to the vote in relation to the amendment. I further ask unani-

mous consent that the Senate turn to the Frist amendment immediately following the debate on H.R. 4762, and the vote occur in a stacked sequence beginning at 9:40 a.m. under the same terms as outlined for H.R. 4762.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, we have not seen a copy of the Frist amendment yet. I want to have it described or see a copy so we know to what we are agreeing. I do not think that is an unreasonable request.

Mr. COVERDELL. I am sorry, I thought the conference on this side was over the Frist amendment.

Mr. HARKIN. I heard conflicting things about it, and I want to see how it is written.

Mr. COVERDELL. Do we have a copy at the desk?

Mr. HARKIN. Just let us see it. I have no objection.

Mr. COVERDELL. I propound the unanimous consent I just read.

Mr. REID. Reserving the right to object, Mr. President, I ask the unanimous consent request be amended so that after the disposition of the Frist amendment, Senator DASCHLE be allowed to offer an amendment; following the disposition of that, the Republicans will offer an amendment; and following that, Senator DORGAN will offer an amendment.

Mr. COVERDELL. I amend it so that the Republican amendment will be the Ashcroft amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Inquiry: We are asking unanimous consent that following the Frist amendment, Senator DASCHLE be recognized for an amendment, Senator ASHCROFT be recognized for an amendment, and then Senator DORGAN be recognized for an amendment?

The PRESIDING OFFICER. Following disposition of the Frist amendment.

Mr. HARKIN. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTERNAL REVENUE CODE OF 1986  
AMENDMENT

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4762) to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am extremely pleased we have reached an agreement to consider and almost certainly pass H.R. 4762, which passed the House last night by an overwhelming vote of 385-39. Tomorrow will be a historic day. For the first time since 1979,

the Congress is going to pass a campaign finance reform bill. The bill we are going to pass is by no means a solution to all the problems of our campaign finance system, but it is a start—and an important start—because it will close the loophole that was opened at the intersection of the tax laws and election laws that allows unlimited amounts of completely secret contributions to flow into our campaign finance system and influence our elections.

I yield 3 minutes to the initial leader on this issue, the Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend from Wisconsin.

Mr. President, I rise to express my strong support for this bill, which contains nearly identical language to a bill I introduced earlier this session and to an amendment Senators MCCAIN, FEINGOLD, and I sponsored to the Defense authorization bill. This bill deals with the proliferation of so-called stealth PACs operating under section 527 of the Tax Code. These groups exploit a recently discovered loophole in the tax code that allows organizations seeking to influence federal elections to fund their election work with undisclosed and unlimited contributions at the same time as they claim exemption from both Federal taxation and the Federal election laws.

Section 527 of the Tax Code offers tax exemption to organizations primarily involved in election-related activities, like campaign committees, party committees and PACs. It defines the type of organization it covers as one whose function is, among other things, "influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office. . . ." Because the Federal Election Campaign Act, (FECA) uses near identical language to define the entities it regulates—organizations that spend or receive money "for the purpose of influencing any election for Federal office"—section 527 formerly had been generally understood to apply only to those organizations that register as political committees under, and comply with, FECA, unless they focus on State or local activities or do not meet certain other specific FECA requirements.

Nevertheless, a number of groups engaged in what they term issue advocacy campaigns and other election-related activity recently began arguing that the near identical language of FECA and section 527 actually mean two different things. In their view, they can gain freedom from taxation by claiming that they are seeking to influence the election of individuals to Federal office, but may evade regulation under FECA, by asserting that they are not seeking to influence an election for Federal office. As a result—because, unlike other tax-exempt groups like 501(c)(3)s and (c)(4)s, section 527 groups do not even have to

publicly disclose their existence—these groups gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections. Indeed, according to news reports, newly formed 527 organizations pushing the agenda of political parties are using the ability to mask the identities of their contributors as a means of courting wealthy donors seeking anonymity in their efforts to influence our elections.

Because section 527 organizations are not required to publicly disclose their existence, it is impossible to know the precise scope of this problem. The IRS's private letter rulings, though, make clear that organizations intent on running what they call issue ad campaigns and engaging in other election-related activity are free to assert Section 527 status, and news reports provide specific examples of groups taking advantage of these rulings. Roll Call reported the early signs of this phenomenon in late 1997, when it published an article on the decision of Citizens for Reform and Citizens for the Republic Education Fund, two Triad Management Services organizations that ran \$2 million issue ad campaigns during the 1996 elections, to switch from 501(c)(4) status, which imposes limits on a group's political activity, to 527 status after the 1996 campaigns. A more recent Roll Call report recounted the efforts of a team of GOP lawyers and consultants to shop an organization called Citizens for the Republican Congress to donors as a way to bankroll up to \$35 million in pro-Republican issue ads in the 30 most competitive House races. And Common Cause's recent report *Under The Radar: The Attack of The "Stealth PACs"* On Our Nation's Elections offers details on 527 groups set up by politicians, Congressmen J.C. WATTS and TOM DELAY industry groups; the pharmaceutical industry-funded Citizens for Better Medicare; and ideological groups from all sides of the political spectrum, the Wyly Brothers' Republicans for Clean Air, Ben & Jerry's Business Leaders for Sensible Priorities and a 527 set up by the Sierra Club. The advantages conferred by assuming the 527 form—the anonymity provided to both the organization and its donors, the ability to engage in unlimited political activity without losing tax-exempt status, and the exemption from the gift tax imposed on very large donors—leave no doubt that these groups will proliferate as the November election approaches.

None of us should doubt that the proliferation of these groups—with their potential to serve as secret slush funds for candidates and parties, their ability to run difficult-to-trace attack ads, and their promise of anonymity to those seeking to spend huge amounts of money to influence our elections—poses a real and significant threat to the integrity and fairness of our elections. We all know that the identity of the messenger has a lot of influence on

how we view a message. In the case of a campaign, an ad or piece of direct mail attacking one candidate or lauding another carries a lot more weight when it is run or sent by a group called "Citizens for Good Government" or "Committee for our Children" than when a candidate, party or someone with a financial stake in the election publicly acknowledges sponsorship of the ad or mailing. Without a rule requiring a group involved in elections to disclose who is behind it and where the group gets its money, the public is deprived of vital information that allows it to judge the group's credibility and its message, throwing into doubt the very integrity of our elections. With this incredibly powerful tool in their hands, can anyone doubt that come November, we will see more and more candidates, parties and groups with financial interests in the outcome of our elections taking advantage of the 527 loophole to run more and more attack ads and issue more and more negative mailings in the name of groups with innocuous-sounding names?

The risk posed by the 527 loophole goes even farther than depriving the American people of critical information. I believe that it threatens the very heart of our democratic political process. Allowing these groups to operate in the shadows pose a real risk of corruption and makes it difficult for us to vigilantly guard against that risk. The press has reported that a growing number of 527 groups have connections to—or even have been set up by—candidates and elected officials. Allowing wealthy individuals to give to these groups—and allowing elected officials to solicit money for these groups—without ever having to disclose their dealings to the public, at a minimum, leads to an appearance of corruption and sets the conditions that would allow actual corruption to thrive. If politicians are allowed to continue secretly seeking money—particularly sums of money that exceed what the average American makes in a year—there is no telling what will be asked for in return.

The bill we are addressing today gives us hope for forestalling the conversion of yet another loophole into yet another sinkhole for the integrity of our elections. The bill aims at forcing section 527 organizations to emerge from the shadows and let the public know who they are, where they get their money and how they spend it. The bill would require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns and to file with the IRS and make public reports specifying annual expenditures of at least \$500 and identifying those who contribute at least \$200 annually to the organization. Although this won't solve the whole problem, at least it will make sure that no group can hide in the shadows as it spends millions to influence the way we vote and who we choose to run this country.

Opponents of this legislation claim that our proposal infringes on their First Amendment rights to free speech and association. Nothing in our bills infringes on those cherished freedoms in the slightest bit. To begin with, the Supreme Court in *Buckley versus Valeo* made absolutely clear that Congress may require organizations whose major purpose is to elect candidates to disclose information about their donors and expenditures.

Even without that opinion, the constitutionality of this bill would be clear for an entirely different reason. And that is that this bill does not prohibit anyone from speaking, nor does it force any group that does not currently have to comply with FECA or disclose information about itself to do either of those things. Instead, the bill speaks only to what a group must do if it wants the public subsidy of tax exemption—something the Supreme Court has made clear no one has a constitutional right to have. As the Court explained in *Regan versus Taxation with Representation of Washington*, 461 U.S. 540, 544, 545, 549 (1983), “[b]oth tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system,” and “Congressional selection of particular entities or persons for entitlement to this sort of largesse is obviously a matter of policy and discretion . . .” Under this bill, any group not wanting to disclose information about itself or abide by the election laws would be able to continue doing whatever it is doing now—it would just have to do so without the public subsidy of tax exemption conferred by section 527.

Let me address one final issue: that it is somehow wrong to apply this bill to 527s but not to other tax exempt groups. I believe deeply in the cleansing tide of disclosure, whether the contributing organization involved is a labor union, a business association, a for-profit company or a tax-exempt organization. For that reason, I worked hard with a bipartisan bicameral group of reformers to come up with a fair proposal requiring across the board disclosure from all organizations that engage in election activity. I thought we had a good proposal, but we were unable to get enough support for it to see it pass the House at this time. We should continue to work to enact such disclosure, but we cannot let that goal stand in the way of passing this urgently needed legislation now, because there are real differences between 527 organizations and other tax exempts, and these differences justify closing the loophole, even if we can't enact broader reform.

First and foremost, section 527 organizations are different because they are the only tax-exempts that exist primarily to influence elections. That is not my characterization. That is the statutory definition. 527s are not lobbying organizations. They are not public-interest issue organizations. They are not labor organizations or business organizations. They are election orga-

nizations, plain and simple. You can't say the same about the AFL-CIO or the Chamber of Commerce, or Handgun Control or the NRA, whose primary purpose is to advocate a policy position or to represent specific constituencies. So I say to anyone who claims these groups are just like other tax-exempts, “Read the tax code.”

Just as importantly, there is a greater need for improved disclosure by 527 organizations than there is for disclosure by other tax exempts. When the AFL or the Chamber of Commerce runs an ad, we know exactly who is behind it and where their money came from: union member dues in the case of the AFL, and business member dues in the case of the Chamber. These groups provide the basic information the public needs to evaluate the motivation of the messenger. The absolute opposite is the case with 527s. The public can't know what hidden agenda may lie behind the message because so many 527s have unidentifiable names and are funded by sources no one knows anything about.

In the best of all possible worlds, all money supporting election-related activity would be disclosed. But we should not allow our inability to achieve that goal now to stand in the way of closing the most egregious abuse of our hard-won campaign laws that we have seen during this election cycle. We all agree the American people have an absolute right to know the identity of those trying to influence their vote. So why let another day go by allowing these self-proclaimed election groups to operate in the shadows. Let's work together, across party lines, to close the 527 loophole.

We have become so used to our campaign finance system's long, slow descent into the muck that it sometimes is hard to ignite the kind of outrage that should result when a new loophole starts to shred the spirit of yet another law aimed at protecting the integrity of our system, but this new 527 loophole should outrage us, and we must act to stop it. On June 8, a bipartisan majority of the Senate said that we stand ready to do so when we adopted nearly this precise language as an amendment to the Defense authorization bill. An overwhelming majority of the House of Representatives did the same when it passed this bill on June 28. We cannot retreat from what we have already said we are ready to do. We must pass this bill now.

I am thrilled to support this bill. I pay appropriate tributes to Senators MCCAIN and FEINGOLD for their principled and persistent leadership of this movement to bring some sanity, openness, limits, and control back to our campaign finance laws. I have been honored to work with them in the front lines of this effort.

This is a turning point. The campaign finance laws of America adopted after Watergate say very clearly that individuals cannot give more than \$2,000 to a campaign. Corporations and unions are prohibited by law from giv-

ing anything. Yet we know that unlimited contributions have been given by individuals, corporations, and unions, but at least that soft money, if anyone can say anything for it, is fully disclosed.

In this cycle, we have seen increasing use of the most egregious violation of the clear intention of our campaign finance laws: So-called 527 organizations that not only invite unlimited contributions from corporations, unions, and individuals, but keep them a secret.

Finally, we have come to a point in the abuse of our campaign finance laws that Members can no longer defend the indefensible. This is a victory for common sense, for our democracy, for the public's right to know. It has value in itself. But I hope it will also be a turning point that will lead us to further reform of our campaign finance laws.

I will say this: In the battle that has brought us to the eve of this victory—that we will enjoy tomorrow, I am confident—we have put together a broad bipartisan, bicameral group committed to cleaning up our election laws, our campaign finance laws.

I hope and believe the debate tonight and the vote tomorrow are the beginning of finally returning some limitation, some sanity, some disclosure, some public confidence to our campaign finance laws.

I thank the Chair and thank the leaders in this effort—Senator MCCAIN and Senator FEINGOLD—and am proud to walk behind them in this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I am delighted to yield 4 minutes to our fearless leader on this issue, the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank my friend from Wisconsin.

Mr. President, I am pleased that we are about to pass and send to the President the first piece of campaign finance legislation in 21 long years. This bill is simple, just, and the right thing to do in order to ensure that our electoral system is not further debased.

My friend from Wisconsin and my friend from Connecticut have described the details of the bill. I just want to point out again that making these requirements a contingency for certain tax credit status ensures that these requirements are clearly constitutional. The Constitution guarantees freedom of speech and association, not an entitlement to tax-exempt status. Further, because of the simplicity of this approach, no vagueness problems will arise and compliance will be easy.

What could be more American? What could be more democratic?

Before I go further, I want to take a moment to thank my colleagues in arms who fought so hard to bring this issue forward. I thank Senator SNOWE and Senator LEVIN for their hard work.

I thank my colleagues from the House: Congressmen CHRIS SHAYS, MARTY MEEHAN, MIKE CASTLE, LINDSEY GRAHAM, AMO HOUGHTON, and others. Without their courage to stand up and demand to do what is right, we would not be here tonight and on the verge of the vote tomorrow.

I especially thank Senators FEINGOLD and LIEBERMAN. Senator LIEBERMAN was the author of legislation mandating 527 disclosure. It was his bill that served as the basis for this debate. And, of course, I must again thank Senator FEINGOLD for all the courage he has shown in fighting for reform at any cost. I sincerely appreciate his efforts.

Just yesterday, the House of Representatives overwhelmingly voted in favor of this modest reform by a vote of 385-39. I hope the Senate vote will be equally overwhelming.

Would I have liked to accomplish more? Absolutely. Will I continue the fight, along with my good friend from Wisconsin, to enact more sweeping reform? I absolutely promise to do so. Will we continue to do whatever is necessary to restore the public's confidence in an electoral system perceived by many, if not most, to be corrupt? You can be assured of it.

But tomorrow—I say to all those across this great land who want reform—will be a great first step. It will, indeed, be a great day for democracy and a government accountable to the governed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield 2 minutes of our time to the other co-initiator of this issue, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I commend the real leaders in this effort, Senators MCCAIN and FEINGOLD. They have been extraordinary in their tenacity. We look forward to their continuing tenacity to close two egregious loopholes—the one we are closing through this bill, and the other one is the soft money loophole.

I thank Senator LIEBERMAN for his leadership in terms of the 527 loophole itself. We are about to take a step on a long journey. It is a journey to bring back some limits on campaign contributions. Those limits have been destroyed by two loopholes: The soft money loophole and the so-called 527 loophole.

We are about to shed some light, pour some sunshine on the 527 loophole. And the public will respond, I believe, when they see just how egregious this loophole is. When the disclosure required by this bill becomes law—as it will—the public will respond to the unlimited contributions which are also hidden. That disclosure, I believe, will lead to the closure of this loophole. And for that, we commend the leaders in this effort.

It is an ongoing struggle. It can only be said to be successful when the soft money loophole is closed, and when the 527 loophole is not just brought out into the sunshine but, hopefully, when it shrivels away and is closed because the public wants the restoration of limits on campaign contributions. They want them disclosed, but they want them limited.

We have taken the important step of disclosure relative to one of those loopholes, and for that we have to thank Senators MCCAIN, FEINGOLD, and LIEBERMAN. I very much express the gratitude of a bipartisan coalition to all of them.

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

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I would like to make just a few comments about the legislation that is before the Senate.

First, everyone in the Senate supports disclosure by any group that: contributes to a federal candidate, or expressly advocates the election or defeat of a federal candidate. And, I might add that currently every organization set up under section 527 of the Internal Revenue Code that contributes to federal candidates, or expressly advocates the election or defeat of a federal candidate does, in fact, publicly disclose their contributions and expenditures.

So, let's be clear: nearly every 527 organization in America publicly discloses its donors and its expenditures.

Second, the narrow legislation before this body would target a handful of tax-exempt organizations established under section 527 of the tax code that do not make contributions to candidates, or engage in express advocacy, and thus, are not required to publicly disclose contributors or expenditures.

Although these 527 groups are small and few, the constitutional questions are real. The caselaw demonstrates that there are serious questions as to whether the government can require public donor disclosure of groups that are not engaging in express advocacy. In fact, the Supreme Court has rejected public disclosure of membership lists and contributors to issue groups as a violation of the First Amendment in landmark cases like *Buckley v. Valeo*, 424 U.S. 1, 80 (1976) and *NAACP v. Alabama*, 357 U.S. 449, 462 (1958). And, less than two weeks ago, yet another federal court—the United States Court of Appeals for the Second Circuit—struck down an attempt to regulate groups that do not engage in express advocacy. I would like to have two items printed in the RECORD that explain in detail the constitutional concerns with this legislation. The first item is a letter from the American Civil Liberties Union, and the second item is testimony by election law expert, James Bopp, Jr., of the James Madison Center for Free Speech. Mr. Bopp's testimony from a Senate Rules Committee hearing this year cites a long string of

court decisions striking down this type of regulation over the past quarter century.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

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

AMERICAN CIVIL LIBERTIES UNION,

Washington, DC, June 8, 2000.

DEAR SENATOR: I am writing to communicate the American Civil Liberties Union's opposition to the McCain Amendment No. 3214 concerning disclosure by organizations covered by Section 527 of the Internal Revenue Code.

The American Civil Liberties Union supports certain methods of disclosure for tax exempt issue organizations and for organizations that engage in express advocacy. However, different methods of disclosure are appropriate for express advocacy groups that are not appropriate for groups that engage in issue advocacy. It is appropriate to require a 527 group to provide the Internal Revenue Service (IRS) with the name and address of the organization, the purpose of the organization and other information that is now required of other issue advocacy organizations such as 501(c)(4)s, 501(c)(3)s and 501(c)(5)s.

However, it is certainly inappropriate and unconstitutional to require issue organizations to report donor lists and membership lists to the IRS, as they would be required to do under the McCain Amendment. This is not about protecting secrecy, this is about preserving the rights of all people to express their opinions on issues without requiring them to report to the government in order to do so. By participating in groups that elevate a particular issue, citizens are exercising their much cherished free speech rights. It would greatly chill free expression if the IRS or the Federal Election Commission (FEC) required donor lists of groups that represent unpopular viewpoints, minority viewpoints or views that are highly critical of government policies.

#### THIS IS NOT A NEW ISSUE

Three years after it passed the Federal Election Campaign Act of 1971, Congress amended the Act to require the disclosure to the Federal Election Commission of any group or individual engaged in: any act directed to the public for the purpose of influencing the outcome of an election, or . . . [who] publishes or broadcasts to the public any material referring to a candidate (by name, description, or other reference . . . setting forth the candidate's position on any public issue, [the candidate's] voting record, or other official acts . . . or [is] otherwise designed to influence individuals to cast their votes for or against such candidates or to withhold their votes from such candidates.

Such issue advocacy groups would have been required to disclose to the FEC in the same manner as a political committee or PAC. They would have to make available every source of funds that were used in accomplishing such acts. This unconstitutional regulatory scheme is the template for the McCain amendment now before you.

The ACLU challenged this provision of the 1974 amendments as part of the *Buckley v. Valeo* case. When the challenge came before the US Court of Appeals for the DC Circuit, the law was unanimously struck down because it was vague and imposed an undue burden on groups engaged in activity that is, and should be, protected by the First Amendment. The DC Circuit Court ruling stated: to be sure, any discussion of important public questions can possibly expert some influence



on the outcome of an election . . . But unlike contributions and expenditures made solely with a view to influencing the nomination or election of a candidate, issue discussions unwedded to the cause of a particular candidate hardly threaten the purity of the elections. Moreover, and very importantly, such discussions are vital and indispensable to a free society and an informed electorate. Thus the interest group engaging in non-partisan discussions ascends to a high plane, while the governmental interest in disclosure correspondingly diminishes.

Because of the Court's unanimous and unambiguous ruling, the FEC did not even attempt to appeal this aspect of the courts ruling concerning issue group regulation disclosure, and that defective section of the Act was allowed to die.

The ACLU urges members of the Senate to vote against Amendment No. 3214, the McCain Amendment on 527 group disclosure.

Sincerely,

LAURA W. MURPHY,  
*Director.*

TESTIMONY OF JAMES BOPP, JR., APRIL 26,  
2000, SENATE RULES COMMITTEE

THE REFORMERS' ATTACK ON ISSUE ADVOCACY  
HAS ANOTHER FRONT—SECTION 527 OF THE INTERNAL REVENUE CODE

There is another bill that I want to discuss today that is also part of the unrelenting attack on citizens' ability to participate in public discourse. Not content with a frontal assault through the FECA, reformers have turned their attention to the Internal Revenue Code. HR 4168 proposes to amend the Internal Revenue Code of 1986 to require that federal election rules apply to groups formed under § 527 of the Internal Revenue Code.

Before I talk about the specific effects of House Resolution 4168, some clarifying background information about § 527 and the FECA is necessary. Section 527 was added to the Internal Revenue Code in 1974 to resolve longstanding issues relating to inclusion of political contributions in the gross income of candidates. Drafters were concerned that candidates would use their campaign committees to earn investment income free of tax, and so a tax on investment earnings became the major limitation on the exemption available under § 527.

Section 527 of the Internal Revenue Code provides an exemption from corporate income taxes for political organizations that are organized primarily to intervene in political campaigns. Thus, to qualify for the tax exemption, the organization must be a "political organization" that meets both the organizational and operational tests under § 527.

A "political organization" is a party, committee, association, fund, or other organization organized primarily for the purpose of directly or indirectly accepting contributions or making expenditures for an exempt function activity. Section 527(e)(1) of the Code defines the term "exempt function" to mean, in relevant part, the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected or appointed. A "political organization" meets the organizational test if its articles of incorporation provide that the primary purpose of the organization is to influence elections. Under the operational test, a "political organization" must primarily engage in activities that influence elections but it need not do so exclusively.

The IRS has issued no precedential guidance in this area, but it has issued private

letter rulings which provide an indication of what constitutes evidence of political intervention for purposes of § 527. Activities that are intended to influence, or attempt to influence, the election of individuals to public office may include encouraging support among the general public for certain issues, policies and programs being advocated by candidates and Members of Congress.

Thus, the IRS has found that expenditures for issue advocacy could qualify as intervention in a political campaign within the meaning of § 527(e)(2). Moreover, the distinction between issue advocacy activities that were educational within the meaning of § 501(c)(3) and issue advocacy activities that were not educational and therefore qualified as § 527(e)(2) expenditures intended to influence the outcome of elections, was not based on major differences in the nature of conduct of the activities. The IRS instead pointed to the targeting of the activities to particular areas, the timing of them to coincide with the election, and the selection of issues based on an agenda. As will be discussed in a moment, these factors have been rejected by the courts as irrelevant to any determination of whether an organization's speech, regardless of its tax status, is express advocacy.

In a recent private letter ruling to an organization under § 527, made public on June 25, 1999, the IRS determined that a wide range of programs qualified as "exempt functions" for a § 527 political organization. The IRS found a political nexus even though some of the materials to be distributed, and techniques to be used, resembled issue advocacy and other materials and techniques often used in the past by charitable organizations without violating section 501(c)(3) of the Internal Revenue Code. However, because the materials and techniques were designed to serve a primarily political purpose and would be inextricably linked to the political process, the political nexus was substantiated.

Of particular interest is the IRS's conclusion that voter education, which may include dissemination of voter guides and voting records, grass roots lobbying messages, telephone banks, public meetings, rallies, media events, and other forms of direct contact with the public, can be apolitical intervention when it links issues with candidates. Whether an organization is participating or intervening, directly or indirectly, in a political campaign, however, depends, in the view of the IRS, upon all of the facts and circumstances. Thus, while voter education may be both factual and educational, the selective content of the material, and the manner in which it is presented, is intended to influence voters to consider particular issues when casting their ballots. This intent was seen by the evident bias on the issues, the selection of issues, the language used in characterizing the issues, and in the format. The targeting and timing of the distribution was aimed at influencing the public's judgment about the positions of candidates on issues at the heart of the organization's legislative agenda. These activities are partisan in the sense that they are intended to increase the election prospects of certain candidates and, therefore, would appear to qualify under § 527(e)(2).

It is the perceived intersection between the Internal Revenue Code and the FECA that reformers want to regulate. Section 527 organizations must convince the IRS that they are organized and operated for the exempt function of influencing elections as required under § 527(e)(2). However, because the organization is engaged in only issue advocacy and does not make contributions to candidates or engage in express advocacy, the organization is not subject to the FECA.

However, H.R. 4168 would treat them as if they engaged in such activities and require them to register as PACs under the FECA.

However, the Supreme Court has made it clear that an organization cannot be treated as a PAC because it engages in issue advocacy—which was one of the purposes of the express advocacy test in the first place. The Supreme Court, in one of its most oft-quoted footnotes, has provided an illustrative list of which terms could be "express words of advocacy:" "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Since the Court's ruling in Buckley, district and federal courts of appeal have followed this strict interpretation of the express advocacy test and have struck down any state or federal regulation purporting to regulate based on intent or purpose to influence an election. These courts have unanimously required express words of advocacy in the communication itself before government may regulate such speech.

Furthermore, the organizations "major purpose" must be making contributions and express advocacy communications to be treated as a PAC. The FECA defines a "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year. In Buckley, the U.S. Supreme Court narrowly construed this definition, holding that under the FECA's definition of political committee, an entity is a political committee only if its major purpose is the nomination or election of a candidate.

An organization's "major purpose" may be evidenced by its public statements of its purpose or by other means, such as its expenditures in cash or in kind to or for the benefit of a particular candidate or candidates. Even if the organization's major purpose is the election of a federal candidate(s), the organization does not become a political committee unless or until it makes expenditures in cash or in kind to support a person who has decided to become a candidate for federal office.

Recently, the Fourth Circuit found a definition of "political committee," that included both entities that have as a primary or incidental purpose engaging in express advocacy, and those that merely wish to influence an election (engage in issue advocacy), as being overbroad and unconstitutional. The court found that the definition of "political committee" could not encompass groups that engage only in issue advocacy and groups that only incidentally engage in express advocacy.

Thus, only an organization that engages primarily in excess advocacy triggers FECA reporting and disclosure requirements. Issue advocacy in the context of electoral politics does not cause an organization to be deemed a political committee. Merely attempting to influence the result of an election is not enough. This classic form of issue advocacy, influencing an election without express words of advocacy, does not cause an entity to be subject to the reporting and disclosure requirements of political committees under the FECA. Only those expenditures that expressly advocate the election or defeat of a clearly identified candidate do so.

Thus, it is perfectly consistent that an organization may qualify for exemption under § 527 of the Internal Revenue Code yet not qualify as a PAC under the FECA. Tax law provides for exemption from corporate tax and a shield against disclosure of contributors. Election law mandates PACs to report all their contributors and expenses, subjects them to contribution limits, and prohibits

them from receiving corporate or labor union contributions. These burdens on a PAC cannot be constitutionally applied to an issue advocacy organization.

Therefore, as discussed above, §527 casts a wider net than does the FECA. The FECA bases its requirements on narrowly defined activities, not on tax status. Thus, activities deemed political by the Internal Revenue Service, for purposes of determining tax exempt status, are not considered "political" under the FECA when there is no express advocacy of the election or defeat of a federal candidate.

With this background of how the provisions of §527 and the FECA work, it is apparent that the reformers are yet again attempting to regulate citizen participation in the form of protected issue advocacy. As a result of the IRS's amorphous definitions of "social and welfare activities" and "political intervention," many §501(c)(4) organizations are now forced to organize under §527 for tax purposes. In fact, the Christian Coalition has filed suit against the IRS challenging its overbroad interpretation of what is political intervention which caused it to be denied its §501(c)(4) exemption.

House Resolution 4168, however, would require issue advocacy organizations exempt under §527 to be treated as PACs under the FECA. However, it is unconstitutional to require issue advocacy groups to register as PACs. What the government may not do directly, it may also not do indirectly by bootstrapping onto the Internal Revenue Code a requirement of "political committee" registration and reporting requirements. In other words, Congress may not condition a tax exempt status on reporting and disclosure requirements of issue advocacy when it may not constitutionally require in the first instance.

The fact that issue advocacy groups may engage in activities which influence an election, or even admit that their purpose is to influence an election, is totally irrelevant to the analysis. What is pertinent is whether these groups engage in any express advocacy. The Buckley Court left intact, as constitutionally protected, speech that influences an election.

To make it clear that speech that only influences an election, but does not contain express words of advocacy, is completely free from regulation, the Supreme Court explicitly stated this both positively and negatively. First, the Court stated that "[s]o long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views. Second, the Court explained that the FECA did "not reach all partisan discussion for it only requires disclosure of those expenditures that expressly advocate a particular election result."

Therefore, in order to protect speech, especially speech that may influence an election, the Court drew a bright-line so that the speaker would know exactly when he crossed into regulable territory—the express advocacy realm. Anything on the other side of the line, speech that may influence an election, whether intentionally or not, was to be protected from government regulation so as to promote the free discussion of issues and candidates. Thus, speech free from explicit words of advocacy, whether made with the intent to influence an election or not, is perfectly appropriate and legitimate.

This is not to say that Congress is completely without power to lawfully regulate §527 organizations. The Joint Committee on Taxation's recommendation that §527 organizations should be required to disclose tax returns (except for donor information) would

create parity between §527 organizations and §501(c)(3) and §501(c)(4) organizations. However, any disclosure that goes beyond the public disclosure of tax returns violates the constitutional protection of issue advocacy.

Mr. MCCONNELL. The Senate has precious few legislative days this year to finish the important business of the American people, and there is no time for a meaningful debate on campaign finance reform. I think that even my colleagues on the other side would concede that there are not sixty votes on substantive issues like the antiquated hard money limits and the soft money question. In fact, after two weeks of discussions, neither the House nor the Senate could cobble together a majority for broad and meaningful disclosure.

But I do commend Senator GORDON SMITH for his efforts to find a reasonable middle ground. His bill, the Tax-Exempt Political Disclosure Act, sought a compromise between the McCain-Lieberman 527-only bill and the broad bill reported out of the House Ways and Means Committee that went so far as to cover tax-exempt social welfare organizations like the AARP, the NAACP, and the Disabled American Veterans.

The Smith bill targeted the key tax-exempt groups in America: labor and business organizations set up under sections 501(c)(5) and (c)(6) of the tax code, like the Chamber of Commerce, the Teamsters and the National Education Association. Recent news stories underscored the need for meaningful disclosure of tax-exempt labor and business organizations. Documents reviewed by the Associated Press demonstrate that the National Education Association has spent millions of tax-exempt dollars to influence elections while simultaneously reporting to the IRS that the organization has spent no money on political activities. This gross reporting disparity has prompted the filing of formal complaints with the IRS and the Federal Election Commission against the NEA. And, I think we all can agree to the obvious: neither the National Education Association nor any labor union will be covered or affected in any way by this legislation. They can continue to spend millions of dollars on political activity with no meaningful disclosure.

Nevertheless, I have chosen to allow this matter to move forward for a vote without offering amendments or extended debate. The Senate needs to focus on the important business of the American people and return to our first priority of ensuring that all of our appropriation bills are passed on time.

I plan to vote against this legislation because I believe that the best and most constitutionally sound solution is to require 527 issue advocacy organizations to file public returns with the IRS similar to those filed by issue advocacy organizations organized under section 501(c)(4) of the Internal Revenue Code. Such public returns would include, among other things: the name

and address of the organization, including an electronic mailing address; the purpose of the organization; the names and addresses of officers, highly-compensated employees, members of its Board of Directors, a contact person and a custodian of records; and the name and address of any related entities.

I also would require the Secretary of the Treasury to make this information publicly available on the Internet within 5 business days after receiving the information. However, Mr. President, I would not cross the constitutional line of requiring that the organizations' confidential donor lists be made public.

Again, Mr. President, I think this is an important debate, but respectfully disagree with my colleagues on the constitutional propriety of requiring public disclosure of confidential donor lists for groups that do not contribute to federal candidates or engage in express advocacy.

With that, I yield back the remaining amount of time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senator from Kentucky said that nearly every 527 publicly discloses their contributors and expenditures. I don't know how the Senator from Kentucky can make that claim because he doesn't know. No one knows how many 527 organizations there are. They currently don't file any reports whatsoever, so we can't know that. They currently don't even notify the IRS that they exist. That is exactly what this bill will change.

I now yield 2 minutes to one of our strongest allies on this issue and on the entire issue of campaign finance reform, the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from Wisconsin for yielding.

Both to the Senator from Arizona and the Senator from Wisconsin, kudos on their exemplary leadership on this issue and the general issue of campaign finance reform, as well as my colleagues from Connecticut, Michigan, and Maine who have been such reform leaders.

A Chinese proverb says that a trip of 1,000 miles begins with the first step. This is the first step, but we do have 1,000 miles to go. It is the first step, and it is a significant one. Until this proposal becomes law, organized crime, drug lords, and other various bottom crawlers in society unknown to any of us could influence the political process by contributing money and running ads that we all know are, for all practical purposes, political ads. To have no disclosure, let alone no limits, on these kinds of activities puts a dagger in the heart of democracy. Sunlight is the disinfectant we need. Sunlight is the disinfectant provided by this provision. It does no less; it does no more.

We have many more miles to go. The distinction between hard money and

soft money, the fact that these days candidates don't have to worry about a \$1,000 limit because soft money is so prevalent and so available and because of, in my judgment, recent misguided Supreme Court decisions that allow political parties to do political ads—we all know they are political ads; simply because they don't say vote for candidate X, they are not classified as political ads—makes our system a joke, makes our system a mockery.

What we are doing here is simply returning to the status quo of a year ago before these 527 accounts were founded. We have a very long way to go. The only confidence I have is that we do have leaders such as the Senator from Arizona and the Senator from Wisconsin to help us move forward.

If we were to rest on our laurels, if we were to think we had now cleaned up the system because we passed this legislation, we would be sadly mistaken. It is very much needed because this is the part of campaign finance that remains under a rock with all the worms and critters crawling undiscovered. At the same time, we need to go much, much further. I will be glad to follow the banner of Senators MCCAIN and FEINGOLD to try to help make that a reality.

I thank the Chair and the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from New York for everything he has done on this matter. I ask the Chair how much time remains on our side.

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, I ask unanimous consent for an additional 5 minutes.

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

Mr. FEINGOLD. Mr. President, let me note that there is no constitutional argument against this bill because these organizations receive a tax exemption. The public is entitled to this information in exchange for the substantial tax benefit these groups receive. I am so pleased this matter will be demonstrated in the courts because this bill is going to actually become law.

I would like to use the remaining time to remind my colleagues and the public of the scope of the loophole we are about to get rid of. This has been called the "mother of all loopholes." If left unchecked, literally millions upon millions of dollars originating from foreign governments, foreign companies, and even, theoretically, organized crime could be spent in our elections without a single solitary bit of reporting and accountability—totally secret money in unlimited amounts, and no one would know where the money was coming from. It is hard to imagine anything that would be worse for the health of our democracy.

We have a chart here containing, word for word, what is essentially an

advertisement by one of these groups. It is as plain as day. This group solicits contributions from extremely wealthy individuals and groups. Contributions, it says, can be given in unlimited amounts. They can be from any source. They are not political contributions and are not a matter of public record. They are not reported to the FEC, to any State agency, or to the IRS.

Today, we are wiping out what might be the most important part of this advertisement, that the contributions are not a matter of public record. From now on, these groups will disclose their contribution to the IRS. The public will be able to see where their money is coming from and understand what is behind the message.

I do want to mention a number of people who have been central to this effort. Of course, my friend and colleague, Senator MCCAIN, deserves a huge amount of the credit for putting forward our original amendment to the DOD bill and tenaciously continuing to push until it became law. Senators LIEBERMAN and LEVIN developed the original bill on 527s, recognizing the huge threat these stealth PACs posed. Their work over the past few weeks to make sure we finish the job has been extraordinary. Senator SNOWE, who has long been concerned about getting disclosure of phony issue ads run in the last days before an election, was a key supporter, as was Senator SCHUMER and many others. On the House side, Representative SHAYS, who is in the Chamber now, as well as Representatives MEEHAN, HOUGHTON, CASTLE, DOGGETT, and MOORE were crucial to getting the bill passed there, over the strong opposition of the House leadership. I am proud of how we worked in a bipartisan and bicameral fashion to get the bill done and close this loophole. This effort bodes well for the future of campaign finance reform.

This is my final point, Mr. President. This is not the end of the fight, as we have said. It is just the beginning. Now that we have cracked the wall of resistance to any reform at all, I think we are ready to move forward on truly cleaning up the corrupt campaign finance system. Now that we have disclosure of the unlimited amounts that are going to outside groups, I think we are ready to address the unlimited contributions from corporations, unions, and wealthy individuals that the soft money loophole permits to be given to the political parties.

Mr. President, I should have also mentioned Senator JEFFORDS, who is present in the Chamber, for his help on this issue.

I know that many of my colleagues want to clean up this system and are willing to work in good faith to find a way that we can do that.

In the few seconds I have remaining, I thank a number of staff for their incredibly hard work and dedication to the campaign finance issue and to this 527 disclosure bill. We have not had many wins, and they are the ones re-

sponsible for keeping us in this fight. Mark Buse, Ann Choiniere, Lloyd Ator of Senator MCCAIN's staff, Laurie Rubenstein of Senator LIEBERMAN's staff, Linda Gustitus with Senator LEVIN, Jane Calderwood and John Richter from Senator SNOWE's staff, Andrea LaRue with Senator DASCHLE, and Bob Schiff of my own staff worked very long hours to make sure that we got to this point, and we appreciate all of their efforts and look forward to future victories together.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

Mr. FEINGOLD. Yes.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 4762) was ordered to a third reading and was read the third time.

#### THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Resumed

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized to call up an amendment.

#### AMENDMENT NO. 3654

(Purpose: To increase the amount appropriated for the Inter-agency Education Research Initiative)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3654.

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

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

The amendment is as follows:

On page 18, line 7, insert before "Provided," the following: "(minus \$10,000,000)".

On page 68, line 23, strike "\$496,519,000" and insert "\$506,519,000".

On page 69, line 3, strike "\$40,000,000" and insert "\$50,000,000".

On page 69, line 6, insert after "103-227" the following: "and \$20,000,000 of that \$50,000,000 shall be made available for the Interagency Education Research Initiative".

Mr. FRIST. Mr. President, I have a modification to my amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 3654), as modified, reads as follows:

On page 68, line 23, strike "\$496,519,000" and insert "\$506,519,000".

On page 69, line 3, strike "\$40,000,000" and insert "\$50,000,000".

On page 69, line 6, insert after "103-227" the following: "and \$20,000,000 of that \$50,000,000 shall be made available for the Interagency Education Research Initiative".

Amounts made available under this Act for the administrative and related expense of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by \$10,000,000.

Mr. FRIST. Mr. President, it is my understanding that a vote will be scheduled on my amendment tomorrow morning. Therefore, I now 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.

Mr. FRIST. Mr. President, I rise tonight to offer an amendment that I think goes to the heart of so many of our debates here on the Senate floor regarding education. My amendment would fully fund the Department of Education's share of the Interagency Education Research Initiative (IERI)—a collaborative effort of the Department of Education's research arm—the Office of Educational Research and Improvement (OERI)—the National Science Foundation (NSF), and the National Institute of Child Health and Human Development (NICHD). The primary objective of the IERI is to support the development and wide dissemination of research-proven, technology-enabled educational strategies that improve K-12 education.

We debate many new program ideas here in the Senate that have little to no research to back up them up. Members offer new program after new program in a mad attempt to cure what ails American education. I ask my colleagues, "wouldn't it be better to know what works before we spend billions of dollars trying out things that may, in fact, not only not work, but harm student achievement?" Reading is a good example of this. We tried many fads before the scientifically-based research evidence came in that you've got to have phonics.

As we all know, advances in education, as in most other areas, depend in no small part on vigorous and sustained research and development. Indeed, state and local policymakers, as well as school level administrators, are clamoring for information about "what works" to guide their decisions. However, historic investments in such educational research have been woefully inadequate, and the small federal investments that have been made through the Department of Education have not always resulted in the high-quality, scientifically credible research that we have come to expect from many other research agencies. Much of research that has come out of the De-

partment of Education in years past has been politically driven and not always of the highest quality. IERI is a first step on the road to changing that. Teaming up with highly respected research institutions like NSF and NICHD, OERI is improving its research processes. In the 1997 PCAST "Report to the President on the Use of Technology to Strengthen K-12 Education," an advisory panel of technology, business, and education leaders strongly urged that a significant Federal research investment be undertaken in education, with a focus on educational technology. The report pointed out that in 1997, we invested less than 0.1 percent of the more than \$300 billion spent on K-12 public education each year to examine and improve educational practice; by contrast, the pharmaceutical industry invests nearly a quarter of its expenditures on the development and testing of new drugs. In addition to the President's 1997 Technology Advisory Report, the Budget Committee Task Force on Education's Interim Report, and this year's Republican Main Street Partnership Paper on "Defining the Federal Role in Education, A Republican Perspective," both call for more spending on Education R&D. At our Budget Committee Task Force on Education hearing on education research, we learned that one of our main Federally funded research institutions was operating with a budget that was smaller than what a seed company expended in a facility devoted solely to breeding petunias down the road.

Dr. Robert Slavin, the Co-Director of the Center for Research on the Education of Students Placed At-Risk (CRESPAR), one of the Department of Education's research centers, likened our current expenditures in federal education research to health research that was limited to "basic research and descriptions of how sick people are, but never produced any cures for anything." Additionally, another proponent of education research warns that "poor research often leaves us with inadequately tested and replicated fads, masquerading as innovations, penetrating the system, frustrating the teachers, administrators, parents and, most importantly, the children, and leaving us all worse off than before." Unfortunately, it is often difficult to discern good research from bad.

The precursor to the Office of Educational Research and Improvement (OERI) was the National Institute of Education (NIE). Modeled after the National Institutes of Health, which is widely respected, the NIE never realized the same success as its role model. A Budget Committee Education Task Force heard in 1998 that progress at OERI was stymied by inadequate peer-review processes and a lack of good quality control measures. Recognizing these problems, OERI—most recently under Dr. Kent McGuire's leadership—has embarked on a number of prom-

ising reforms, including an overhaul of its peer review system in partnership with NIH. However, it is clear we must do more.

In response to the calls of practitioners and experts, the Federal government launched the Interagency Education Research Initiative (IERI) in FY1999. The ultimate objective of the IERI is to accelerate the translation of robust research findings into concrete lessons for educators to improve student achievement in preK-12 reading, mathematics, and science. To achieve this goal, the National Science Foundation, Department of Education, and National Institute of Child Health and Human Development are supporting a fundamentally new character of research in education that builds on the research portfolios of each agency while filling a gap no one agency could address alone. This research features interdisciplinary collaborations across learning-related disciplines, is substantively focused on key aspects of preK-12 education, and is conducted on a scale large enough to learn generalizable lessons about what works and why. Witnesses at hearings related to educational research in both the Senate and the House over the past year (e.g., June 1999 in the Senate Health, Education, Labor and Pensions Committee, and October 1999 in the House Basic Science Subcommittee) have urged the Congress to build upon and support the IERI model.

Calls for all levels of the educational system to be accountable for student learning are escalating at the same time that technologies offer exciting new ways to help all students meet high standards of excellence. Now more than ever is the time to elevate the role of rigorous, peer-reviewed educational research—with a focus on technology—in addressing the urgent challenges of educational reform. With \$30 million in FY1999 funds, the IERI team has already laid the groundwork for this innovative research program with 14 new research awards averaging \$2 million per year. Another joint program solicitation for \$38 million in FY2000 funds has recently been released. My amendment will fully fund the Department of Education's share in order to continue to grow the IERI to leverage potentially vast gains in student achievement with a relatively modest investment in finding out "what works."

Education R&D is a young discipline. While the taxonomy for medicine has been in development for millennia, engineering for centuries, and biology for a few hundred years, the widespread public education of children has occurred for barely more than a century. Consequently, education R&D is even younger than that.

The Interagency Education Research Initiative will help expand our knowledge base and will be money well spent.

The amendment is fully offset, and I urge my colleagues to support this very worthwhile investment in our children's education.

Mr. ROBB. Mr. President, a majority of this body—myself included—just voted to table both the Landrieu and Jeffords amendments, each of which have the laudable goals of increasing funding for disadvantaged and special education students. The problem with both amendments is that they rob Peter to pay Paul. Both amendments reduce the amount of funding in Title VI, which has been substantially increased this year. The distinguished Chairman, the Senator from Pennsylvania, has indicated that the \$2.7 billion allocated for Title VI this year is for the continuation of our class size reduction efforts and for funding, for the first time since the 1950's, a massive school modernization effort. The effect of these amendments is simply to reduce the number of new teachers schools can hire or reduce the money they'll have available to fix fire code violations or upgrade old schools with new technology. That's not the answer. What we ought to be doing is making a greater overall investment in public education.

I have co-sponsored a bill to increase the amount of Title I funding from \$8 billion to \$12 billion in this year alone, and I have co-sponsored a bill that puts us on track to fully fund our federal commitment to IDEA within ten years. Our economically disadvantaged and special needs students deserve more of a commitment from the federal level, but they also deserve small class sizes and safe, modern schools. It's simply wrong to pit these objectives against each other, because in the end, our children are the ones that suffer and that is why I voted to table two amendments that I would otherwise support.

Ms. MIKULSKI. Mr. President, I rise today to express my disappointment that this bill does not provide \$125 million for supportive services for caregivers under the Older Americans Act (OAA). As an appropriator, I understand the difficult funding constraints under which Senator SPECTER and Senator HARKIN operate. However, I also know that providing and funding supportive services for caregivers has strong bipartisan support and would meet a compelling human need.

Many of us have had personal experiences caring for parents or other loved ones and understand firsthand the stresses and strains caregivers face. Last year, the Subcommittee on Aging heard the compelling testimony of Carolyn Erwin-Johnson, a family caregiver in Baltimore, Maryland. Ms. Johnson has been caring for her mother who has Multiple Sclerosis for sixteen years. She left Chicago and her work on a second Masters degree to come to Baltimore and care for her mother at home, rather than put her mother in a nursing home. She found a community-based care system that was fragmented, underfunded, and overburdened. After months of frustration and trying to find help, Ms. Johnson took to hiring nursing aides off the street and training them to care for her

mother while she worked a forty hour work week. Even then, she could only afford to pay for eight hours of help when her mother needed 24-hour care. She and her mother ended up paying on average between \$17,000 and \$20,000 annually in out-of-pocket costs to care for her mother at home.

Caregiving has taken its toll on Ms. Johnson. Today, she has been diagnosed with two incurable, stress-related illnesses, changed jobs, and seen her income drop to levels that mean she can no longer afford to hire private aides. Ms. Johnson is helped by the 164 hours of respite care she receives annually from the Alzheimer's Respite Care Program. In the words of Ms. Johnson, "Respite care programs are the key to the survival and longevity of family caregivers."

Mr. President, currently about 12.8 million adults need assistance from others to carry out activities of daily living, such as bathing and feeding. One in four adults currently provides care for an adult with a chronic health condition. Many caregivers struggle with competing demands of paid employment, raising a family, and caring for a parent or other relative. Caregiving can take an emotional, physical, mental, and financial toll. A recent study found that on average, workers who take care of older relatives lose \$659,139 in wages, pension benefits, and Social Security over a lifetime. Further, the estimated national economic value of informal caregiving was \$196 billion in 1997.

The National Family Caregiver Support Program, originally proposed by the President, would provide respite care, information and assistance, caregiver counseling, training and peer support, and supplemental services to caregivers and their families. Full funding of \$125 million would provide services to about 250,000 families. Senators DASCHLE, GRASSLEY and BREAUX, DEWINE, and I have all sponsored legislation in this Congress to establish this program. Twenty four Senators joined me earlier this year in urging the Labor/HHS Appropriations Subcommittee to fully fund these supportive services for caregivers. I know other colleagues of mine have also voiced support for funding these worthwhile services. This is truly a step we can take that will meet a compelling human need. It gets behind our Nation's families and helps those who practice self-help.

As this bill moves to conference, I strongly urge the conferees to re-evaluate the current decision not to fund caregiver support services. As the Ranking Member of the Subcommittee on Aging, I am working with my colleagues on the Health, Education, Labor, and Pensions Committee to reauthorize the OAA this year. I hope that we are able to reach agreement on outstanding issues to reauthorize the OAA this year. While we are working on reauthorization, I believe that we must also move forward on funding

caregiver support services. American families are counting on us to act.

Mr. MACK. Mr. President, as many of my colleagues are aware, cancer has played a prominent role in my family's history. Some in our family—me, my wife Priscilla, our daughter Debbie—have been lucky enough to have fought cancer and won. Others in our family have not been so lucky. My father died of esophageal cancer, my mother died of kidney cancer and my younger brother Michael died of melanoma at the very young age of thirty-five.

As a result, Priscilla and I have become very active in the fight against cancer and in spreading the message that early detection saves lives. It's a part of who we are as a family.

And there are other families with their own stories. Michael J. Fox and his family are waging war against Parkinson's disease. Mary Tyler Moore and her family are fighting diabetes. Christopher Reeve and his family are searching for a cure to paralysis. And millions of other families across the United States are fighting their own battles against AIDS, sickle-cell anemia, Lou Gehrig's disease, Alzheimer's and the many, many other diseases that take our loved ones away from us.

What I've come to realize in my fight against cancer is the crucial role the federal government plays in funding basic medical research at the National Institutes of Health, and how important basic research is to finding breakthroughs not just for cancer but for all of the diseases which affect our families.

For several years now, doubling funding at NIH has been a primary goal of mine in the Senate. The Federal Government, mainly through the NIH, funds about 36 percent of all biomedical research in this country, and plays an especially large role in basic research.

Recently, the Joint Economic Committee, released a first-of-its kind study: "The Benefits of Medical Research and the Role of the NIH," which examines how funding for the NIH cuts the high economic costs of disease, reduces suffering from illness, and helps Americans live longer, healthier lives. And I'd like to take a moment, Mr. President, to share with my colleagues some of the findings in this extensive report.

According to the JEC, the economic costs of illness in the U.S. are huge—approximately \$3 trillion annually, or 31 percent of the nation's GDP. This includes the costs of public and private health care spending, and productivity losses from illness. Medical research can reduce these high costs. But, the NIH is fighting this \$3 trillion battle with a budget of \$16 billion. That's just half of a percent of the total economic cost of disease in the United States.

In addition to lowering the economic costs of illness, advances in medical research greatly help people live longer and healthier lives. A recent study found that longevity increases have created "value of life" gains to Americans of about \$2.4 trillion every year. A

significant portion of these longevity gains stem from NIH-funded research in areas such as heart disease, stroke and cancer. If just 10 percent of the value of longevity increases, \$240 billion, resulted from NIH research, that would mean a return of \$15 for every \$1 invested in NIH.

Also according to the JEC, NIH-funded research helped lead to the development of one-third of the top 21 drugs introduced over the last few decades. These drugs treat patients with ovarian cancer, AIDS, hypertension, depression, herpes, various cancers, and anemia. Future drug research holds great promise for curing many diseases and lowering the costs of illness by reducing hospital stays and invasive surgeries. In fact, one study found that a \$1 increase in drug expenditures reduces hospital costs by about \$3.65.

We know that past medical advances have dramatically reduced health care costs for such illnesses as tuberculosis, polio, peptic ulcers, and schizophrenia. For example, the savings from the polio vaccine, which was introduced in 1955, still produces a \$30 billion savings per year, every year.

Medical advances will help cut costs by reducing lost economic output from disability and premature death. For example, new treatments for AIDS—some developed with NIH-funded research—caused the mortality rate from AIDS to drop over 60 percent in the mid-1990s, thus allowing tens of thousands of Americans to continue contributing to our society and economy.

And medical research spending isn't just about reducing the enormous current burdens of illness. The costs of illness may grow even higher if we fail to push ahead with further research. Infectious diseases, in particular, are continually creating new health costs. The recent emergence of Lyme disease, E. coli, and hantavirus, for example, show how nature continues to evolve new threats to health. In addition, dangerous bacteria are evolving at an alarming rate and grow resistant to every new round of antibiotics.

This report extensively shows the benefits of medical research and reaffirms the enormous benefits we achieve from funding the National Institutes of Health in our fight against disease. But there is still a lot more work to be done. I am hopeful my colleagues will take a few moments to look at this report and recognize the important work done by the scientists and researchers at the NIH. It can be read in its entirety on the JEC website at: [jec.senate.gov](http://jec.senate.gov).

Funding for NIH is really about—hope and opportunity. The challenge before us is great, but America has always responded when our people are behind the challenge. America landed a man on the moon. We pioneered computer technology. America won the Cold War. Now it is time to win the war against the diseases that plague our society. We have the knowledge. We have the technology. Most impor-

tant, we have the support of the American people.

I ask my colleagues to join me in the effort to double funding for the National Institutes of Health. It's good economic policy, it's good public policy, and most importantly, it's good for all Americans.

#### MORNING BUSINESS

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

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

#### PROFILE OF SENATOR JOHN CHAFEE'S KOREAN WAR SERVICE

Mr. MOYNIHAN. Mr. President, I rise today to honor my friend John Chafee. On Sunday June 25, 2000, an article appeared in Parade Magazine entitled, "Let Us Salute Those Who Served". The article chronicled John's service in the Korean War. I ask that the article be printed in the RECORD.

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

HE WAS THE MOST ADMIRABLE MAN I'VE EVER KNOWN

(By James Brady)

(The author, a Marine who served in the Korean War, remembers his comrades in arms—and one extraordinary young leader in particular.)

Is Korea really America's "forgotten war?" Not if you ask the foot soldiers who fought there, Marines and Army both. How could any infantryman ever forget the ridgelines and the hills, the stunning cold, the wind out of Siberia, the blizzards off the Sea of Japan? How do you forget fighting—and stopping—the Chinese Army, 40 divisions of them against a half-dozen U.S. divisions, plus the Brits and some gallant others? And how can anyone forget the thousands upon thousands of Americans who died there in three years, in that small but bloody war?

Korea began 50 years ago today—a brutal, primitive war in what Genghis Khan called "the land of the Mongols," a war in which I served under the most admirable man I've ever known, a 29-year-old Marine captain named John Chafee.

Most of us who fought the Korean War were reservists: Some, like me, were green kids just out of college. Others were combat-hardened, savvy veterans bloodied by fighting against the Japanese only five years before—men like Chafee, my rifle-company commander, who would become a role model for life. I can see him still on that first November morning, squinting in the sun that bounced off the mountain snow as he welcomed a couple of replacement second lieutenants. Mack Allen and me, to Dog Company. He was tall, lean, ruddy-faced and physically tireless, a rather cool Rhode Islander from a patrician background with a luxuriant dark-brown mustache. "We're a trifle understrength at the moment," he said, a half-smile playing on his face. "We're two officers short." I was too awed to ask what had happened to them.

Chafee didn't seem to carry a weapon, just a long alpine staff that he used as he loped, his long legs covering the rough ground in

great strides. "Got to stay in the trench from here on," he said as he showed us along the front line. This sector of ridge was jointly held by us and the North Koreans, the trenches less than a football field apart. Chafee questioned the Marines we passed—not idle chat but about enemy activity, addressing each man by his last name, the troops calling him "Skipper." No one was uptight in the captain's presence, and the men spoke right up in answering. When enemy infantry are that close, both the questions and answers are important.

When I got there as a replacement rifle-platoon leader on Thanksgiving weekend of 1951, the 1st Marine Division was hanging on to a mountainous corner of North Korea along the Musan Ridge, about 3000 feet high. It took us a couple of hours to hike uphill, lugging rifles and packs along a narrow, icy footpath to where the rifle companies were dug in. As fresh meat, not knowing the terrain and nervous about mines, we followed close on the heels of Marines returning to duty after being hit in the hard fighting to take Hill 749 in September. In Korea they didn't send you home with wounds. Not if they could patch you up to fight again. These Marines, tough boys, understandably weren't thrilled to be going back. But they went. Dog Company of the 7th Marine Regiment needed them. There was already a foot of snow on the ground. When I think of Korea, it is always of the cold and the snow.

Yet the fighting began in summer on a Sunday morning—June 25, 1950—when the Soviet-backed army of Communist North Korea smashed across the 38th Parallel to attack the marginally democratic Republic of Korea with its U.S. trained and equipped (and not very good) army. Early in the war, Gen. Douglas MacArthur had bragged: "The boys could be home for Christmas." But "the boys" would be in Korea three Christmases—courtesy of the Chinese Army.

Every soldier thinks his own war was unique. But Korea did have its moments: proving a UN army could fight; ending MacArthur's career with a farewell address to Congress ("Old soldiers never die. They just fade away. . . ."); helping elect Eisenhower, who pledged in '52, "I will go to Korea"; demonstrating that Red China's huge army could be stopped; insulating Japan from attack; and enabling the South Korean economic miracle. But the war's lack of a clear-cut winner and loser may have set the stage for Vietnam.

As a junior officer, I had little grasp of such strategic matters. I commanded 40 Marines, combat veterans who had fought both the Chinese and the North Koreans. Captain Chafee led us: Red Philips was his No. 2; Bob Simonis, Mack Allen and I were his three rifle-platoon leaders.

Guided by Chafee, I saw my first combat. Mostly it was small firefights, patrols and ambushes, usually by night. I learned about staying cool and not doing stupid things. When darkness fell, we sent patrols through the barbed wire and down the ridgeline across a stream, the Soyang-Gang, trying to grab a prisoner or to kill North Koreans. Meanwhile, they came up Hill 749 and tried to kill us.

The second or third night I was there, the Koreans hit us with hundreds of mortar shells, then came swarming against the barbed wire, where our machine guns caught them. At dawn there were six dead Koreans hanging on the wire. Except for Catholic wakes at home, I'd never seen a dead man. That morning we tracked wounded Koreans from their blood in the snow. The following day, a single incoming mortar hit some Marines lazing in the sun. Two died; one lost his legs. I hadn't been in Korea a week.

Sergeants like Stoneking, Wooten, and Fitzgerald, and a commanding officer like



Chafee, got a scared boy through those early days. When I tripped a mine in deep snow the morning of January 13, 1952, and blew up Sergeant Fitzgerald and myself, the first man I saw as they hauled up out by rope was Captain Chafee. We fought the North Koreans into spring and then, when the snow melted and the Chinese threatened to retake Seoul, the Marines shifted west to fight the Chinese again.

In July 1953, the fighting finally ended—not in peace but in an uneasy truce. So uneasy that even today some 35,000 American troops are dug in, defending the same ridgelines and hilltops that we did a half-century ago.

If you've seen combat in any war, you have memories. Also a duty to remember absent friends. And if, like me, you become a writer, you have a duty to write about the dead, memorializing them: young men like Wild Horse Callan, off his daddy's New Mexico ranch; Doug Brandlee, the big, red-haired Harvard tackle who wanted to teach; handsome Dick Brennan, who worked in a Madison Avenue ad agency; Mack Allen, the engineer from the Virginia Military Institute; Bob Bjornsen, the giant forest ranger, and Carly Rand of the Rand McNally clan.

As the survivors grow older, we stay in touch: Jack Rowe, who won a Navy Cross and lost an eye, teaches school and has 10 children; Taffy Sceva, still back-packing in the High Sierra; my pal Bob Simonis, retired as a colonel; Joe Owens, who fought at the "frozen Chosin" Reservoir; John Fitzgerald, the Michigan cop, twice wounded on Hill 749. Each of us appreciates how fortunate we are to have fought the good fight and returned. No heroic posturing. Just another dirty job the country wanted done, and maybe a million of us went. If we got lucky, a John Chafee was there to lead us.

Chafee later carved out a brilliant political career, including governor of Rhode Island, Secretary of the Navy and four terms as a U.S. Senator from Rhode Island. I had dinner with John and his wife, Ginnie, last fall: a meal, a little wine, laughter and good talk, a few memories. I'm glad we did that. Because John Chafee won't be marking today's anniversary. Last Oct. 24, still serving as a Senator, Captain Chafee died, 57 years after he first left Yale to fight for his country.

The funeral was in Providence, and my daughter Fiona, and I drove up. The President and First Lady were there and 51 Senators, as well as Pentagon chief Bill Cohen, the Commandant of the Marine Corps, a marine honor guard, people from Yale and just plain citizens, Chafee's five children and 12 grandkids, and a few guys like me who served under him in war. His son Zechariah began the eulogy on a note not of grief but of joyous pride:

"What a man! What a life!"

So, when you think today of that small war long ago in a distant country, remember the dead, those thousands of Americans. And the thousands of U.S. troops still there, ready to confront a new invasion. Think too of the Skipper—my friend, Capt. John Chafee.

#### THE HEROIC CAREER OF JOHN CHAFEE

I didn't know it at the time, but John Chafee already was a kind of legend when I met him. A college wrestling star, he dropped out of Yale at 19 to join the Marines after Pearl Harbor, fighting on Guadalcanal as a private, then made officers candidate school and fought on Okinawa as a lieutenant. He went back to Yale (and the wrestling team), was tapped by Skull and Bones, the honor society, and took a law degree at Harvard. Then as a married man (to Virginia Coates) with a child on the way, he went back to commanding riflemen in combat. A

man with money and connections (his grandfather and great-uncle both had served as governor), he never took the easy out.

Chafee went on to become governor of Rhode Island, Secretary of the Navy and a four-term Senator—a Republican elected in one of our most Democratic states. He died last Oct. 14.

#### IN MEMORY

In the 37 months that the Korean War raged, thousands of Americans died. (For years, the number was thought to be 54,000 but recently was revised to 36,900.) More than 8000 are still missing. Yet only in 1995 was a national memorial finally dedicated. It includes a black granite wall with murals and stainless-steel statues of infantrymen slogging up a Korean hill. You can visit it at the National Mall in Washington, D.C.

The Korean War began on June 25, 1950, when the Soviet-backed army of North Korea smashed across the 38th Parallel to attack the marginally democratic Republic of Korea. With UN approval, the U.S. intervened, halting the Communists at the Naktong River. Then came Gen. Douglas MacArthur's brilliant end run at Inchon, the recapture of Seoul and the sprint north. But as winter approached, with temperatures at -20°F, about half a million Chinese came south, prolonging the fighting. The war ended with an armistice on July 27, 1953. It was an uneasy truce: Today, 35,000 American troops still are dug in, their weapons pointing north.

#### SEPARATING FACTS, FROM PARTISAN SMOKE

Mr. LEAHY. Mr. President, the Attorney General of the United States testified yesterday for almost 4 hours before the Senate Judiciary Committee to answer yet more questions about campaign finance investigations and independent counsel decisions. She did so with her typical candor and integrity.

Not willing to settle for the fact that this hearing revealed nothing new, certain Republican Members have today sought to muddy the waters and twist the facts. I would like to cut through this political haze and set the record straight.

These are rumored recommendation to appoint a special counsel.

It is not the "established custom" and "practice" of the Judiciary Committee or its subcommittees to announce publicly confidential Justice Department information relating to pending matters. Although Senator SPECTER did so this past week when he held a press conference and spoke on national television about a reported recommendation of the Justice Department's Campaign Finance Task Force Chief Robert Conrad, that disclosure was highly unusual. Although the Senator has characterized this information as obtained by way of "official investigation," such information nor its source has been shared with me or, to my knowledge, with any Democratic Member of the Committee or the Senate.

The only public statements of Mr. Conrad were made at a Judiciary Subcommittee hearing on June 21, 2000. In response to questions from Senator

SPECTER regarding recommendations to the Attorney General with respect to a special prosecutor, Mr. Conrad stated, "That, I don't feel comfortable discussing in public. I would perceive whether I have done that or not as something that pertains to an ongoing investigation." (Subcommittee on Administrative Oversight and the Courts, "Oversight Hearing on 1996 Campaign Finance Investigations"). Senator SPECTER pressed him to discuss the matter in private, to which Mr. Conrad responded a firm, "no, I am not suggesting that. I am suggesting that my obligations as a prosecutor would prevent me from discussing that."

At the Judiciary Committee hearing yesterday, the Attorney General also declined to respond to any questions on recommendations that may or may not have been made regarding appointment of a special counsel. She said, "With respect to the present matter, as I said at the outset, I am not going to comment on pending investigations . . . I think it imperative for justice to be done that an investigation be conducted without public discussion so that it can be done the right way."

Other than the Attorney General and Mr. Conrad's public refusals to confirm or deny the existence of any recommendation, or to reveal the subject matter of any such recommendation, we have only Senator SPECTER's representation of information purportedly obtained from unknown sources and press accounts from unidentified "government officials" that Mr. Conrad has made any recommendation to the Attorney General about appointment of a special counsel. We have no confirmation from the principals involved that such a recommendation has actually been made nor of the subject matter of any such recommendation. Before Members of Congress invite the American public to think the worst about the Vice President and put him in the position of trying to prove his innocence of allegations, which even the anonymous sources have not detailed, we should heed the advice of the Attorney General to "be careful as you comment that you have the facts."

Despite the fact that the Attorney General has appointed seven independent counsels to investigate matters involving the President and various Cabinet Officers, and appointed a special counsel to investigate the tragic events at the Branch Davidian compound in Waco, Texas, Republican Members continue to press the charge that Attorney General Reno refused to appoint an independent counsel for campaign finance matters for some illegitimate reason. This charge is unfounded and refuted even by those people who disagreed with the Attorney General's decisions not to seek appointment of independent counsels for campaign finance matters, including the following.

I do not believe for one moment that any of her decisions, but particularly her decisions in this matter, have been motivated by



anything other than the facts and the law which she is obligated to follow.

Quoting FBI Director Louis Freeh, August 4, 1998.

At the end of the process, I was completely comfortable with [the Attorney General's] decision not to seek an independent counsel and with the process by which she reached that decision.

Quoting Charles La Bella, Former Campaign Finance Task Force Supervisory Attorney, May 3, 1998.

The integrity and the independence of the Attorney General are "beyond reproach," quoting Charles La Bella, Former Campaign Finance Task Force Supervisory Attorney, August 4, 2000.

The Attorney General "made no decisions to protect anyone," quoting Charles La Bella, Former Campaign Finance Task Force Supervisory Attorney, May 2, 2000.

[A]ll of the Attorney General's decisions were made solely on the merits, after full—indeed exhaustive—consideration of the factual and legal issues involved and without any political influence at all.

Quoting Robert Litt, Former Principal Associate Deputy Attorney General, June 21, 2000.

In response to whether he had any doubt about Attorney General Reno's integrity: "No, I do not," said Larry Parkinson, FBI General Counsel, May 24, 2000.

The only political pressure on the Attorney General has come from the Republican majority. I believe that it was on March 4, 1997 that Senator LOTT first introduced a Senate resolution proposing a sense of the Congress that the Attorney General should apply for the appointment of another independent counsel to investigate illegal fund-raising in the 1996 presidential election campaign.

Within 48 hours, on March 6, 1997, Senator HATCH had his own resolution to this effect added to the Judiciary Committee agenda. Ironically, Chairman HATCH made clear that we would not ask for an independent counsel to investigate the Vice President and telephone calls made from his White House office. He characterized the criticism of the Vice President as "scurrilous criticism." He said that he did "not think that the speculation surrounding the Vice President is as serious as some would make it" and indicated that he would not participate in making a big deal out of it. Even assuming that he had been engaged in a technical violation, the Chairman said that he would not call in an independent counsel to investigate those matters.

Rather than act in a fair, balanced and bipartisan way, on March 13, 1997, the ten Republican Senators on the Judiciary Committee served a letter on the Attorney General requesting the appointment of an independent counsel to investigate possible fund-raising violations.

The very next day, March 14, 1997, we were called upon to debate on the Senate floor the Republican Senate resolu-

tion that the Attorney General should call for the appointment of an independent counsel. During the five days of Senate debate, Senator BENNETT observed that he viewed the coffees at the White House as inappropriate but not illegal:

[C]learly, it does not call for the appointment of an independent counsel. It is something we can talk about in the political arena. It is on the legal side of the line.

Nonetheless, when the time came to vote on the resolution the Republicans adopted it on a straight party-line vote. They then proceeded to table an alternative resolution, S.J. Res. 23, that would have called upon the Attorney General to exercise her best professional judgment, without regard to political pressures and in accordance with the standards of the law and the established policies of the Department of Justice to determine whether the independent counsel process should be invoked. That more even-handed language that did not prejudice the outcome or tell the Attorney General what to do was, likewise, opposed by every Republican Senator.

Thus, by their votes on March 14, 1997, every Republican Senator had evidenced that his or her mind was made up on these issues and as a party they marched lockstep to the conclusion that an independent counsel should be appointed. The House Republicans then refused to consider the resolution and it died without final action. Even after the multimillion dollar investigation by the Governmental Affairs Committee chaired by Senator THOMPSON into allegations of campaign finance, and the investigations by the Burton committee and in spite of the 20 convictions achieved by the Campaign Finance Task Force within the Department of Justice, the Specter investigation is now revisiting certain events from 1996.

The American people know a partisan endeavor when they see one. The American people know that the upcoming nomination and election of the next President of the United States are no justification for dragging these matters back into the Senate for more politics of personal destruction and innuendo and leaks and partisan investigating for short-term political gain. I had hoped that we had our fill of these efforts when the Senate rejected the efforts by Kenneth Starr and the House Republicans to force President Clinton out of the office to which he was twice elected by the American people. Regrettably, I was wrong and, apparently, some on this Committee are still engaged in destructive partisanship.

The Pendleton Act, 18 U.S.C. §607, prohibits the solicitation of campaign contributions, as defined by the Federal Election Campaign Act, on federal property. The Department of Justice has exercised a policy—through both Democratic and Republican Administrations—of declining to prosecute violations of section 607 that do not have some sort of aggravating factors like

coercion of involuntary political donations. Indeed, the uncontroverted record of enforcement of the Pendleton Act demonstrates that both Republican and Democratic Justice Departments have applied this policy and declined to take action repeatedly over the past decades. By way of example, in 1976, the Justice Department declined to prosecute officials responsible for sending letters signed by President Ford to federal employees at their workplaces soliciting contributions on behalf of Republican congressional candidates. In 1988, prosecution was declined when two Republican Senators sent solicitation letters as part of a computerized direct-mailing to employees of the Criminal Division of the Justice Department. In response to my question at the hearing yesterday, the Attorney General confirmed that this remained the Justice Department's policy.

There is no evidence that fund-raising telephone calls, which the Vice President has acknowledged making from the White House, implicated any "aggravating factors" warranting prosecutorial attention. Nevertheless, and in the absence of such evidence, some have claimed that because a hard money component of the DNC media fund used to pay for television advertising in 1995 and 1996 may have been discussed at a meeting attended by the Vice President and fourteen others on November 21, 1995, the Vice President's statements two years later that he believed the media fund to be entirely of soft money were false. Yet, as the Attorney General testified yesterday, only two participants—not four as Senator SPECTER stated this morning—even recalled that the hard money component of the media fund had been mentioned at the 1995 meeting.

The Attorney General testified that thirteen participants did not recall any such discussion and:

[w]hile the Vice President was present at the meeting, there is no evidence that he heard the statements or understood their implications so as to suggest the falsity of his statements 2 years later that he believed the media fund was entirely soft money, nor does anyone recall the Vice President asking any questions or making any comments at the meeting about the media fund, much less questions or comments indicating an understanding of the issues of the blend of hard and soft money needed for DNC media expenditures.

The Attorney General explained that the Justice Department lawyers had:

concluded in this instance—that the range of impressions and vague misunderstandings among all the meeting attendees is striking and undercuts any reasonable inference that a mere attendance at the meeting should have served to communicate to the Vice President an accurate understanding of the facts.

The Attorney General did not "discount" the information provided by David Strauss, who was present at the time of the November 21, 1995 meeting in considering whether to appoint an independent counsel to investigate the Vice President and his knowledge of the hard money component of the

media fund. Rather, as the Attorney General patiently explained yesterday, she fully considered the notes and the fact that Strauss himself believed the media campaign had been financed entirely with soft money. Indeed, this issue is discussed in full in the "Notification to the Court Pursuant to 28 U.S.C. 592(b) of Results of Preliminary Investigation" publicly filed on November 24, 1998.

As the Attorney General explained, the fact that Strauss's contemporaneous notes reflect discussion of the hard/soft money split, does not bear on the Vice President's recollection of the matter. Any discussion about "recorded recollection" misses the boat. Federal Rule of Evidence 803(5) states that a:

memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by this witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly

Will not be considered hearsay. However, regardless of whether Strauss's notes could be admissible at a hypothetical trial, the fact remains that they are irrelevant on the question of what the Vice President, not Strauss, knew or heard.

Although it was insinuated that thirteen memoranda from Harold Ickes are evidence as to the Vice President's knowledge of the hard money component of the media fund, as the Attorney General testified yesterday, only six or seven of those memoranda predated the telephone calls. In addition, as set forth in publicly filed court documents, there was no evidence that the Vice President had read them and the Attorney General testified that the Vice President's staff "corroborated his statement that he did not, as a matter of practice, read Ickes' memos."

As to the Standard of Proof to Move from a Preliminary Investigation to Independent Counsel, Republicans have repeatedly suggested that an independent counsel should have been appointed for the Vice President and have focused on whether there was "specific and credible information" regarding wrongdoing. This is a mischaracterization of the applicable standard under the now-lapsed Independent Counsel law. As the Attorney General clarified yesterday, that standard is only relevant to whether a preliminary investigation within the Justice Department should be commenced. Indeed, such an inquiry was conducted, and concluded, with regard to the Vice President on two occasions. The Attorney General also testified accurately that in order to seek an independent counsel following the conclusion of a preliminary investigation, she needed "reasonable grounds to believe that further investigation is warranted" of the matters that had been under investigation. This standard was also accu-

rately reflected in the Attorney General's notifications to the court on this issue, in which she found no such "reasonable grounds" as to the Vice President.

Regarding the Hsi Lai Temple Matter, Republican Members questioned the Attorney General about the Vice President's visit on April 29, 1996 to the Hsi Lai Temple in Los Angeles and speculated that he was not fully forthcoming about his understanding of the nature of the event. The Vice President has consistently insisted that he was not aware this event was a fundraiser. Senator SMITH observed yesterday:

I don't understand for the life of me why any individual would deny that he or she attended a fundraiser. Attending a fundraiser is not a bad thing.

Perhaps, the answer is as simple as this: that the Vice President did not know the temple event was a fund-raiser, just as he says.

The record is clear that the Vice President was initially scheduled to attend a fund-raising luncheon at a restaurant in Los Angeles on April 29, 1996, and that after the lunch, he was supposed to go to the temple, about 20 minutes away, for a community outreach event. No tickets were to be sold and no fund-raising was to take place at the temple. A few weeks before the events, the Vice President's schedulers determined there was not enough time for two events. The guests previously invited to the restaurant luncheon were told they could attend a luncheon at the temple dining hall after the formal ceremonies.

Although the luncheon at the temple was a DNC-sponsored event, no tickets were sold, no campaign materials were displayed, no table was set up to solicit or accept contributions, and the Vice President spoke about brotherhood and religious tolerance, not fund-raising. Attendees included a Republican member of the Los Angeles County Commission.

Notwithstanding these facts, Republican Senators have insisted that an email from an aide to the Vice President on March 15, 1996, suggests that the Vice President knew the Hsi Lai Temple event was a fund-raiser. This conclusion is wrong and ignores relevant facts. First, the original plan had been for the Vice President to participate both in a fund-raiser at a restaurant and a visit to the temple on April 29, 1996. Later that day he was to attend another fund-raiser at a private home in San Jose. The email to which the Republicans referred at the hearing, dated March 15, 1996, is from an aide and states in relevant part: "we've confirmed the fundraisers for Monday, April 29th. The question is whether you wish to seriously consider [another invitation in New York.]" The Vice President replied by email that "if we have already booked the fundraisers then we have to decline." Obviously, the fund-raisers to which these emails refer are the one fundraiser originally scheduled at a restaurant in Los Ange-

les, later cancelled, and the fundraiser in San Jose. They do not refer to the Hsi Lai temple visit.

Regarding oversight of the Peter Lee case, Senator SPECTER has claimed that the Peter Lee case is a closed matter and that it was somehow appropriate to interview the district court judge in that case. The record should be clear that the Lee case is in fact pending in at least two respects. First, Lee filed a motion to terminate his probation on September 28, 1999. Opposition to the motion was filed by the government on October 6, 1999. A decision on that motion had not yet been rendered at the time of the Senator's interview of the judge in February 1999 and may remain pending today. In addition, until either this motion is granted or Lee's term of probation expires, Lee will remain under the supervision of the court and the Probation Department. Should he commit any violations, his probation could be revoked by the judge and he could be sentenced to a term of imprisonment.

Concerning the idea that Judiciary Committee Senators should have standing in independent counsel matters, I have heard the suggestion that the Judiciary Committee should have standing to seek judicial review of the Attorney General's decisions on special counsel matters. This proposal seeks yet again to politicize the integrity of the process. It also ignores the fact that the independent counsel law is no longer in effect. The special counsel process is simply governed by Attorney General regulations. Surely this Committee should not have standing to intervene in the application of internal Justice Department regulations.

I have expressed concern about the damage that can be done to the integrity of the criminal justice system if the majority in Congress politicizes prosecutorial decision-making, including by interfering in ongoing criminal matters and pending investigations. Authorizing the majority of a standing Congressional Committee to initiate a criminal investigation is a bad idea.

#### VICTIMS OF GUN VIOLENCE

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

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

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

June 28, 1999:

Shawn Anderson, 28, Baltimore, MD; James Bennett, 54, Houston, TX; Charles Johnson, 43, Houston, TX; John J. Juska, 58,

Cape Coral, FL; Kris Kempinski, 32, St. Louis, MO; Samuel L. Leonard, 43, Chicago, IL; Keith McSwain, 21, Washington, DC; Alfredo Montano, 23, Chicago, IL; Ronald Posada, 22, Houston, TX; Latrell Thomas, 34, Chicago, IL; Robin Thompson, 21, Baltimore, MD; Taha Wheeler, 21, Detroit, MI; Willie Wilson, 44, Philadelphia, PA; Ronnie Woodall, 26, St. Louis, MO; and an unidentified male, 27, Portland, OR.

#### RUSSIA HUMAN RIGHTS

Mr. FEINGOLD. Mr. President, I wish to voice my concern about the deteriorating human rights situation in Russia. A decade after the break-up of the Soviet Union, Russia still faces enormous obstacles to becoming a stable and prosperous nation. Russia's GDP is less than half of what it was before the break-up, with much of its population impoverished and uncertain about its future. Russia's medical system is in near collapse, and both life expectancy birthrates have declined sharply. Crime is escalating, and corruption is widespread.

This is a scenario that would challenge any government. It will require great leadership to turn things around in order to move Russia towards greater freedom and prosperity. But recent events have made me fearful that, rather than leading Russia forward, President Putin and his government are leading their country back into the regrettable past.

The apparently baseless arrest of Vladimir Gusinsky raises new concerns about President Putin's commitment to an independent media, particularly in light of his government's abuse of Radio Liberty journalist Andrey Babitsky in retaliation for critical reporting from Chechnya. The Russian government has not heeded international calls for an independent investigation into reports of escalating human rights abuses allegedly committed by Russian troops against Chechen civilians. The reported harassment by the Putin government against some religious minorities, including pressure placed on a prominent Jewish group, is also extremely troubling.

Mr. President, a Russia that is democratic and free and follows the rule of law will be a strong and prosperity country, a source of pride to its people, and an ally respected by all nations. I call on Congress and the Administration to do all that is possible to ensure that President Putin moves his country towards this goal.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 27, 2000, the Federal debt stood at \$5,650,719,953,982.79 (Five trillion, six hundred fifty billion, seven hundred nineteen million, nine hundred fifty-three thousand, nine hundred eighty-two dollars and seventy-nine cents).

One year ago, June 27, 1999, the Federal debt stood at \$5,640,526,000,000 (Five trillion, six hundred forty billion, five hundred twenty-six million).

Five years ago, June 27, 1995, the Federal debt stood at \$4,948,217,000,000 (Four trillion, nine hundred forty-eight billion, two hundred seventeen million).

Ten years ago, June 27, 1990, the Federal debt stood at \$3,165,289,000,000 (Three trillion, one hundred sixty-five billion, two hundred eighty-nine million) which reflects almost a doubling of the debt—an increase of almost \$2.5 trillion—\$2,485,430,953,982.79 (Two trillion, four hundred eighty-five billion, four hundred thirty million, nine hundred fifty-three thousand, nine hundred eighty-two dollars and seventy-nine cents) during the past 10 years.

#### ADDITIONAL STATEMENTS

##### PRESERVING TYRE, LEBANON

• Mr. ABRAHAM. Mr. President, I rise today to recognize the American National Committee for Tyre and the International Association to Save Tyre for all the good work they are doing to raise awareness on the issue of preserving this great historical site. As many may know, Tyre, Lebanon was one of the most important cities in the classical era. It served as an administrative center of life for the people of the Mediterranean region, and was the birthplace for the modern day alphabet and democracy. If restored to its original beauty, and its antiquities are carefully unearthed and preserved, Tyre could become a world center for cultural education of past civilizations.

I am pleased to serve as the Honorary Chairman of the American National Committee and I am honored to work with my colleague and friend, Senator Claiborne Pell, whose previous 20 years of leadership on this issue remains invaluable.

There is no dispute that underneath the present day soil of Tyre lies the great archeological treasures of eight successive civilizations: the Phoenician, Persian, Roman, Greek, Byzantine, Arab, and Ottoman, as well as that of the Crusaders. Many attempts have been made to unearth these treasures, but present day realities have made it very difficult to implement a full fledged plan to discover these antiquities.

Tyre has been designated as a World Heritage site, and as such, should be treated with great respect for the education of future generations. The Government of Lebanon is searching for ways to protect the archeological sites while planning realistically for economic expansion and tourism. However there are problems.

The Lebanese Government recently approved building the southern extension of the coastal highway near many of the archeological treasures. The government has also permitted some of the coastal sea area to be refilled for the construction of parking lots. In addition, there has been damaging activity surrounding Tell El-Mashouk.

It is my hope that the Lebanese government will institute a master plan, cultural resources assessment, and a management plan for Tyre which will clearly map out the best approach at uncovering, preserving, and displaying these vast treasures. I do hope that the government will cease its present activity in the area until it can develop a workable and enforceable plan.

It seems a particularly appropriate time for the Lebanese Government to be planning their approach to the city of Tyre. With the Israeli withdrawal from the South of Lebanon, and peace close at hand, Lebanon can begin the process of rebuilding through tourism. It is my hope that part of the agenda to rebuild Southern Lebanon includes the preservation of the great city of Tyre and its surroundings, and I offer my assistance to do what I can in the United States to help the government of Lebanon achieve this goal. •

##### TRIBUTE TO WAYNE SHACKELFORD

• Mr. COVERDELL. Mr. President, I rise to pay tribute to a constituent, a distinguished public servant, and a friend—Wayne Shackelford, who recently retired as Commissioner of the Georgia Department of Transportation.

During his tenure, Commissioner Shackelford presided over the reshaping of Georgia's transportation network, helping build up our state's infrastructure for the 21st century. As one of the fastest growing states in the Union, with a population rapidly approaching 8 million, Georgia will face many challenges in the coming decades. We are well prepared to meet those challenges in large part thanks to the vision and leadership of Wayne Shackelford.

Since taking office in 1991, he has overseen the construction of more than 5,000 miles of new roads throughout the state, while stewarding such innovations as Georgia's first express lanes for buses and car pools and a computer system to monitor and manage traffic movement. In fact, Georgia DOT's Advanced Transportation Management System, NAVIGATOR, is the most complete model of an urban transportation management system in the United States and is being studied by transportation leaders worldwide.

Commissioner Shackelford is recognized for his interest in multimodal and intermodal transportation issues. He has refocused the efforts of Georgia DOT on the movement of people and goods, not just vehicles, and has looked beyond roads by initiating the development of passenger rail service and expanding rural airports to accommodate commuter aircraft.

His leadership extends to regional and national transportation policy development. He served as President of the Southeastern Association of State Highway and Transportation Officials in 1993 and was President of the American Association of State Highway and

Transportation Officials in 1995. He was also Chairman of the Board of Directors of the Intelligent Transportation Society of America from 1998 to 1999 and continues to serve on the Board. In addition, he became Chairman of the Executive Committee of the Transportation Research Board of the National Research Council in January, 1999 and was a member of the President's Council on Year 2000 Conversion.

He has earned many national and state awards, including the Key Citizen of 1996 Award from the Georgia Municipal Association. In September, 1997, the State Transportation Board dedicated the Transportation Management Center in Atlanta as the Wayne Shackelford Building.

The Georgia DOT has also won many top national awards under Commissioner Shackelford's leadership, including the top national awards for asphalt and concrete paving for 1996 and the top quality construction awards from the National Asphalt Paving Association in 1997 and 1998. Georgia has been rated for two consecutive years—and for many of the past 15 years—as having the best-maintained roads in the nation.

For these and many other achievements it is my great pleasure to commend Commissioner Shackelford, to thank him for his many years of hard work and dedication on behalf of the people of Georgia, and to wish him well in all his future endeavors.●

#### TRIBUTE TO DR. NANCY FOSTER

● Mr. HOLLINGS. Mr. President, it is with the most heartfelt sadness that I rise today to commemorate the life of Dr. Nancy Foster, who passed away Tuesday at her home in Baltimore, Maryland. As I stand here today I recall that only a year ago I spoke to you about Dr. Foster's outstanding work as head of the National Ocean Service at the National Oceanic and Atmospheric Administration. The news of her passing was bitter pill. Not only was Dr. Foster a dedicated and visionary public servant, but she was also universally admired and loved. I know that her creativity, boundless energy, and compassion will be sorely missed both here and at NOAA. Dr. Foster's efforts in my home state of South Carolina both as head of NOS and then at NOAA's Fisheries Service were testaments to her skill at bringing groups together to solve incredibly complex coastal problems, from protecting our sea turtles to conserving and understanding our precious coastal resources. The world is a better place for her having served here with us.

Dr. Foster came to NOAA in 1977 and spent her career promoting programs to explore, map, protect and develop sustainably our Nation's coastal and fishery resources. She helped create the National Marine Sanctuary Program and Estuarine Research Reserve Program. These programs preserve America's near shore and offshore ma-

rine environments in the same manner as do the better known national parks and wildlife refuges on land. Nancy went on to serve as the Director of Protected Resources at NOAA's Fisheries Service, where she managed the Government's programs to protect and conserve whales, dolphins, sea turtles and other endangered and protected species. After that, Dr. Foster was named the Deputy Director of the Fisheries Service, where she forged alliances between fishing and conservation groups to ensure both the protection of our living marine resources and the sustainability of our human resources. I particularly recall her special efforts in South Carolina, where she worked hand in hand with our shrimpers to help them devise ways of keeping sea turtles out of their nets.

In 1977, Commerce Secretary Bill Daley and NOAA Under Secretary Jim Baker tapped Nancy to take over the National Ocean Service. Not only was she the first woman to direct a NOAA line office, but she was given one of the most senior levels a career professional can achieve; in other agencies or bureaus, such a position would be reserved for at least an Assistant Secretary-level official. NOS has the longest running mission of all the NOAA line offices—coastal mapping traces its lineage back to 1807—and she pioneered a reinvention effort that has made the Ocean Service one of the most modern and effective of the line offices. A proven innovator, she directed the total modernization of NOAA's essential nautical mapping and charting programs. In addition, along with Dr. Sylvia Earle she created a ground-breaking partnership with the National Geographic Society to launch a 5-year undersea exploration program called 'Sustainable Seas Expedition.' to rekindle our nation's interest in the oceans, and especially the national marine sanctuaries. This effort has sparked the kind of enthusiasm about the oceans that Jacques Cousteau created when I first came to the Senate.

While the Federal Government frequently recognized Dr. Foster's contributions through numerous important awards, she was also a person whom the rank and file employees at NOAA—the marine biologists, researchers, and managers—trusted and admired. She was a strong and enthusiastic mentor to young people and a staunch ally to her colleagues. She has, and always will, serve as a role model for professional women everywhere, especially those who work in the sciences. Nancy Foster was that rare official whom we in the Congress looked to for leadership, candor, and sensitivity, and we will all feel her loss deeply for years to come. I would like to offer my deepest appreciation for Dr. Foster's outstanding contribution to the Nation and send my sincerest condolences to her family and friends.●

#### NATIONAL DAY OF PRAYER

● Mr. ALLARD. Mr. President, on May 4, 2000 those attending the National Day of Prayer luncheon in Denver, Colorado got to hear an electrifying talk by Dr. Condoleezza Rice. I found the speech so moving, so inspiring that I wanted to share it with those who could not be in attendance that day to her remarks. "Condi," as she likes to be called, grew up in Denver, graduated Magna Cum Laude from Denver University and has served our country in many ways including service to former President George Bush as a chief expert on Russia. I ask that her speech be printed in the RECORD.

NATIONAL DAY OF PRAYER, DENVER, COLORADO, MAY 4, 2000

(By Dr. Condoleezza Rice)

Thank you very much. It is indeed a delight to be with you here in Denver for the Colorado Prayer Lunch. I do know quite a few people in the room, and there are good friends here from very far back in my history. I'm not going to tell you who they are because I don't want you to go up to them and ask them how I really was at fifteen or sixteen years old. But it's awfully nice to back here—home in Denver.

I bring you greetings from my family. My parents and I moved to Denver when I was twelve years old, and this is just a great place to live. I think the reason that it is such a great place to live is events like this. You look around and you see the love in the community, you see the strength in the community. It's nice to be back.

When I thought about what I'd like to talk with you about, I immediately reflected on the fact that this is of course our National Day of Prayer as well as the day for the Colorado Prayer Luncheon. And I thought about spending a few minutes with you talking about the relationship of personal faith, to faith in a community, to strength and forward movement in a community. Because very often we think about where we would like the community to go, we think about where we would like our leaders to take us. We very often forget that strong communities are built person by person, step by step, by the responsibility of each and every one of us. That responsibility and that strength, I believe, can come from many different sources, and certainly it comes from different sources for different people. But for many of us, and perhaps for most of the people in this room, it certainly relates to deep and abiding faith in God, whatever one's religious background. For me it comes from a deep and abiding faith in Jesus Christ.

Now I have to tell you that I was born into the church. I didn't have much choice. In fact, on the day that I was born which was a Sunday, at 11:48 my father was preaching a sermon. He had been told on Friday night that his child probably wasn't going to be born for a couple of days, so go ahead on Sunday and preach the sermon. And my goodness when he came out of the pulpit on Sunday, he had a little girl.

We lived in the back of the church until I was three and then moved into a parsonage. My grandparents were religious people. I studied piano from the age of three. I could read music before I could read. But the first song that I learned was "What a Friend We Have in Jesus." And then I learned to play "Amazing Grace," etc. etc.

My grandfather was a deeply religious person. Indeed I have a lot of heroes in my life, but Granddaddy Rice is perhaps the most remarkable because you see back in about 1920

he was a sharecropper's son in Ewtah, Alabama. One day he decided he wanted to get book learning, heaven knows why. And so he asked people how could a colored man go to college, and they said, "Well, you see if you could get to Stillman College (which is this little Presbyterian college down the road) then you could go to college there." So he saved up his cotton, went to Stillman College, paid for his first year and then the second year they said, "Now how do you plan to pay for your second year?" And he said, "Well, I've used all the money I have." And they said, "Well, you'll have to go home," And he said, "Well, how to those boys go to college?" They said, "Well, you see they have what's called a scholarship, and if you wanted to be a Presbyterian minister, then you could have a scholarship too." My grandfather said, "You know, that's exactly what I had in mind," and he became college educated, and my family has been Presbyterian ever since.

So I was born into the church. My earliest memories are of Sunday school and choir practice and youth fellowship, and indeed if you're a minister's child, you have some kind of strange memories because you see when I heard that story about Christ coming again, I figured when I was about six years old that if he was going to come again anyway, He might as well come to Westminster Presbyterian Church because that would certainly help the flagging attendance in the summer. And so I would pray, "If you're going to come, Christ, come to my father's church. He could use the help." You see you had different ways of thinking about religion when you were a preacher's child.

But because I was born into the church, I never really doubted the existence of God. I can tell you that I accepted from the earliest years the whole mystery of the faith, the birth, the life, the death, and the resurrection as truth. Mine then is not a story of conversion to faith. The existence of God was a given for me. That Jesus Christ was His son was a given for me. But while mine is not a story of conversion, it is a story of a journey to deepen my personal faith, and I would imagine that for many of you, a story that resonates, a story that has a familiar ring. You see, it's easy when you are born to religious faith to take that faith for granted, and not to deepen and to grow in it, not to question, and to become comfortable with it.

When we moved here to Denver, I was at Montview Boulevard Presbyterian Church. I was in the choir. I met some members of Montview Boulevard here today with whom I sang in the choir. It was a wonderful church, a large church. And then I moved to California, and for awhile I continued to go to church as I had done every Sunday since I could remember. But you know pretty soon things got busy. And so before you knew it, Sundays were for something else. Maybe I had to work. Maybe I had to do something about that lecture that I had to give on Monday. I was always traveling because I'm a specialist in international politics, so maybe I was in some other time zone, and when I got home I was just too tired to go to church. And slowly but surely my faith which I'd always taken for granted was there, but it was rather in the deeper recesses of my mind, not front and center in the way that I lived my life daily.

A funny thing happened in that period to me. One Sunday morning when I knew I should have been in church, I was in the Lucky Supermarket instead. And I was walking among the spices buying food, and I'll never forget running into a black man there. And if you know Palo Alto, that's a rare occurrence anyway. And he told me he was buying some food for his church picnic, and we talked a little, and then he looked

right at me and he said, "Do you play the piano?" And I said "Yes, I play the piano," And he said, "You know my church, Jerusalem Baptist Church down the road here just a little bit, needs somebody to play the piano. Would you come and play the piano for us?" And so I did for several months go and play the piano for Jerusalem Baptist Church. And I thought, "If that's not the long reach of the Lord into the Lucky Supermarket on a Sunday morning, what is?" But as a result of going there and playing and getting involved again with the church community, I began to see how much my faith, which I'd taken for granted, was becoming unpracticed, that it was no longer really becoming a part of the way that I lived my daily life.

And so I started seeking out a church home, and I found Menlo Park Presbyterian in Menlo Park right next to Palo Alto. And one of the first sermons that I heard at Menlo Park Presbyterian Church just reached out and grabbed me because it said where I was in my own faith. And it was the story of the prodigal son. But it was the story of the prodigal son told from the perspective of the older son, not from the son who had to come home, but the son who had always been there. And the minister talked about how the older son was really appalled, angry, and couldn't quite understand why while he had been there toiling in the fields and had been a good son and had supported his family, why there was all this excitement when the prodigal son came home.

And I thought about it, and maybe what Christ was saying here, what God was saying, was that the prodigal son who had to be born again to this faith was being brought powerfully back to his faith. While the older son who had always been there doing what he was supposed to do but maybe just doing it in the most routine fashion was losing what's most important about faith, and that's the deepening and the fire that comes from having it tested, from having to worry about it, from having to think about it, from having to bat it around in your mind from time to time so that it doesn't become stale. And I suddenly saw myself as the elder son. And I thought at that time, it's time to renew my faith and not to take it for granted. And you know, it's a good thing that I did because I was soon to learn why faith is so important in your daily life.

It was about a year and a half after coming back to my faith that I lost my mother, and I can tell you that I could not have gotten through that without a strong and robust faith. You see the preparation for struggle that faith accords you is not something that you can call on the day that it happens. You have to have honed it, you have to have worked at it, it has to have become a part of you. I began to understand during that period of time when I really was experiencing the peace that passeth all understanding, that faith is honed in struggle, that Paul was absolutely right when he wrote in Romans that we are justified in faith and that struggle brings patience, and patience hope, and hope is not disappointed. Because it is in that time of struggle that we learn that we are resilient human beings, that we have at our core the ability to rebound and to go on.

Over the years, I have become more and more interested in the stories of struggle—whether it is the death of a loved one, whether it is what Colorado went through in Columbine, whether it is the struggle that interestingly built Stanford University. Do you know that Stanford University was built by Governor and Mrs. Stanford to honor their only child who died of typhoid at sixteen years old? And Mrs. Stanford writes in her letters that she wanted to die too when her son and then her husband died shortly

thereafter, but she understood that her faith was telling her to go on, to pick up the pieces, to do something for other people's children. And so Stanford University was from the Stanfords a living monument to other people's children, born of the test of faith, the test that is struggle. And I began to understand too the words of an old Negro spiritual that had always been somewhat confusing—"Nobody knows the trouble I've seen. Glory Hallelujah"? What does that mean? It means that out of struggle, faith is honed.

Now why is faith honed out of struggle? First of all, because you are at that time forced to confront the relationship between faith and doubt. When my mother died, I didn't have any good answers. Did I on the one hand pray to God for understanding and on the other hand doubt why this had happened? Of course when Columbine happened, did you on the one hand pray for understanding and doubt why had it happened? But faith, and indeed the lessons of Christ teach us that faith can be strengthened by doubt. It doesn't have to be weakened by it.

Some of my favorite stories in the Bible actually come from the time when Christ is preparing to die. And when the disciples—men who had walked with Him for the entire time of His ministry, men who knew Him better than anyone else—found themselves doubting and fearful of what was to come. He said, "I'll go to prepare a place for you." They said, "Take us with you because we don't actually know where you're going." This isn't very reassuring. And of course the story of Thomas which we had always been taught in a kind of pejorative sense "the doubting Thomas," but in fact what did Christ say? "Here, feel my side. Touch the wounds." He didn't say just "Leave." Doubt and faith have gone together from the beginning of our religious experiences. And in times of struggle, we are forced to work through our doubts in order to re-energize our faith.

Times of struggle also challenge us on the relationship between faith and reason because most of us live most of our lives in our heads. We try and understand why. And if you are like me and you live in an intellectual community, if you can't prove it, if you can't see it, then you can't possibly believe it. And yet there are those times when reason just will not do the job. I noticed the little quote by Abraham Lincoln in the bulletin this morning. "I've been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me seemed insufficient for the day." How many times has your reason, your intellect failed you and you've had to fall back on faith? In times of struggle, we learn to trust, we learn to fall back on faith, we learn to fall back on that which cannot be seen and cannot be understood, and it makes us stronger.

Finally, in times of struggle, perhaps more than at other times, we are reminded also of the responsibilities of faith, particularly if we've been through struggles ourselves and we are called on to participate in, to be a part of someone else's struggle. And it is that relationship between personal faith and taking one's faith into the community to make it better that I want to explore for a moment now—to take the lessons and the power of faith outside of our own personal experiences and into the community at large.

Now in order to do that, you have to draw on other parts of your faith. You have to draw on what has been honed and toughened inside you when you yourself have struggled. But you also have to draw on the power that is there for you to first and foremost be optimistic. When I am very often asked what has

faith done for me that is most important, I say that yes it's been there for me in tough times and struggle, but I think it's also made me an optimistic person. It's made me a person who believes that there can be a better tomorrow.

If you don't believe that faith plays its role in making you an optimistic person, think of the people who built this country and the optimism that must have come from their faith. Have you ever wondered what it must have been like to come across the Continental Divide without roads? They must have had faith that they were going to make it. They must have had optimism about what was possible on the other side. They must have gone together and indeed from that they built a great country. Have you ever wondered about the faith and optimism of my ancestors, slaves who were three-fifths of a man who endured the most awful hardships of day-to-day life and yet somehow looked optimistically to a future? They must have done it out of the strength of their faith. They must have done it out of the optimism that only faith can give.

But imparting that optimism to people who are in need, imparting the mysteries and the lessons of faith to people who are in struggle is sometimes, oddly enough, easier than imparting and using the lessons of faith in everyday life. Sometimes we mobilize to use our faith when things are tough. This city mobilized around Columbine. People are able to bring themselves to love one another—Greeks and Turks after the earthquake in Turkey, because you're mobilized in your faith to help. But what about day to day in your interactions with people in the community? Can you mobilize your faith in the same way?

I think sometimes the biggest impediment to mobilizing our faith in our day to day interactions in trying to make our communities better is really in our lack of humility about what we as mere human beings can bring to the table. You know sometimes people of faith are wonderful at dealing with people in need. But in more normal times we're our own worst enemy because sometimes the shouting, the desire to lecture, overwhelms the desire to listen and to understand. I think sometimes that the greatest impediment to people of faith in really making a difference in their communities to people on a daily basis—not just when we need to be mobilized—is that we sometimes have trouble, as people of faith, meeting people where they are, not where we would like them to be.

And hereto, I draw on a lesson from Christ. Have you ever noticed that when Christ was interacting with people, He found a way to meet them where they were? With the rich young leader, it was confrontational—to give up everything and to give it to the poor was pretty confrontational. With Lazarus and the sisters, it was dramatic—a miracle. With the woman at the well, it was kind and understanding and quiet. How many of us as people of faith have that entire repertoire at our disposal? When we deal with people, do we ever stop shouting so loud that they can hear through us the still, small voice of calm, remembering after all that we will not personally work miracles in people's lives? That is the work of God. But if we are to be a conduit, we have to be a conduit that is willing to listen, a conduit that is willing to help with humility, and a conduit that is willing to meet people where they are.

Those I think are the lessons of faith—to hone our personal faith, to practice it every day, to pray for our leaders and for those who must carry the heavy burdens, and to try to use our faith and its lessons, not just when we need to be mobilized, but in our ev-

eryday interactions. Because only then can people of faith really make a difference in communities at home and communities abroad.

Thank you very much, and God bless you.●

#### MR. LLOYD A. SEMPLE RECEIVES 2000 JUDGE LEARNED HAND AWARD

● Mr. ABRAHAM. Mr. President, each year, the American Jewish Committee's Metropolitan Detroit Chapter presents one individual with its Judge Learned Hand Human Relations Award. Recipients of this award are honored for their outstanding leadership within the legal profession, and for exemplifying the high principles for which Judge Learned Hand was renowned. I rise today to recognize Mr. Lloyd A. Semple, who will receive the 2000 Judge Learned Hand Award on June 29, 2000, in Detroit, Michigan.

Mr. Semple is the Chairman of one of Detroit's oldest and most prestigious law firms, Dykema Gossett, PLLC. Founded in 1926, Dykema Gossett provides legal services to a broad range of clients, from international and Fortune 500 companies to individuals and small "Mom and Pop" businesses. Its mission has remained constant throughout its almost seventy-five years: to provide the best possible legal advice and service to its clients. The firm has grown over 270 lawyers strong, and now has locations in the following Michigan cities: Ann Arbor, Bloomfield Hills, Grand Rapids, and Lansing; as well as offices in Chicago and Washington, D.C. In addition, Dykema Gossett has recently gone global, forming an affiliation with a firm in Bologna, Italy.

In his time as Chairman, Mr. Semple has overseen this growth and adaptation to the "new economy" while at the same time stressing the importance of pro bono work to the members and associates of Dykema Gossett. Twice in recent years the law firm has been recognized by the Detroit Metropolitan Bar Association for its efforts in this regard. In 1998, Dykema Gossett was selected by the Business Law Section of the American Bar Association as the firm that made the most outstanding pro bono contribution in the United States in transactional and business related areas. In addition, members and associates donate their time and resources to a host of charitable and civic organizations, recognizing the importance of being not only a community member, but a community leader. Much of this is attributable, I think, to the strong leadership of Mr. Semple, and his belief that a good business should also strive to be a good neighbor.

Mr. Semple himself practices general corporate law, including acquisitions, divestitures, mergers and financings. He received his Bachelor of Arts degree from Yale University, and his Jurist Doctorate from the University of Michigan. He is a member of the De-

troit Metropolitan Bar Association, the American Bar Association, and the State Bar of Michigan. He is a Director and/or Officer of Interface Systems, Inc., Sensys Technologies Inc., Tracy Industries, Inc., and Civix, Inc.

In addition, Mr. Semple serves as Chairman of the Board of Trustees of the Detroit Medical Center; Chairman of the Executive Committee of the Detroit Zoological Society; and is a Trustee of Detroit Symphony Orchestra Hall. He is the Director and Corporate Secretary, as well as a Trustee, of the Barbara Ann Karmanos Cancer Center, an organization which raises funds for the awareness and prevention of breast cancer. He has served as Chairman of the Board of Harper Hospital, Councilman and Mayor Pro Tem of the City of Grosse Pointe Farms, President of the Yale Alumni Association of Michigan and President of the Country Club of Detroit.

I applaud Mr. Semple on his many achievements within the realm of the law, and his many charitable endeavors outside of that realm. Not only the City of Detroit, but the entire State of Michigan, has benefitted from his many great works. On behalf of the United States Senate, I congratulate Mr. Lloyd A. Semple on receiving the 2000 Judge Learned Hand Award, and wish him continued success in the future.●

#### MESSAGES FROM THE PRESIDENT

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

##### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 809. An act to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

H.R. 1959. An act to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center."

H.R. 3323. An act to designate the Federal building located at 158-15 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building."

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse."

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.



The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers.

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes.

H. Con. Res. 344. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, with an amendment.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

H.R. 2614. An act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

At 3:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 4733. An act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

#### ENROLLED BILLS SIGNED

The enrolled bill (S. 1309) was signed subsequently by the President pro tempore (Mr. THURMOND).

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 809. an act to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service; to the Committee on Environment and Public Works.

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4733. An act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

The following concurrent resolutions was read, and referred as indicated:

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title

pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2801. A bill to prohibit funding of the negotiation of the move of the Embassy of the People's Republic of China in the United States until the Secretary of State has required the divestiture of property purchased by the Xinhua News Agency in violation of the Foreign Missions Act.

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

#### 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-9427. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Packaging, Handling, and Transportation" received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9428. A communication from the Associate Administrator of Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Risk Management" received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9429. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the Gulf of Mexico; Addition to FMP Framework Provisions; Stone Crab Gear Requirements" (RIN0648-AL81) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9430. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Fisheries of the Northeastern United States Final 2000 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs" (RIN0648-AM49) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9431. A communication from the Federal Highway Administration Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Marking" (RIN2126-AA14) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9432. A communication from the Regulations Officer, Department of Transportation, transmitting, pursuant to law, the re-

port of a rule entitled "Policy Guidance Concerning Application of Title VI of the Civil Rights Act of 1964 to Metropolitan and Statewide Planning" received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9433. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Sturgeon Fishery" (RIN0648-AL38) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9434. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Regulatory Amendment Under the Framework Provisions of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico to Set Gag/Black Grouper Management" (RIN0648-AM70) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9435. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reexamination of the Comparative Standards for Non-commercial Educational Applicants" (MM Docket No. 95-31, FCC 00-120) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9436. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne, Wyoming, and Gering, Nebraska)" (MM Docket No. 97-106; RM-9044,9741) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9437. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Anniston and Ashland, Alabama, and College Park, Covington, Milledgeville and Social Circle, Georgia)" (MM Docket No. 98-112) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9438. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bayfield, Colorado and Teec Nos Pos, Arizona)" (MM Docket No. 99-103; RM-9506; RM-9829) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9439. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Drummond and Victor, Montana" (MM Docket No. 99-134) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9440. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Madisonville, Texas"



(MM Docket No. 99-236) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9441. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Seymour, Texas" (MM Docket No. 99-340) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9442. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saranac Lake and Westport, New York)" (MM Docket No. 99-83) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9443. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Moncks Corner, Kiawah Island, and Sampit, South Carolina)" (MM Docket No. 94-70) received on June 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9444. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne, Wyoming and Grover, Colorado)" (MM Docket No. 96-242; RM-8940, RM-9243) received on June 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9445. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Monahans and Gardendale, Texas" (MM Docket No. 99-302) received on June 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9446. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, East River, Wards Island (CGD01-00-113)" (RIN2115-AA97(2000-0025)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9447. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Naval Station Newport, Newport, RI (CGD01-99-197)" (RIN2115-AA97(2000-0026)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9448. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Parade of Tall Ships Newport 2000, Newport, RI (CGD01-99-198)" (RIN2115-AA97(2000-0027)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9449. A communication from the Chief of the Office of Regulations and Administra-

tive Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; China Basin, Mission Creek, San Francisco, CA (CGD11-00-003)" (RIN2115-AE47(2000-0029)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9450. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL 2000 Fireworks Displays and Search and Rescue Demonstrations, Port of New York/New Jersey (CGD01-00-009)" (RIN2115-AA97(2000-0028)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9451. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ocean View Beach Park, Chesapeake Bay, VA (CGD05-00-118)" (RIN2115-AA97(2000-0029)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9452. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Coast Guard Activities New York Annual Fireworks Displays (CGD01-00-005)" (RIN2115-AA97(2000-0030)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9453. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, New York Harbor Ellis Island (CGD01-00-137)" (RIN2115-AA97(2000-0031)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9454. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Pine River (Charlevoix), Michigan (CGD09-00-001)" (RIN2115-AE47(2000-0030)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9455. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Atlantic Intracoastal Waterway, mile 1084.6, Miami, FL (CGD07-00-053)" (RIN2115-AE47(2000-0031)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9456. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Navigable Waters Within the First Coast Guard District (CGD01-98-151)" (RIN2115-AE48(2000-0002)) received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9457. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fishing Capacity Reduction Program" (RIN0648-AK76) received on May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9458. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final rule to revise at-sea scales and observer sampling station and observer transmission of data requirements" (RIN0648-AL88) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9459. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Tautog; Interstate Fishery Management Plans; Cancellation of Moratorium" (RIN0648-AN48) received on June 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9460. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Designating the Cook Inlet, Alaska, Stock of Beluga Whale as Depleted Under the Marine Mammal Protection Act" (RIN0648-AM84) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9461. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closure for Hook-and-Line Gear Groundfish in the Gulf of Alaska, Except for Sablefish or Demersal Shelf Rockfish" received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9462. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Bering Sea Subarea of the Bering Sea and Aleutian Islands to Directed Fishing for Greenland Turbot" received on June 21, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9463. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Gulf of Alaska for Shallow-Water Species Using Trawl Gear" received on June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9464. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2000 Specifications" (RIN0648-AM49) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9465. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Date of an Emergency Interim Rule Implementing Stellar Sea Lion Protection Measures for the Pollock Fisheries Off Alaska" (RIN0648-AM32) received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9466. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to

Implement Amendment 4 to the Fishery Management Plan for the Coral, Coral Reefs, and Live/Hard Bottom Habitat of the South Atlantic Region" (RIN0648-AL43) received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9467. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim rule; extension of effective date" (RIN0648-AN41) received on June 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9468. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Shark Fishing Season Notification" (RIN: I.D.052500B) received on June 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9469. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Tire Quality Grading Test Procedures" (RIN2127-AG96) received by May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9470. A communication from the Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Improved Methods for Ballast Water Treatment and Management and Prevention of Small Boat Transport of Invasive Species; Request for Proposals for Fiscal Year 2000" received by May 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9471. A communication from the Chairman of the Office of General Counsel, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretations and Statements of Policy Regarding Ocean Transportation Intermediaries" received by June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9472. A communication from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board On Universal Service. CC Docket Nos. 96-262, 94-1, 99-249, and 96-45." (FCC00-193) received by June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9473. A communication from the Senior Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Smoking Aboard Aircraft" (RIN2105-AC85) received by June 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9474. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy of Consumer Financial Information" (RIN3084-AA85) received on June 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9475. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Maine Yankee Steam Generator and Pressurizer Removal Wiscasset, ME (CGD1-00-129)" (RIN2115-AA97 (2000-0021)) received on

May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9476. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OpSail Miami 2000, Port of Miami (COTP Miami 00-015)" (RIN2115-AA97 (2000-0022)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9477. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Transit of S/V Amerigo, Vespucci, Chesapeake Bay, Baltimore, MD (CGD05-00-004)" (RIN2115-AA97 (2000-0023)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9478. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; (Including 69 regulations)" (RIN2115-AA97 (2000-0024)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9479. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; (Including 13 regulations)" (RIN2115-AE46 (2000-0004)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9480. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Termination of Regulated Navigation Area: Monongahela River, Mile 81.0 to 83.0 (CGD08-00-010)" (RIN2115-AE84 (2000-0001)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9481. A communication from the Acting Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Outer Continental Shelf Platforms in the Gulf of Mexico (CGD08-99-023)" (RIN2115-AF93) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system (Rept. No. 106-324).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 4249: An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 239: A resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh.

S. Res. 309: A resolution expressing the sense of the Senate regarding conditions in Laos.

S. Res. 329: A resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Con. Res. 57: A concurrent resolution concerning the emancipation of the Iranian Baha'i community.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 122: Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Ross L. Wilson, of Maryland, 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 Republic of Azerbaijan.

Nominee: Ross L. Wilson.

Post: Ambassador to Azerbaijan.

Nominated: February 1, 2000.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Self: none.

2. Spouse: Marguerite H. Squire, none.

3. Children and Spouses: C. Blake Wilson, none; Grady S. Wilson, none.

4. Parents: John A. Wilson, none; Winnidell G. Wilson, approximately \$50.00 (total), various 1995-2000, women candidates of Democratic Farmer Labor Party of Minnesota.

5. Grandparents: Osmyn B. Wilson, deceased; Edna B. Wilson, deceased; Andrew J. Gravitt, deceased; Winnidell Gravitt, deceased.

6. Brothers and Spouses: Murray D. Wilson, approximately \$100.00 (total), various 1995-2000, Democratic Farmer-Labor Party of Minnesota; Becky Wilson, none.

7. Sisters and Spouses: Joanne Lindahl, approximately \$200.00 annually, 1995-2000, American Express Political Action Committee; Duane Lindahl, none.

Karl William Hofmann, of Maryland, 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 Togolese Republic.

Nominee: Karl Hofmann.

Post: Togo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Barrie F. Hofmann, spouse, none.
3. Elisabeth B. Hofmann, daughter, none; William K. Hofmann, son, none; Zoe R. Hofmann, daughter, none.
4. Janet R. Hofmann, mother, \$100—1994, \$200—1995, \$175—1996, \$200—1998, Representative Anna Eshoo; \$60—1994, \$35—1995, Senator Diane Feinstein; \$125—1998, Senator Barbara Boxer; William W. Hofmann, father, none.
5. George J. Reese, grandfather, deceased; Florence R. Reese, grandmother, deceased; William Hofmann, grandfather, deceased; Madeleine W. Hofmann, grandmother, deceased.
6. Mark R. Hofmann, brother, none; Janice Hofmann, sister-in-law, none.
7. Marilyn Hofmann Jones, sister, none; Steven Jones, brother-in-law, none;

Janet A. Sanderson, of Arizona, 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 Democratic and Popular Republic of Algeria.

Nominee: Janet A. Sanderson.  
Post: Ambassador to Algeria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse:
3. Children and Spouses names, none.
4. Parents names: John M. Sanderson, none; Patricia M. Sanderson, none.
5. Grandparents names: Emil and Marjorie Budde, deceased; John and Gail Sanderson, deceased.
6. Brothers and Spouses names: Michael J. Sanderson, none.
7. Sisters and Spouses names, none.

Donald Y. Yamamoto, of New York, 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 Republic of Djibouti.

Nominee: Donald Y. Yamamoto.  
Post: Ambassador to Djibouti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: Donald Yamamoto, none.
2. Spouse: Margaret Yamamoto, none.
3. Children and Spouses, names: Michael Yamamoto, none; Laura Yamamoto, none.
4. Parents names: Mr. & Mrs. Hideo & Lilian Yamamoto, none.
5. Grandparents names: Mr. and Mrs. Yamamoto, deceased; Mr. and Mrs. Matsuura, deceased.
6. Brothers and Spouses, names: Mr. Ronald Yamamoto, none.
7. Sisters and Spouses names: No Sister.

John W. Limbert, of Vermont, 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 Islamic Republic of Mauritania.

Nominee: John W. Limbert.  
Post: Ambassador to Mauritania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses names: Mandana Limbert, Shervin Limbert, none.
4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses, none.
7. Sisters and Spouses names: Ms. Lois Witt, none; Mr. Hal Witt, none; Ms. Valerie Olson, none; Spouse deceased.

Roger A. Meece, of Washington, 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 Republic of Malawi.

Nominee: Roger A. Meece.  
Post: Ambassador to Malawi.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents names: Mary Jane Meece, none.
5. Grandparents names: N/A.
6. Brothers and Spouses, names: Stephen and Victoria Meece, none; Lawrence and Barbara Meece, \$35.00 2/1/99, Sen. Slade Gorton, \$25.00 10/2/98, Wash. State Repub. Committee, \$25.00 1/15/95 Sen. Slade Gorton.
7. Sisters and Spouses names: N/A.

Mary Ann Peters, of California, 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 People's Republic of Bangladesh.

Nominee Mary Ann Peters.  
Post Ambassador to Bangladesh.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Timothy M. McMahon, none.
3. Children and Spouses Names: Margaret McMahon, none; Anthony McMahon, none.
4. Parents Names: Margaret C. Peters, none; Robert M. Peters none.
5. Grandparents Names: Anthony Camarata deceased; Mark W. Peters, deceased, Cornelia Camarata deceased; Margaret D. Peters deceased.
6. Brothers and Spouses, Names: Mark W. Peters, none.
7. Sisters and Spouses Names: Margaret Peters Fox, none, Theodore P. Fox none; Susan P. Peters, \$250, May 19/99, Rep. Anne Northrup (R-Ky), \$500, July 2/98, GEPAC (Rep. Anne Northrup), \$200, Sept. 5/97, GEPAC (Rep. Anne Northrup), \$50, Aug. 7/96, GEPAC, \$30, Sept. 5/95, GEPAC, \$25, Sept. 13/94, GEPAC; Constance Peters Murphy none; Brian P. Murphy, \$100, 1997, Tom Davis (R-Va), \$100, 1997, Jim Moran (D-Va); Virginia M. Peters, none; Robert A. Peters Bigley, none, Mark Bidley none.

John Edward Herbst, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraor-

dinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: John E. Herbst.  
Post: Uzbekistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: None.
3. Children and Spouses Names: Maria Herbst, Ksenia Herbst, Alexandra Herbst, Nicholas Herbst, John Herbst, none.
4. Parents: Christopher Herbst, deceased; Mary Herbst, deceased.
5. Grandparents Names: John Herbst and Sadia Herbst, deceased; Egidio Vaccheli and Irene Vaccheli, deceased.
6. Brothers and Spouses Names: none.
7. Sisters and Spouses. Names: Christine Herbst: none; Michelle Stern: none.

E. Ashley Wills, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: E. Ashley Wills.

Post: Sri Lanka and the Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses Names: Zachary, 0, Olivia, 0.
4. Parents Names: James A. Wills, 0, Frankie B. Wills, 0.
5. Grandparents Names: All deceased years ago.
6. Brothers and Spouses Names: James A. Wills III, 0, Kadi Wills, 0.
7. Sisters and Spouses Names: Joan L. Wills, 0.

Carlos Pascual, of the District of Columbia, 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 Ukraine.

Nominee: Carlos Pascual.

Post: Ambassador to Ukraine.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: \$100.
2. Spouse: \$100.
3. Children and Spouses names: no children.
4. Parents names: none.
5. Grandparents names: deceased.
6. Brothers and Spouses names: no brothers.
7. Sisters and Spouses names: no sisters.

Sharon P. Wilkinson, of New York, 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 Republic of Mozambique.

Nominee: Sharon P. Wilkinson.  
Post: Ambassador to Mozambique.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: NA.
3. Children and Spouses Names: NA.
4. Parents Names: Fred Wilkinson (deceased), Jeane Ann Wilkinson, none.
5. Grandparents Names: Deceased.
6. Brothers and Spouses Names: Frederick D. Wilkinson III, none.
7. Sisters and Spouses Names: Dayna J. Wilkinson, none.

Owen James Sheaks, of Virginia, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State (Verification and Compliance). (New Position)

Pamela E. Bridgewater, of Virginia, 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 Republic of Benin.

Nominee: Pamela E. Bridgewater.

Post: Ambassador to the Republic of Benin.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: no spouse.
3. Children and Spouses Names: no children.
4. Parents Names: Mary E. Bridgewater, \$200.00, April 2000, Lawrence Davies for Congress campaign; Joseph N. Bridgewater (deceased).
5. Grandparents Names: Rev. B.H. and Blance A. Hester (deceased); Mrs. Ethel Bridgewater (deceased).
6. Brothers and Spouses Names: Joseph Bridgewater III (stepbrother), none; no spouse.
7. Sisters and Spouses Names: Claudia Walton (stepsister) none; Michael Walton (spouse), none.

(The above nominations were reported with the recommendations that they be confirmed subject to the nominees' 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 times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 2803. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2804. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN) (by request):

S. 2805. To amend the Federal Property and Administrative Services Act of 1949, as amended, to enhance Federal asset management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2806. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAU (for himself Mr. FRIST, Mr. KERREY, Mr. BOND, Mr. SANTORUM, Ms. LANDRIEU, Mr. ASHCROFT, and Ms. COLLINS):

S. 2807. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mrs. HUTCHISON, and Mr. GRAMS):

S. 2808. A bill to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax; read the first time.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2809. A bill to protect the health and welfare of children involved in research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. DEWINE):

S. 2810. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself and Mr. CONRAD):

S. 2811. A bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. L. CHAFEE (for himself and Mr. HELMS):

S. Res. 329. A resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; placed on the calendar.

By Mr. LOTT:

S. Con. Res. 125. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. FEINSTEIN:

S. 2803. A bill to provide for infant crib safety, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

#### THE INFANT CRIB SAFETY ACT

Mrs. FEINSTEIN. Mr. President, today, I am introducing legislation designed to eliminate injuries and deaths that result from crib accidents.

While there are strict guidelines on the manufacture and sale of new cribs, there are still 25 to 30 million unsafe cribs sold throughout the U.S. in "secondary markets," such as thrift stores and resale furniture stores. These cribs should be taken off the market, and either made safe, or destroyed.

There are a number of reasons why unsafe cribs should be taken off the market:

Each year, at least 45 children die from injuries sustained in cribs. That is almost one child a week.

The number of deaths from crib incidents exceeds deaths from all other nursery products combined.

Over 9,000 children are hospitalized each year as a result of injuries sustained in cribs.

To illustrate the need for this legislation, I want to share with you the story of Danny Lineweaver.

At the age of 23 months, Danny was injured during an attempt to climb out of his crib. Danny caught his shirt on a decorative knob on the cornerpost of his crib and hanged himself.

Though his mother was able to perform CPR the moment she found him, Danny lived in a semi-comatose state for nine years and died in 1993. This injury and subsequent death could have been prevented.

Since Danny's accident, we have passed laws mandating safety standards for the manufacture of new cribs. But this is not enough.

There are nearly four million infants born in this country each year, but only one million new cribs sold. As many as half of all infants are placed in secondhand, hand-me-down, or heirloom cribs—cribs that are sold in thrift stores or resale furniture stores. These cribs may be unsafe, and may in fact threaten the life of the infants placed in them.

This legislation requires thrift stores and retail furniture stores to remove decorative knobs on the cornerposts of cribs before selling those cribs.

Additionally, the bill prohibits hotels and motels from providing unsafe cribs to guests, or risk being fined up to \$1,000.

The Infant Crib Safety Act makes the sale of used, unsafe cribs illegal. I hope my colleagues will join me in putting a stop to preventable injuries and deaths resulting from unsafe cribs.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2804. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

DESIGNATION OF THE "JOHN BRADEMAS POST OFFICE"

• Mr. BAYH. Mr. President. It is with great pride that I rise today to pay tribute to a good friend and a great man, former United States Congressman John Brademas. I am honored to introduce legislation designating the United States Post Office located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

John Brademas was born on March 2, 1927, in Mishawaka, Indiana, a small town in Indiana's third congressional district, which he would later represent for more than two decades (1959-1981). John's father was a Greek immigrant restaurateur and his mother was a Hoosier school teacher. Upon graduation from high school, John joined the Navy and soon thereafter became a Veterans National Scholar at Harvard University, from which he graduated with a B.A., Magna Cum Laude, in 1949. From 1950 to 1953, he studied as a Rhodes Scholar at Oxford University, England, receiving the degree of Doctor of Philosophy in Social Studies.

From 1955 to 1956, John Brademas served as Executive Assistant to the late Adlai E. Stevenson, where he assumed research responsibilities during the 1956 Presidential campaign. Three years later, John Brademas became the first native-born American of Greek origin to be elected to Congress. In the House, he quickly became a leader in the areas of education, the arts and humanities, as well as a staunch defender of the rights of the disabled and the elderly. During his service on the House Committee on Education and Labor, Congressman Brademas was largely responsible for writing major federal legislation concerning elementary and secondary education, higher education, vocational education, as well as support for libraries, museums, and the arts and humanities.

Congressman Brademas was also the chief House sponsor of the Education for all Handicapped Children Act; the Arts, Humanities, and Cultural Affairs Act; and the Older Americans Comprehensive Services Act. In 1977, Congressman Brademas was chosen by his colleagues for the influential position of House Majority Whip, in which he served for his last four years in office. Among his numerous accomplishments, Congressman Brademas was responsible for attaining the necessary funding for the very same Post Office that I seek to name in his honor.

Today, Congressman Brademas is President Emeritus of New York University, where he served as President from 1981-1992. During that time, he led the transition of New York University from a regional commuter school to a national and international research university. In addition to his responsibilities at New York University, he is the Chairman of the National Endowment for Democracy and serves as co-chairman for the Center on Science, Technology and Congress at the Amer-

ican Association for the Advancement of Science. He also serves on the Consultants' Panel to the Comptroller General of the United States.

During his long and distinguished service, both as a leader in government and a leader in higher education, John Brademas has provided inspiration and guidance to two generations of men and women committed to public service and to education. I want to thank Congressman Brademas for his enduring contributions to the State of Indiana and the nation.

Mr. President, it is my hope that the Postal facility located at 424 South Michigan Street will soon bear the name of my good friend and fellow Hoosier, former Congressman John Brademas. •

By Mr. THOMPSON (for himself and Mr. LIEBERMAN) (by request):

S. 2805. To amend the Federal Property and Administrative Services Act of 1949, as amended, to enhance Federal asset management, and for other purposes; to the Committee on Governmental Affairs.

#### THE FEDERAL PROPERTY ASSET MANAGEMENT REFORM ACT OF 2000

• Mr. THOMPSON. Mr. President, today Senator Lieberman and I are introducing, by request, the Federal Asset Management Reform Act of 2000. This legislation is the result of the work of the General Services Administration, under the leadership of its Administrator David Barram, to modernize and reform the management, use and disposal of the Federal government's real property and surplus personal property.

The Federal government owns or controls over 24 million acres of land and facilities which have been acquired for use and operation by Federal agencies in support of their missions. Since 1949, the Federal Property and Administrative Services Act has provided the foundation for the management and disposal of these properties as well as for surplus personal property. This legislative proposal is intended to improve life cycle planning and management of Federal assets.

We are introducing this proposal today for the purpose of encouraging study and comment by all interested parties. Key participants in the current property disposal process are state and local governments, non-profit organizations and federal agencies. The Governmental Affairs Committee intends to review this legislative measure and all comments received about it to better understand what changes are desirable in the management of the Federal government's billions of dollars worth of real and surplus property. The Committee expects to follow through with further legislative action in the next Congress.

Mr. President, I ask unanimous consent that the full text of the Federal Asset Management Reform Act of 2000 be printed at this point in the RECORD.

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

S. 2805

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE 1. SHORT TITLE.

This Act may be cited as the "Federal Property Asset Management Reform Act of 2000".

#### TITLE 2. DEFINITIONS.

Section 3 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §472), is amended by adding at the end the following:

"(m) The term 'landholding agency' means any Federal agency that, by specific or general statutory authority, has jurisdiction, custody, and control over real property, or interests therein. The term does not include agencies, when they are acting as the sponsors of real property conveyances for public benefit purposes pursuant to section 203 of the Act (40 U.S.C. 33 §484).

#### TITLE 3. LIFE CYCLE PLANNING AND MANAGEMENT

Title 11 of the Federal Property and Administrative Services Act of 1949, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 213. (a) In accordance with the authorities vested in the Administrator under section 205(c) of this Act, the Administrator, in collaboration with the heads of affected Federal agencies, shall establish and maintain current asset management principles to be used as guidance by such agencies in making major decisions concerning the planning, acquisition, use, maintenance, and disposal of real and personal property assets subject to this Act and under the jurisdiction, custody and control of such agencies.

"(b) In order to accumulate and maintain a single, comprehensive descriptive listing of all Federal real property interests under the custody and control of each Federal agency, the Administrator, in coordination with the heads of affected Federal agencies, shall collect such descriptive information, except for classified information, as the Administrator deems will best describe the nature, use, and extent of the real property holdings of the United States. For purposes of this section, real property holdings include all public lands of the United States and all real property of the United States located outside the States of the Union, to include, but not be limited to the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands and the Virgin Islands. To facilitate the reporting on a uniform basis, the Administrator is authorized to establish data and other information technology standards for use by Federal agencies in developing or upgrading agency real property information systems.

"(c) The listing compiled pursuant to this section shall be public record; however, the Administrator is authorized to withhold information, including the location of classified facilities, when it is determined that withholding such information would be in the public interest. Nothing herein shall require the public release of information which is exempt from disclosure pursuant to the Freedom of Information Act (5 U.S.C. §552).

"(d) Nothing in this section shall authorize the Administrator to assume jurisdiction over the acquisition, management, or disposal of real property not subject to this Act.

"SEC. 214. (a) Within 90 days of the effective date of this section, the head of each landholding agency shall appoint, or designate from among persons who are employees within such agency, a Senior Real Property Officer. The head of any landholding

agency who so desires may also appoint a Real Property Officer for any major component part of an agency, and such Real Property Officers, for the purposes of complying with this Act, shall report to the Senior Real Property Officer.

“(b) The Senior Real Property Officer for each agency shall be responsible for continuously monitoring agency real property assets to:

“(1) ensure that the management of each asset, including but not limited to its functional use, occupancy, reinvestment requirements and future utility, is fully consistent with and supportive of the goals and objectives set forth in the agency’s Strategic Plan required under section 3 of the Government Performance and Results Act of 1993, Public Law 103-62 (5 U.S.C. §306), consistent with the framework provided by the real property asset management principles published by the Administrator pursuant to section 213(a) of this Act, and reflected in an agency asset management plan. The asset management plan shall be prepared according to guidelines issued by the Administrator, shall be maintained to reflect current agency program and budget priorities, and be consistent with capital planning and programming guidance issued by the Office of Management and Budget;

“(2) identify real property assets that can benefit from the application of the enhanced asset management tools described in section 216 of this Act;

“(3) ensure, in those cases where a real property asset can benefit from application of an enhanced asset management tool, that any resulting transaction will result in a fair return on the Federal government investment and protect the Federal government from unreasonable financial or other risks; and

“(4) ensure that a listing and description of the real property assets, under the jurisdiction, custody and control of that agency, including public lands of the United States and property located in foreign lands, is provided to the Administrator, along with any other relevant information the Administrator may request, for inclusion in a government-wide listing of all Federal real property interests established and maintained in accordance with section 213(b) of this Act.

“(c) Except as otherwise provided by Federal law, prior to a Federal agency acquiring any interests in real property from any non-Federal source, the Senior Real Property Officer of the acquiring agency shall give first consideration to available Federal real property holdings.”

#### TITLE 4. ENHANCED AUTHORITIES FOR REAL PROPERTY ASSET MANAGEMENT

SEC. 401. Title 11 of the Federal Property and Administrative Services Act of 1949, as amended, is amended by adding at the end thereof the following new sections:

“SEC. 215. CRITERIA FOR USING ENHANCED ASSET MANAGEMENT TOOLS.—

“(a) Subject to the requirements of subsection (b) of this section, the head of a landholding agency may apply an enhanced asset management tool described in section 216 of this Title to a real property interest under the agency’s jurisdiction, custody and control when the head of the agency has determined that such real property interest—

“(1) when used to acquire replacement real property, is not excess property within the meaning given in subsection 3(e) of this Act (40 U.S.C. §472(e));

“(2) is used to fulfill or support a continuing mission requirement of the agency; and

“(3) can, by applying an enhanced asset management tool, improve the support of such mission.

“(b) Before applying an enhanced asset management tool defined in section 216 to a real property interest identified under subsection (a) of this section, the head of the agency shall determine that such application meets all of the following criteria:

“(1) supports the goals and objectives set forth in the agency’s Strategic Plan required under section 3 of the Government Performance and Results Act of 1993, Public Law 103-62 (5 U.S.C. §306) and the agency’s real property asset management plan as required in section 214;

“(2) is the most economical and cost effective option available for the use of the real property; and

“(3) is documented in a business plan which, commensurate with the nature of the selected tool, analyzes all reasonable options for using the property; takes into account applicable provisions of law including but not limited to the National Environmental Policy Act; and evidences compliance with the requirements of the Stewart B. McKinney Homeless Assistance Act, including (i) describing the result of the determination by the Department of Housing and Urban Development of the suitability of the property for use to assist the homeless; and (ii) explaining the rationale for the landholding agency’s decision not to make the property available for use to assist the homeless.

“SEC. 216. ENHANCED ASSET MANAGEMENT TOOLS.—

“(a) INTERAGENCY TRANSFERS OR EXCHANGES.—Any landholding agency may acquire replacement real property by transfer or exchange of real property subject to this Act with other Federal agencies under terms mutually agreeable to the agencies involved.

“(b) SALES TO OR EXCHANGES WITH NON-FEDERAL SOURCES.—Any landholding agency may acquire replacement real property by selling or exchanging a real property asset or interests therein with any non Federal source; provided that: (1) this transaction does not conflict with other applicable laws governing the acquisition of interests in real property by Federal agencies; (2) the agency first made the property available for transfer or exchange to other Federal agencies; and (3) the transaction results in the agency receiving fair market value consideration, as determined by the agency head, for the asset sold or exchanged.

“(c) SUBLEASES.—The head of any landholding agency, by lease, permit, license or similar instrument, may make available to other Federal agencies and to non-Federal entities the unexpired portion of any government lease for real property; provided that the term of any sublease shall not exceed the unexpired portion of the term of the original government lease of the property and the sublease results in the agency receiving fair market rental value for the asset. Prior to subleasing to any private person or private sector entity, the Federal landholding agency shall give consideration to the needs of the following entities with the needs of entities listed in paragraph (1) being considered before the needs of entities listed in paragraph (2):

“(1) FIRST PRIORITY.—The needs of each of the following entities, equally, shall be given first priority by the agency:

“(A) Federal agencies; and

“(B) Indian tribes (as defined by section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)), urban Indian organizations (as defined by that section), and tribal organizations (as defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) when the property is to be used in connection with an Indian self-determination contract or grant pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.); and

“(C) urban Indian organizations (defined as in subparagraph (B)) when the property is to be used in connection with a contract or grant pursuant to title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.).

“(2) SECOND PRIORITY.—The needs of each of the following entities, equally, shall be given second priority by the agency:

“(A) State and local governments; and

“(B) Indian tribes, tribal organizations, and urban Indian organizations (defined as in paragraph (1)(B)) when the property is to be used other than as described in paragraph (1).

“(d) OUTLEASES.—The head of any landholding agency may make available by outlease agreements with other Federal agencies and non-Federal entities any unused or underused portion of or interest in any agency real and related personal property after finding that (i) there is no long-term mission requirement for the property, but the Federal government is not permitted to dispose of it; or (11) there is a continuing long-term mission requirement for the property to remain in Government ownership but no known agency need for the property over the term of the outlease and (iii) the use of the real property by the lessee will not be inconsistent with the statutory mission of the landholding agency; provided that such an outlease transaction is conducted competitively.

“(1) OUTLEASE AGREEMENTS.—Any outlease agreements authorized under this subsection:

“(A) shall be for a term no longer than 20 years; with the exception that property that cannot be sold may be outleased for up to 35 years provided any such agency head determination of whether property cannot be sold shall be based on criteria established by the Administrator;

“(B) shall result in the agency receiving fair market value consideration, as defined by the agency head, for the asset, including cash, services, and/or in-kind consideration;

“(C) shall not provide a leaseback option to the Federal government to occupy space in any facilities acquired, constructed, repaired, renovated or rehabilitated by the non-governmental entity, unless the net present value, including the market value of the land provided through the outlease, of such an outlease and leaseback arrangement is less expensive for the Federal government than a simple Government-financed renovation or construction project; provided further that any subsequent agreements to leaseback space in such facilities must be in accordance with the competition requirements of Title III of this Act (41 U.S.C. §253 et seq.) and meet the guidelines for operating leases set forth in Conference Report No. 105-217, to accompany the Balanced Budget Act of 1997.

“(D) shall provide (i) that neither the United States, nor its agencies or employees, shall be liable for any actions, debts or liability of the lessee, and (ii) that the lessee shall not be authorized to execute and shall not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States, and of any Federal agency or employee, thereunder; and

(E) may contain such other terms and conditions as the head of the agency making the property available deems necessary to protect the interests of the Federal government.

“(2) ORDER OF CONSIDERATION.—In making property available for outlease, the landholding agency shall follow the order of consideration listed in subsection (c) of this section.



“(3) PREREQUISITES TO AGREEMENTS.—Prior to the head of any landholding agency executing any agreement authorized under subsection (d) of this section which would result in the development or major rehabilitation/renovation of Federal assets in partnership with a non-Federal entity, the head of such agency shall undertake an analysis of the proposed arrangement or transaction, which provides that any Federal real property, financial capital or other resources committed to the transaction are not placed at unreasonable financial risk or legal jeopardy.

“(4) OTHER AUTHORITIES.—The authority under this subsection shall not be construed to affect any other authority of any agency to outlease property or to otherwise make property available for any reason.

“SEC. 217. FORMS OF CONSIDERATION.—Notwithstanding any other provision of law, the forms of consideration received from an enhanced asset management tool as described in section 216 may include cash or cash equivalents, in-kind assets, services, or any combination thereof.

“SEC. 218. TRANSACTIONAL REPORTS.—For those transactions authorized under section 216 involving the sale, exchange or outlease to a non-Federal source of any asset valued in excess of \$2 million at the time of the transaction, the head of the landholding agency sponsoring the transaction shall submit the business plan required by subsection 215(b)(3) to the Office of Management and Budget and to the appropriate Committees of the United States Senate and the House of Representatives at least 30 calendar days prior to final execution of such transaction. The \$2 million reporting threshold in this subsection may be adjusted upward or downward by the Administrator to reflect the annual inflation/deflation factor as determined by the Department of Commerce Consumer Price Index.

“SEC. 219. ANNUAL REPORTS.—The head of each landholding agency shall include a list of all transactions using enhanced asset management tools under section 216 during the previous fiscal year with the materials the agency annually submits under section 3515 of Title 31, United States Code.”

SEC. 402. Section 321 of the Act of June 30, 1932, 47 Stat. 412 (40 U.S.C. §303b), is repealed.

SEC. 403. Subsection 203(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484(b)), is amended to read as follows:

“(b)(1) The care and handling of surplus personal property, pending its disposition, and the disposal of such property, may be performed by the General Services Administration or, when so determined by the Administrator, by the executive agency in possession thereof or by any other executive agency consenting thereto.

“(2) The responsibilities and authorities for the care and handling of surplus real and related personal property, pending its disposition, and for the disposal of such property, provided to the Administrator elsewhere in this Act, are hereby transferred to the head of the landholding agency. The head of the landholding agency may request the General Services Administration or any other entity to provide disposal services, as long as the landholding agency retains the authority to make disposal decisions and agrees to reimburse the related disposal costs. The head of the affected landholding agency may also delegate the authority to manage the disposal process (including responsibility for the related disposal costs) and to make disposal decisions to the General Services Administration. In the latter event, the landholding agency foregoes any claim to any related disposal proceeds pursuant to section 204 of this Act and the General Services Administration, after deducting

any disposal expenses incurred, shall deposit any net proceeds in the Treasury. The Administrator of General Services retains the authority to promulgate general policies and procedures for disposing of such property. These policies and procedures shall require that the General Services Administration:

(A) notify the agencies responsible elsewhere in this Act for sponsoring public benefit conveyances of the availability of excess property as soon as it has been declared excess and solicit their input on whether their public benefit represents the highest and best use of such property;

(B) serve as the central point of contact for agencies, prospective donees, and the public on the availability of surplus property as soon as it has been declared surplus;

(C) assure that the agencies with the authority to make disposal decisions give full consideration to the public benefit uses of surplus Federal property in making their disposal decisions; and

(D) serve as a clearinghouse for information on all phases of the surplus property disposal process, including appeals from sponsoring agencies and prospective donees that insufficient consideration was given to public benefit donations.

#### TITLE 5. INCENTIVES FOR REAL AND PERSONAL PROPERTY MANAGEMENT IMPROVEMENT

SEC. 501. Section 204 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §485), is amended as follows:

(a) in paragraph (2) of subsection (h) by striking “(b)” and inserting in lieu thereof “(c)”, and by striking the phrase “, to the extent provided in appropriations Acts,”;

(b) by revising subsection (i) to read as follows:

“Federal agencies may retain from the proceeds of the sale of personal property amounts necessary to recover, to the extent practicable, the full costs, direct and indirect, incurred by the agencies in disposing of such property including but not limited to the costs for warehousing, storage, environmental services, advertising, appraisal, and transportation. Such amounts shall be deposited into an account available for such expenses without regard to fiscal year limitations. Amounts that are not needed to pay such costs shall be transferred at least annually to the general fund or to a specific account in the Treasury as required by statute.”;

(c) by redesignating subsections (c), (d), (e), (f), (g), (h) and (i), as subsections (d), (e), (f), (g), (h), (i) and (j), respectively; and

(d) by striking subsections (a) and (b) and by inserting in lieu thereof the following subsections (a), (b), and (c):

“SEC. 204. PROCEEDS FROM TRANSFER OR DISPOSITION OF PROPERTY—

“(a)(1) AGENCY RETENTION OF PROCEEDS FROM REAL PROPERTY.—Proceeds resulting from the transfer or disposition of real and related property under this Title shall be credited to the fund, account or appropriation of the agency which made the property available and shall be treated as provided in subsections (b) and (c) of this section.

“(2) PROCEEDS FROM PERSONAL PROPERTY.—Proceeds from any transfer of excess personal property to a Federal agency or from any sale, lease, or other disposition of surplus personal property shall be treated as prescribed in subsection (j) or permitted by law or otherwise.

“(3) OTHER PROCEEDS.—All proceeds under this title not deposited or credited to a specific agency account, shall be covered into the Treasury as miscellaneous receipts except as provided in subsections (d), (e), (f), (g), (h), (i) and (j) of this section or permitted by law or otherwise.

“(b) MONETARY PROCEEDS TO AGENCY CAPITAL ASSET ACCOUNTS.—Monetary proceeds received by agencies from the transfer or disposition of real and related personal property shall be credited to an existing account or an account to be established in the Treasury to pay for the capital expenditures of the particular agency making the property available, which account shall be known as the agency’s capital asset account. Subject to subsection (c), any amounts credited or deposited to such account under this section, along with such other amounts as may be appropriated or credited from time to time in annual appropriations acts, shall be devoted to the sole purpose of funding that agency’s capital asset expenditures, including any expenses necessary and incident to the agency’s real property capital acquisitions, improvements, and dispositions, and such funds shall remain available until expended, in accordance with the agency’s asset management plan as required in Section 214, without further authorization: *Provided*, That monies from an exchange or sale of real property, or a portion of a real property holding, under subsection 216(b) of this Act shall be applied only to the replacement of that property or to the rehabilitation of the portion of that real property holding that remains in Federal ownership.”.

“(c) TRANSACTIONAL AND OTHER COSTS.—Agencies may be reimbursed, from the monetary proceeds of real property dispositions or from other available resources including from the agency’s capital asset account, the full costs, direct and indirect, to the agency of disposing of such property, including but not limited to the costs of site remediation or other environmental services, relocating affected tenants and occupants, advertising, surveying, appraisal, brokerage, historic preservation services, title insurance, document notarization and recording services and the costs of managing leases and providing necessary services to the lessees.”.

SEC. 502. Nothing in Act shall be construed to repeal or supersede any other provision of Federal law directing the use of proceeds from specific real property transactions or directing how or where a particular Federal agency is to deposit, credit or use the proceeds from the sale, exchange or other disposition of Federal property except as expressly provided for herein.

SEC. 503. (a) Section 2(a) of the Land and Water Conservation Act of 1965 as amended (16 U.S.C. §4601-5(a)), is superseded only to the extent that the Federal Property and Administrative Services Act of 1949, as amended, or a provision of this Act, provide for an alternative disposition of the proceeds from the disposal of any surplus real property and related personal property subject to this Act, or the disposal of any interest therein.

(b) Subsection 3302(b) of Title 31, United States Code, is superseded only to the extent that this Act or any other Act provides for the disposition of money received by the Government.

SEC. 504. For purposes of implementing Title V of this Act, the following shall apply:

(a) For fiscal years 2001 through 2005, OMB shall allocate by agency a prorata share of the baseline estimate of total surplus real property sales receipts transferred to the Land and Water Conservation Fund that were contained in the President’s Budget for Fiscal year 2001, made pursuant to section 1109 of title 31 U.S. Code. OMB shall notify the affected agencies and Appropriation Committees of the U.S. House of Representatives and Senate in writing of this allocation within 30 days of enactment of this Act and shall not subsequently revise the allocation.

(b) On September 30 of each fiscal year, each agency shall transfer to the Treasury an amount equal to its allocation for that



fiscal year, out of the proceeds realized from any sales of the agency's surplus real property assets during that fiscal year.

(c) If an agency's actual sale proceeds in any fiscal year are less than the amount allocated to it by OMB for that fiscal year, the agency shall transfer all of its sale proceeds to the Treasury, and its allocation for the subsequent fiscal year shall be increased by the difference.

(d) On September 30, 2005, if an agency has transferred less sale proceeds to the Treasury than its total allocation for the five years, the agency shall transfer the difference out of any other funds available to the agency.

#### TITLE 6. STREAMLINED AND ENHANCED DISPOSAL AUTHORITIES

SEC. 601. (a) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended in paragraph (k)(3) as follows—

(1) by striking "or municipality" and inserting in lieu thereof "municipality, or qualified nonprofit organization established for the primary purpose of preserving historic monuments"; and

(2) by inserting after the first sentence "Such property may be conveyed to a nonprofit organization only if the State, political subdivision, instrumentalities thereof, and municipality in which the property is located do not request conveyance under this section within thirty days after notice to them of the proposed conveyance by the Administrator to that nonprofit organization."

(b) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended by revising paragraph (k)(4)(C) to read as follows—

"(C) the Secretary of the Interior, in the case of property transferred pursuant to the surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park or public recreation area, and to State, political subdivisions, and instrumentalities thereof, municipalities, and nonprofit organizations for use as an historic monument for the benefit of the public; or".

SEC. 602. (a) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended in subsection (e) as follows—

(1) by striking subparagraphs (3)(A), (3)(B), (3)(C) and (3)(E);

(2) by redesignating subparagraph (3)(D) and subparagraphs (3)(F) through (3)(I), as subparagraphs (3)(A) through (3)(E), respectively;

(3) by amending redesignated subparagraph (3)(E) to read as follows:

"(E) otherwise authorized by this Act or other law or with respect to personal property deemed advantageous to the Government."; and

(4) by amending subparagraph (6)(A) to read as follows:

"(6)(A) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of any real property that has an estimated fair market value in excess of the threshold value for which transactional reports are required under Section 218."; and

(5) by deleting subparagraphs (6)(C) and (6)(D).

(b) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended, is further amended by adding to the end thereof the following new subsection:

"(s) The authority of any department, agency, or instrumentality of the executive branch or wholly owned Government corporation to convey or give surplus real and related personal property for public airport

purposes under Subchapter II of Title 49, United States Code, shall be subject to the requirements of this Act, and any surplus real property available for conveyance under that subchapter shall first be made available to the Administrator for disposal under this section, including conveyance for any public benefit purposes, including public airport use, as the Administrator, after consultation with the affected agencies, deems advisable."

SEC. 603. Subsection 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §481(c)), is revised to read as follows:

"(c) In acquiring personal property or related services, or a combination thereof, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. §401 et seq.), may exchange or sell personal property and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for similar property or related services, or a combination thereof, acquired: Provided, That any transaction carried out under the authority of this subsection shall be evidenced in writing. Sales of property pursuant to this subsection shall be governed by subsection 203(e) of this title, and shall be exempted from the provisions of section 5 of Title 41."

SEC. 604. Subsection 202(h) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §483(h)), is amended to read as follows:

"(h) The Administrator may authorize the abandonment, destruction, or other disposal of property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated fair market value."

SEC. 605. Subsection 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484(j)), is further amended as follows:

(a) Paragraph (j)(1) is amended—

(1) by striking the phrase "the fair and equitable distribution, through donation," and inserting in lieu thereof "donation on a fair and equitable basis"; and

(2) by striking "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)".

(b) Paragraph (j)(2) is deleted.

(c) Paragraph (j)(3) is renumbered (j)(2) and amended as follows:

(1) by deleting the introductory paragraph and inserting in lieu thereof the following:

"(2) The Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate surplus personal property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost thereof, and transfer to the State agency property selected by it for purposes of donation within the State—";

(2) in subparagraph (B) by—

(A) deleting "providers of assistance to homeless individuals, providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act).";

(B) striking out "schools for the mentally retarded, schools for the physically handicapped" and by inserting in lieu thereof "schools for persons with mental or physical disabilities";

(C) striking the word "and" before "libraries"; and

(D) inserting "and educational activities identified by the Secretary of Defense as being of special interest to the Armed Services," following the word "region,"; and

(3) by adding a new subparagraph (C) to read as follows:

"(C) to nonprofit institutions or organizations which are exempt from taxation under section 501 of Title 26, and which have for their primary function the provision of food, shelter, or other necessities to homeless individuals or families or individuals whose annual income is below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act) for use in assisting the poor and homeless."

(d) Paragraph (j)(4) is renumbered (j)(3) and amended as follows:

(1) in subparagraph (C)(ii) by inserting before the period at the end thereof the following: "Provided, That such requirement shall not apply to property identified by the Administrator in subparagraph (E) of this paragraph as property for which no terms, conditions, reservations, or restrictions shall be imposed.";

(2) by deleting subparagraph (E) and inserting the following new paragraph:

"(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (2) of this subsection and shall impose such terms, conditions, reservations, and restrictions as required by the Administrator. The Administrator shall determine the condition, age, value, or cost of property for which no terms, conditions, reservations or restrictions shall be imposed and for property so identified, title shall pass to the recipient immediately upon transfer by the State agency. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of such property."

(e) Paragraph (j)(5) is renumbered (j)(4).

SEC. 606. (a) Section 501 of the Stewart B. McKinney Homeless Assistance Act, as amended, and as codified at section 11411 of title 42, United States Code, is amended as follows:

(1) in the first sentence of subsection (a), by inserting before the period the following: ", and that have not been previously reported on by an agency under this subsection";

(2) in the second sentence of subsection (a), by inserting after "to the Secretary" the following: ", which shall not include information previously reported on by an agency under this subsection";

(3) in subsection (b)(1), (c)(1)(A), and (c)(2)(A), by striking "45" and inserting "30";

(4) in subsection (c)(1)(A)(i), by inserting after "(a)" the following: "that have not been previously published";

(5) in subsection (c)(1)(A)(ii), by inserting after "properties" the following: "which have not been previously published";

(6) by striking subsections (c)(1)(D) and (c)(4);

(7) in subsections (d)(1) and (d)(2), by striking "60 and inserting "90";

(8) in subsection (d)(4)(A), by striking "after the 60-day period described in paragraph (1) has expired." and inserting "during the 90-day period described in paragraph (1)." and by striking the remainder of the paragraph;

(9) in subsection (e)(3), by inserting the following sentence immediately after the first sentence: "The Secretary of Health and Human Services shall give a preference to applications that contain a certification that their proposal is consistent with the local Continuum of Care strategy for homeless assistance.";

(10) in subsection (h) heading, by striking "APPLICABILITY TO PROPERTY UNDER BASE CLOSURE PROCESS" and inserting "EXEMPTIONS"; and

(11) in subsection (h), by adding the following new paragraph at the end:

"(3) The provisions of this section shall not apply to buildings and property that are—

(A) in a secured area for national defense purposes; or

(B) inaccessible by road and can be reached only by crossing private property."

(b) Within 30 days of the date of enactment of this section, the Secretary of Housing and Urban Development shall survey landholding agencies to determine whether the properties included in the last comprehensive list of properties published pursuant to section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act remain available for application for use to assist homeless. The Secretary shall publish in the Federal Register a list of all such properties. Such properties shall remain available for application for use to assist the homeless in accordance with sections 501(d) and 501(e) of such Act (as amended by subsection (a) of this section) as if such properties had been published under section 501(c)(1)(A)(ii) of such Act.

#### TITLE 7. MISCELLANEOUS

SEC. 701. SCOPE AND CONSTRUCTION.—The authorities granted by this Act to the heads of Federal agencies for the management of real and personal property and the conduct of transactions involving such property, including the disposition of the proceeds therefrom, shall be in addition to, and not in lieu of, any authorities provided in any law existing on the date of enactment hereof. Except as expressly provided herein, nothing in this Act shall be construed to repeal or supersede any such authorities.

SEC. 702. SEVERABILITY.—Although this Act is intended to be integrated legislation, should any portion or provision of this Act be found to be invalid or otherwise unenforceable by a court of competent jurisdiction, such portion or portions of this Act shall be considered independent and severable for all other provisions of this Act and such invalidity shall not, by itself, invalidate any other provisions of this Act, which remaining provisions shall have the full force and effect of law.

SEC. 703. JUDICIAL REVIEW.—Any determination or any asset management decision by an authorized agency official to transfer, outlease, sell, exchange or dispose of Federal real property or an interest therein in accordance with applicable law shall be at the sole discretion of the authorized agency official and shall not be the basis of any suit, claim or action.

SEC. 704. NO WAIVER.—Nothing in this Act should be construed to limit or waive any right, remedy, immunity, or jurisdiction of any Federal agency or any claim, judgement, lien or benefit due the United States of America.

SEC. 705. EFFECTIVE DATE.—This Act and the amendments made by its provisions shall be effective upon enactment except as otherwise specifically provided for herein.●

● Mr. LIEBERMAN. Mr. President, today, along with Senator THOMPSON, I am introducing a bill at the request of the administration to amend the Federal Property and Administrative Services Act of 1949. The bill is designed to improve the federal government's role in managing both its personal and real property. By granting agencies enhanced tools to handle their assets, the bill's goal is to bring federal asset management into the 21st century. I invite comments on the administration's proposal and look forward to reviewing them.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2806. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

#### CREDIT WATCH ACT OF 2000

● Mr. SARBANES. Mr. President, today I am introducing, "Credit Watch," a bill that will authorize the Federal Housing Administration (FHA) to identify lenders who have excessively high early default and claim rates and terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A recent rash of FHA loan defaults have led to foreclosures and vacant properties in a number of cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are numerous foreclosed homes, now abandoned, within just a few blocks of each other. This can often be the beginning of a neighborhood's decline. It creates a perception that the property and the neighborhood is not highly valued. In turn, these neighborhoods become physically deteriorated and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Neighborhoods that are struggling to stabilize and revitalize find their efforts undermined by the presence of abandoned homes.

The Department of Housing and Urban Development (HUD), community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups found that careless lenders are offering FHA insured loans to families who cannot afford to pay them back. Early default or claim of these loans frequently leads to foreclosure of the home. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA developed several new oversight methods. One of which is "Credit Watch."

"Credit Watch" is an automated system that compares the number of early foreclosures and claims of lenders in the same area. This legislation authorizes FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than the other lenders in the same area. FHA is currently targeting lenders with default rates over 300% of the area average. They estimate that in Baltimore this threshold would allow them to terminate the

origination privileges of three major lenders that account for 40% of early defaults and claims.

The legislation accounts for differing regional economies by ensuring that lenders are only compared to others making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe there are mitigating factors that may justify higher rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner. This practice is a costly abuse of the FHA insurance fund. Quick action not only protects the health of the Mutual Mortgage Insurance (MMI) fund, but it protects neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an effective and efficient way that the FHA can prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities, "Credit Watch" is an obvious and immediate solution to one part of the problem.●

By Mr. BREAUX (for himself, Mr. FRIST, Mr. KERREY, Mr. BOND, Mr. SANTORUM, Ms. LANDRIEU, Mr. ASHCROFT, and Ms. COLLINS):

S. 2807. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

#### MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2000

● Mr. FRIST. Mr. President, I am pleased to be here today to join Senators BREAUX, KERREY, BOND, SANTORUM, LANDRIEU, ASHCROFT, and COLLINS in introducing the "Medicare Prescription Drug and Modernization Act of 2000"—a truly bipartisan effort to address the real need to provide seniors the prescription drugs they deserve and strengthen and improve the Medicare program overall.

Last fall, I introduced the "Medicare Preservation and Improvement Act of 1999", with Senators BREAUX, KERREY, and HAGEL. This was the first bipartisan attempt to comprehensively reform Medicare in the program's 35 year history. When Medicare was first enacted in 1965, it had the goal of providing seniors necessary acute health care that would otherwise have been unaffordable. However today's health care delivery systems are far more advanced than the program's creators

ever imagined. Our goal over the past year was to create an atmosphere for further discussion on ways to strengthen and improve the Medicare program, including proposals for an outpatient prescription drug benefit. Today, we take the first step in the right direction—a direction to bring Medicare in line with the benefits and delivery systems commonplace in the 21st century today.

Building on last year's bill and the findings of the Bipartisan Commission on the Future of Medicare, the "Medicare Prescription Drug and Modernization Act of 2000" takes the first steps towards long-term Medicare reform while adding a much needed outpatient prescription drug benefit to the program. Unlike in 1965, prescription drugs are integral to the delivery of health care and treating diseases prevalent among the elderly population. We must include a prescription drug benefit in the Medicare system. However, we must also address some of the other problems facing Medicare.

For instance, we must recognize the need to update the total benefit package and increase the flexibility of the program. Today's Medicare coverage is inadequate, covering only 53 percent of beneficiary's average health costs, and still does not include coverage for many preventive services, eyeglasses, or dental care, much less prescription drugs.

Medicare is also facing a doubling of beneficiaries over the coming decades. Today, there are 39 million Medicare beneficiaries, but within the next 10 years, 77 million baby boomers will begin entering the program. Our ability to effectively respond to this increased demand is further limited by the declining number of workers paying payroll taxes, which fund Medicare obligations each year, as the number of workers per retiree has continued to decline, from 4.5 in 1960 to 3.9 today. This figure is expected to further decline to 2.8 in 2020.

We all know that Medicare spending consumes much of the federal budget. But this will only get worse. Currently absorbing nearly 12 percent of the federal outlays, Medicare will balloon to 25 percent of the federal budget by 2030. The program, which relies on general revenues to pay for close to 40 percent of total program expenditures today, will continue to use an increasing share of general revenues, leaving fewer and fewer federal dollars available to support other federal programs.

Finally, with over hundred thousand pages of HCFA regulations governing Medicare, the program has become so bloated and heavily micro-managed that it cannot adopt to the daily advances in medicine and health care delivery. Even when life-saving diagnostic tests become available, such as a breakthrough prostate cancer-screening test that came on the market in the early 1990s, it takes years before they can be approved. Medicare has only recently begun reimbursing for

prostate screening and only because a new law was passed to allow it.

The very fact that Congress must pass such laws illustrates perfectly the problem with a heavily micro-managed system. No government program can possibly keep up with the increasingly rapid rate at which new drugs and technologies are brought to the market. As a physician, I know that today, more than ever, access to lifesaving drugs and technology as they become available is the key to providing quality health care, and we must modernize Medicare to meet these demands.

The need to modernize Medicare has never been more apparent. The measures included in the "Medicare Prescription Drug and Modernization Act of 2000" will provide seniors the option to choose the kind of health care coverage that best suit their individual needs, including enhanced benefits, outpatient prescription drug coverage, and protections against high out-of-pocket drug costs.

The "Medicare Prescription Drug and Modernization Act of 2000" establishes that Competitive Medicare Agency (CMA), an independent, executive-branch agency to spearhead an advanced level of Medicare management and oversight—leaving behind the intransigent bureaucracy and outdated mindset infecting the program and instead guaranteeing seniors choice, health care security, and improved benefits and delivery of care. Modeled after the Social Security Administration, the CMA functions in a manner similar to the Office of Personnel Management, which has a 40-year track record of success in providing quality comprehensive health coverage for the millions of federal employees and their families through the Federal Employees Health Benefits Program.

Vital to this bill is the Prescription Drug and Supplemental Benefit Program that provides beneficiaries outpatient prescription drugs and other additional benefits through new Medicare Prescription Plus plans offered by private entities or through Medicare+Choice plans. The drug benefit will provide, at a minimum, a standard prescription drug package consisting of a \$250 deductible, 50 percent cost-sharing up to \$2,100, and stop-loss protection at \$6,000. Seniors are guaranteed this minimum benefits, but also have the choice of other drug benefit packages. I recognize more than anyone that a one-size-fits-all approach to health care does not work. It is important to pass along the same choices we, as members of Congress, have, Seniors deserve no less.

We ensure that low-income beneficiaries receive necessary drug coverage by providing premium subsidies. Beneficiaries below 135 percent of poverty, beneficiaries receive a 100 percent premium subsidy and 95 percent of all cost-sharing. Beneficiaries between 135% and 150 percent of poverty receive premium subsidies on a sliding scale from a much as 100 percent to no less

than 25 percent, and all beneficiaries, regardless of income, will receive a 25% premium subsidy. Since 39 percent of beneficiaries below 150 percent of poverty have no drug coverage, this provision alone will provide comprehensive drug coverage for over 5 million seniors and individuals with disabilities.

We also address the high costs of drugs by ensuring that no beneficiary will ever pay retail prices for prescription drugs again. We do this through a prescription drug discount card program that passes on price discounts negotiated between pharmaceutical companies and insurers to beneficiaries. For example, today a senior may pay \$100 for a particular drug. Under the "Medicare Prescription Drug and Modernization Act of 2000", this senior would have access to the insurers negotiated rate of \$70, but then would also receive an even further discount through coinsurance, reducing the total price of the drug by over 60 percent down to just \$35.

The "Medicare Prescription Drug and Modernization Act of 2000" modernizes Medicare by establishing a new competitive system under Medicare+Choice where plans bid for the costs of delivering care and compete with traditional Medicare based on benefits, price, and quality so that beneficiaries receive the highest-quality, affordable health care possible. Under this new system, plans are allowed maximum flexibility to reduce current beneficiary Part B premiums and cost-sharing as well as offer new and additional benefits to beneficiaries, including outpatient prescription drug coverage.

Finally, the "Medicare Prescription Drug and Modernization Act of 2000", for the first time in Medicare's history provides lawmakers and the public a better measure for evaluating Medicare's financial health and establishes strong reporting requirements for the Medicare program as a whole.

Medicare must be modernized to provide seniors integrated health care choices, including outpatient prescription drug coverage. This afternoon my colleagues and I have moved beyond the demagoguery and disinformation campaigns and have come together to propose bipartisan legislation that balances the very real need for outpatient prescription drug coverage with the need for meaningful modernizations. By moving forward on this legislation, I believe we can truly provide choice and security for our Medicare beneficiaries to ensure their individual health care needs are met, today and well into the future.●

By Mr. DODD (for himself and Mr. DEWINE):

S. 2809. A bill to protect the health and welfare of children involved in research; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S RESEARCH PROTECTION ACT

Mr. DODD. Mr. President, I rise today with my colleague from Ohio, Senator DEWINE, to introduce important legislation to enhance the safety

of our children. The Children's Research Protection Act will strengthen protections for children participating in research and also increase the number researchers expert in pediatric pharmacology.

Three years ago, Senator DEWINE and I were successful in enacting legislation to reverse a troubling statistic—the fact that only 20 percent of drugs on the market have been tested specifically for their safety and efficacy in children. Our legislation, The Better Pharmaceuticals for Children Act, for the first time provided a incentive for drug companies to test their products for use with children. The results of that legislation have been overwhelming. In the 2 years since this initiative was started, drug manufacturers have launched more than 300 new pediatric studies of 127 drugs. In contrast, in the 5 years prior to enactment of our legislation, the industry conducted only 11 pediatric safety studies for drugs already on the market—11 studies in five years versus over 300 in just 2 years. The most immediate consequence of this surge in the industry's interest in testing their products in children is the rapid increase in the number of children being signed up to participate in research studies—more than 18,000 children will eventually be needed just for the 300 trials that have been proposed so far.

While we're thrilled with the success of our legislation, it has forced us to take a hard look at the adequacy of the safety protections for children participating in research. All experimental treatments, by their very nature, contain some risk. Research involving children is no exception. Yet, despite the risks, each year thousands of parents agree to allow their children to participate in a clinical trial, either in hopes of improving their own health or the health of other children. In doing so, they place their trust in the expertise and ethics of the researchers and in strong oversight by the federal government. The vast majority of the time that trust is well-founded. But recent isolated incidents involving children harmed during clinical trials, as well as increasing concerns about the adequacy of federal oversight for clinical trials, generally point to the need to proactively address the issue of the safety of children in research.

It is that need to be proactive that has led Senator DEWINE and I to introduce the Children's Research Protection Act. This legislation will address critical safety issues in children's research by:

(1) Requiring the Secretary of Health and Human Services (HHS) to review the current regulations for the protection of children participating in research and to clarify and update them to ensure the highest standards of safety.

Requiring that all HHS funded and regulated research comply with these strengthened federal protections. (Currently research overseen by the Food

and Drug Administration, but funded by private pharmaceutical companies, is not required to comply with the additional children's protections, although many pharmaceutical companies do so voluntarily.)

(3) Requiring the 15 federal agencies that don't currently have special guidelines for children's research to develop them within 12 months.

(4) Asking the Secretary of HHS to review the adequacy of the IRB (Institutional Review Board) process for protecting children in clinical trials and to report to Congress within 6 months on the question of whether we should have a national board(s) to review adverse events arising out of research on children.

(5) Increasing the number of researchers that are experts in conducting drug research with children by providing grants for fellowship training and creating a loan repayment program for pediatric drug researchers. Only 20 physicians complete clinical pharmacology specialty training programs each year—of these, only 2 or fewer specialize in pediatric pharmacology.

We still have a long way to go to make sure that children are not an afterthought when it comes to drug research, but we can start by making sure that when they volunteer to help other children by participating in research, their safety is paramount. This measure prescribes a strong dose of safety for our children. It provides critically important safeguards and protections when it comes to pediatric medicine testing, allowing us to increase our knowledge of children's medication without increasing the danger to children.

I am pleased to join Senator DEWINE in this effort and I look forward to working with my colleague to pass this legislation.

I ask unanimous consent that the attached letters and a copy of the bill be printed in the RECORD.

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

S. 2809

*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 "Children's Research Protection Act".

#### SEC. 2. FINDINGS, PURPOSES, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) Children are the future of the Nation and the preservation and improvement of child health is in the national interest.

(2) The preservation and improvement of child health may require the use of pharmaceutical products.

(3) Currently only 1 out of 5 drugs on the market in the United States have been approved for use by children. The enactment of the provisions of the Food and Drug Administration Modernization Act (Public Law 105-115) relating to pediatric studies of drugs, however, is expected to increase the pediatric testing of pharmaceuticals and thus to increase the numbers of children involved in research.

(4) Children are a vulnerable population and thus need additional protections for their involvement in research relative to adults. Yet, current Federal guidelines for the protection of children involved in research have not been updated since 1981, do not currently apply to Food and Drug Administration-regulated research that is not Federally funded, and have not been adopted by all Federal agencies that conduct research involving children.

(5) Currently, in the United States, there is a shortage of pharmacologists trained to address the unique aspects of developing therapies for children. There are fewer than 200 academic-based clinical pharmacologists in the United States, of which 20 percent or fewer are pediatricians. Currently, only 20 physicians complete clinical pharmacology specialty training programs each year, and of these, only 2 or fewer specialize in pediatric pharmacology.

(b) PURPOSES.—It is the purpose of this Act to—

(1) ensure the adequate and appropriate protection of children involved in research by—

(A) reviewing and updating as needed the Federal regulations that provide additional protections for children participating in research as contained in subpart D of part 45 of title 46, Code of Federal Regulations;

(B) extending such subpart D to all research regulated by the Secretary of Health and Human Services; and

(C) requiring that all Federal agencies adopt regulations for additional protections for children involved in research that is conducted, supported, or regulated by the Federal Government; and

(2) ensure that an adequate number of pediatric clinical pharmacologists are trained and retained, in order to meet the increased demand for expertise in this area created by the pediatric studies provisions of the Food and Drug Administration Modernization Act (Public Law 105-115), so that all children have access to medications that have been adequately and properly tested on children.

(c) DEFINITION.—In this Act, the term "pediatric clinical pharmacologist" means an individual—

(1) who is board certified in pediatrics; and

(2) who has additional formal training and expertise in human pharmacology.

#### SEC. 3. REVIEW OF REGULATIONS.

(a) REVIEW.—By not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall have conducted a review of the regulations under subpart D of part 45 of title 46, Code of Federal Regulations, considered any modifications necessary to ensure the adequate and appropriate protection of children participating in research, and report the findings of the Secretary back to Congress.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider—

(1) the appropriateness of the regulations for children of differing ages and maturity levels, including legal status;

(2) the definition of "minimal risk" and the manner in which such definition varies for a healthy child as compared to a child with an illness;

(3) the definitions of "assent" and "permission" for child clinical research participants and their parents or guardians and of "adequate provisions" for soliciting assent or permission in research as such definitions relate to the process of obtaining the informed consent of children participating in research and the parents or guardians of such children;

(4) the definitions of "direct benefit to the individual subjects" and "generalizable

knowledge about the subject's disorder or condition";

(5) whether or not payment (financial or otherwise) may be provided to a child or his or her parent or guardian for the participation of the child in research, and if so, the amount and type given;

(6) the expectations of child research participants and their parent or guardian for the direct benefits of the child's research involvement;

(7) safeguards for research involving children conducted in emergency situations with a waiver of informed assent;

(8) parent and child notification in instances in which the regulations have not been complied with;

(9) compliance with the regulations in effect on the date of enactment of this Act, the monitoring of such compliance, and enforcement actions for violations of such regulations; and

(10) the appropriateness of current practices for recruiting children for participation in research.

(c) **CONSULTATION.**—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consult broadly with experts in the field, including pediatric pharmacologists, pediatricians, bioethics experts, clinical investigators, institutional review boards, industry experts, and children who have participated in research studies and the parents or guardians of such children.

(d) **CONSIDERATION OF ADDITIONAL PROVISIONS.**—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider and, not later than 6 months after the date of enactment of this Act, report back to Congress concerning—

(1) whether the Secretary should establish national data and safety monitoring boards to review adverse events associated with research involving children; and

(2) whether the institutional review board oversight of clinical trials involving children is adequate to protect the children.

#### **SEC. 4. REQUIREMENT FOR ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED IN RESEARCH.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall require that all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

"(b) **OTHER FEDERAL AGENCIES.**—Not later than 12 months after the date of enactment of this Act, all Federal agencies shall have promulgated regulations to provide additional protections for children involved in research.

#### **SEC. 5. GRANTS FOR PEDIATRIC PHARMACOLOGY.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall award grants to qualified academic research institutions and research networks with the appropriate expertise to provide training in pediatric clinical pharmacology, such as the Pediatric Pharmacology Research Units of the National Institute of Child Health and Human Development, and the Research Units of the National Institute of Mental Health, to enable such entities to provide fellowship training to individuals who hold an M.D. in order to ensure the specialized training of pediatric clinical pharmacologists.

(b) **AMOUNT OF GRANT.**—In awarding grants under subsection (a), the Secretary of Health and Human Services shall ensure that each grantee receive adequate amounts under the

grant to enable the grantee to fund at least 1 fellow each year for a 3-year period, at a total of \$100,000 per fellowship per year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

#### **SEC. 6. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.**

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288-5) the following:

##### **"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING PEDIATRIC PHARMACOLOGY.**

"(a) **IN GENERAL.**—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified individuals who hold an M.D. under which such individuals agree to undergo training in, and practice, pediatric pharmacology, in consideration of the Federal Government agreeing to repay, for each year of service as a pediatric pharmacologist, not more than \$35,000 of the principal and interest of the educational loans of such individuals.

"(b) **APPLICATION OF PROVISIONS.**—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) **FUNDING.**—

"(1) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(2) **AVAILABILITY.**—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available."

#### **SEC. 7. EFFECTIVE DATE.**

The provisions of sections 5 and 6 shall take effect on the date that is 6 months after the date of enactment of this Act.

May 1, 2000.

DEAR SENATOR DODD, I am addressing you today in support of proposed senate bill, AAC: "Children's Research Protection Act" "... that will protect the health and welfare of children involved in research." Additionally, this bill will serve to ascertain whether specific guidelines should be included in the Code of Federal Regulations for conducting research with other vulnerable members of our society.

As a long time advocate and provider of services for persons with disabilities, families and children, my ongoing research of the informed consent process as it relates to clinical trials dates back to 1979. At that time, I focused on some very complex issues of conducting medical research with children who had mental retardation and were being placed under state care.

We are a wealthy and powerful nation and I believe that our children are our greatest treasure. They deserve the highest ethical standards that we can provide in all areas of their lives including medical research and health. With the passage of the Food and Drug Administration Modernization Act, we have widened the field of pediatric clinical research, as should be the case since until this time it has been seriously lacking attention. Due to this surge in new research, it is the opportune time to review federal regulations that provide guidelines for clinical trials. We need to close gaps and better de-

fine protections so that our children will be offered the safest environment possible during research efforts. Furthermore, the parents and guardians of our children need to have every advantage and possible opportunity afforded them so they can more fully understand the experimental nature of any research before giving consent.

I am particularly excited that there are provisions in this bill to help increase the number of pediatric clinical pharmacologists and clinical investigators. This action will strengthen the quality of research and treatment prescribed for children.

In closing, this bill helps reach a goal of optimal health therapy for our children. As always, I appreciate the hard work and time that has been expended to bring this issue forward for legislative action. Thank you.

Sincerely,

SHEILA S. MULVEY.

May 1, 2000.

To WHOM IT MAY CONCERN: My name is David Krol and I am a pediatrician in New Haven, Connecticut and a recent graduate of pediatric residency training. I am writing in support of the Children's Research Protection Act. As both a practicing pediatrician and a child health researcher I am very interested in studies that can improve the lives of children. These studies, however, need to keep in mind the unique biology of children as well as the developmental needs of those who would participate in these studies. Children are most definitely a unique population and require protections in the research environment that are adequate, appropriate, and different from adults. I am pleased to see that the Children's Research and Protection Act addresses these issues.

In addition, as a recent graduate from medical school with a debt burden hovering near \$90,000, I am very aware of the difficult decision that many medical school graduates face in choosing a specialty. It can be a very difficult decision to pursue further training and postpone the reduction of the significant debt many of us face. Those who pursue pediatric subspecialty training, including pediatric pharmacologists, are no exception to this fact. I am very happy to see that the Children's Research Protection Act provides both funding for pediatric pharmacology positions and loan repayment for those who would choose to further their education in such an important and rewarding specialty. I hope we can extend this opportunity to all who pursue pediatric subspecialty training. Pediatric research requires not only experts in pediatric pharmacology but also in the specific diseases that need to be researched.

It is with great pleasure that I write this letter in support of the Children's Research Protection Act. I ask for your support concerning this important issue in child health.

Sincerely,

DAVID M. KROL, MD.

AMERICAN ACADEMY OF PEDIATRICS,

May 1, 2000.

Hon. CHRISTOPHER DODD,

U.S. Senate,

Washington, DC.

Hon. MIKE DEWINE,

U.S. Senate,

Washington, DC.

DEAR SENATORS DODD AND DEWINE: The American Academy of Pediatrics, representing 55,000 pediatricians throughout the United States, is pleased to support the Children's Research Protection Act. This legislation provides appropriate and needed requirements for the inclusion of children in any research conducted, supported, or regulated by the U.S. Department of Health and Human Services.

Protection of children in all research settings is an imperative. Under your strong

leadership, important advances are being made in therapeutic research for children through the Food and Drug Administration Modernization Act (FDAMA). As a result of FDAMA, the increase in the number of new clinical trials involving pediatric patients is unprecedented. The Children's Research Protection Act balances the need to continue and encourage more and better clinical trials involving children while at the same time ensuring that children are protected by requiring that all research be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

This legislation also recognizes the importance of increasing the number of pediatric clinical researchers through the grant and loan repayment provisions. We strongly believe that this kind of greater support is needed for all pediatric research scientists. Still, we recognize that this legislation specifically addresses FDAMA's significant increase on the need for additional pediatric clinical pharmacologists to conduct pediatric drug studies. The grant program and loan repayment provisions of this bill are important incentives to securing greater numbers of well-trained experts of pediatric clinical pharmacology, and can hopefully be used as models for promoting a broader scope of pediatric research.

Throughout the years, you have been a strong and successful advocate for children and their needs and the American Academy of Pediatrics is grateful to you. The Children's Research Protection Act will be an advance for children. We offer our assistance as this bill moves through the Congress.

Sincerely,

DONALD E. COOK, MD, FAAP,  
President.

PHARMACEUTICAL RESEARCH AND  
MANUFACTURERS OF AMERICA,  
Washington, DC, June 26, 2000.

Hon. MIKE DEWINE,  
U.S. Senate,  
Washington, DC.

Hon. CHRISTOPHER J. DODD,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS DEWINE AND DODD: The Pharmaceutical Research and Manufacturers of America (PhRMA) is pleased to offer its support for The Children's Research Protection Act. This piece of legislation addresses several key gaps towards the successful implementation of Section 111 of the Food and Drug Modernization Act of 1997 (FDAMA). This particular section of FDAMA has had an enormous impact on the investigation of important medicines in children. There has been a remarkable increase in the number of medicines being studied by pharmaceutical companies. The pharmaceutical industry has proposed pediatric studies on 177 medicines and the FDA has issued 145 written requests for studies as of May 1, 2000. In the short time since its inception, the legislation has fundamentally changed our approach to the study of medicines in children and holds enormous promise for improved treatment of sick children.

Several issues have become apparent as we have embarked on this new era of clinical investigation. There is clearly a shortage of experienced pediatric clinical pharmacologists, and those active in the field are generally quite senior. There is thus a need for training the next generation of investigators. If children are to receive the benefits of the new medicines now under development, and of the exciting therapies of the future, we will need highly qualified pediatric investigators, knowledgeable in the safe, ethical, and efficient study of medicines in children. The NICHD Pediatric Pharmacology Research Unit network has been instrumental

in doing excellent studies in this area, and is an exemplary training ground for young pediatric investigators. It is vital that pediatric clinical investigation be performed by our best physician/scientists, in centers fully equipped to ensure a positive environment for children who participate in studies, and to ensure that all studies are done with the very highest standards of clinical investigation and clinical care.

It is also crucial, as the number of patients studied is expanding, to re-emphasize the ethical standards for conducting studies in children. The FDA has held meetings of its Pediatric Pharmacology Subcommittee, and one issue of concern was that the DHHS Guidelines in investigation of vulnerable subjects, 45 CFR 46, Subpart D does not cover all of the studies or investigative centers where studies of medicines under FDAMA might be done. It is clear that it is in the interest of children, and of the clinical investigative process, that the provision be reviewed and that all studies of medicines in children be covered under this provision.

To assure career paths for the new trainees in pediatric clinical pharmacology, renewal of Section 111 of FDAMA is particularly important since it assures continued pediatric clinical investigation of new medicines. These two legislative initiatives will have a major impact on the future of the health of our children.

Sincerely,

STEPHEN P. SPIELBERG,  
MD, Ph.D.,  
Vice President, Pediatric  
Drug Development,  
Janssen Research  
Foundation, Chair,  
Pediatric Task Force,  
PhRMA.

ALAN GOLDHAMMER, Ph.D.,  
Associate Vice President,  
US Regulatory  
Affairs PhRMA.

AMERICAN SOCIETY FOR CLINICAL  
PHARMACOLOGY AND THERAPEUTICS,  
Alexandria, VA, May 16, 2000.

Hon. CHRISTOPHER DODD,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DODD: The American Society for Clinical Pharmacology and Therapeutics is pleased to express support of the Children's Research Protection Act. Our society is the largest academic society of clinical pharmacologists in the United States and consists of member scientists, clinicians and researchers from the academic, regulatory and industry sectors including physicians, PhDs and PharmsDs. We endorse the great need for this legislation as a means of improving the care of children by improving medications available to them and by increasing the effective use of medicines that are already on the market for children. In addition, we believe that the provisions of this legislation will ultimately lead to a reduced incidence of side effects and the rate of medication errors in children.

There are only two pediatric clinical pharmacology training programs in this country, and it is estimated that the number of practicing pediatric clinical pharmacologists may be as few as 20. Consequently, it is little wonder that 80% of the drugs already on the market have yet to be approved for use in children. We must expand the cadre of well-trained pediatric clinical pharmacologists who can focus their scientific and clinical skills on assuring that children have access to the same therapies readily available to adult patients. Further, special studies are required regarding the proper dosage and safe use of medications in children. The ASCPT applauds your recognition of these

needs, and we believe that your bill includes the means to these ends: a program to increase the number of funded pediatric clinical pharmacology fellowships and a loan repayment program to attract physicians to careers in clinical pharmacology will improve the health of children through the safe use of available medications.

Thank you for your leadership on children's health care, and please add the American Society for Clinical Pharmacology and Therapeutics to the list of organizations endorsing the Children's Research Protection Act.

Yours sincerely,

RAYMOND L. WOOSLEY, M.D.,  
President.

NATIONAL ASSOCIATION OF  
CHILDREN'S HOSPITALS,  
Alexandria, VA, May 9, 2000.

Hon. CHRISTOPHER DODD,  
U.S. Senate,  
Washington, DC.

Hon. MIKE DEWINE,  
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND DEWINE. On behalf of the National Association of Children's Hospitals (N.A.C.H.), an organization representing more than 100 freestanding children's hospitals and pediatric departments of major medical centers, I am writing to support the "Children's Research Protection Act." This legislation represents an important step in assuring that children enrolled in federally supported and/or regulated research receive important protections for their safety and well-being when participating as research subjects.

Children's hospitals are major centers for pediatric clinical research—research supported by the federal government, as well as private industry. The biomedical research efforts undertaken by children's hospitals recognize that "children are not little adults" and that their unique needs must be taken into account when developing and monitoring research protocols to address pediatric diseases and conditions. With the relatively recent adoption of the Food and Drug Administration Modernization Act (FDAMA), the number of children enrolled in pediatric clinical trials is rising. Therefore, it is especially important that a consistent set of additional protections for children participating in research, such as those included within subpart D of part 45 of title 46, Code of Federal Regulations (i.e. the "common rule"), be reviewed and extended to all federally conducted, supported, or regulated clinical research.

The "Children's Research Protection Act" also establishes a grant program and loan repayment provision to help address the expected shortage of pediatric clinical pharmacologists and clinical investigators trained to develop therapies for children. This is especially important given the increased demand for expertise in this area created by the pediatric studies provisions of FDAMA. In addition, we are hopeful that such a model of grant and loan repayment can eventually be replicated to provide added incentives to increase the overall pediatric research workforce, such as is proposed in Sen. Bond's "Healthy Kids 2000 Act."

N.A.C.H. applauds your efforts for introducing this important piece of legislation. Please feel free to contact me if I can be of further assistance as this bill moves through Congress.

Sincerely,

LAWRENCE A. MCANDREWS.

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague from Connecticut, Senator DODD, in introducing the Children's Research Protection Act. This bill is a logical and

necessary follow-up to the Better Pharmaceuticals for Children Act, which Senator DODD and I got passed and enacted into law in 1997 as part of the FDA Modernization Act. This law created incentives for drug manufacturers for use by children. Since the law has been in place, more children than ever before are participating in clinical trials for drug testing.

Mr. President, it is imperative that we test drugs for children—on children. There are several reasons that such testing is necessary. Children have different physical make-ups from adults, which means they metabolize drugs differently. They likely need different doses and different amounts of time between doses for medications to be safe and effective. Also, because the same disease can manifest itself very differently in children and adults, we need to thoroughly test the drugs that we are using for children to treat the same illness.

As I noted already, since our Better Pharmaceuticals Act was enacted, we have seen a rapid increase in the number of children being enrolled in clinical trials. More than 18,000 children will be needed just for the 300 studies that have been proposed so far. Research has been completed and exclusivity granted on 22 drugs that were previously used for children without safety information, and more than 300 pediatric studies of 127 products are currently underway. Of those 22 drugs for which studies have been completed, eight drugs have already been relabeled to reflect the new pediatric safety information.

In contrast, in the five years prior to enactment of our Better Pharmaceuticals Act, only 11 studies to gather additional pediatric safety information about drugs already on the market were conducted—that's 11 studies in five years versus over 125 in just two years since this legislation was enacted. The increase in pediatric studies is good news for children and parents and is certainly a welcome improvement at a time when only one in five drugs currently on the market in the United States has been approved for use by children.

While we want to encourage better drug testing for children, we also need to ensure that strong federal protections are in place to protect children who participate in such research. Tragically, there are parts of the current law that do not protect children who participate in HHS federally-regulated research, unless it is also federally funded research. These federal protections for children also have not been updated since 1981, and have not been adopted by all of the federal agents that conduct research involving children.

That's why the Children's Research Protection Act we are introducing would require the Secretary of Health and Human Services (HHS) to review the current regulations governing the protection of children participating in

research and update them to ensure that the strongest federal protections exist for such children.

Now, only HHS federally funded and federally regulated research has to comply with certain protections for children.

Our bill also would extend research protections for children to all research regulated by the Secretary of HHS, even if it is not federally funded.

Furthermore, our bill would require that all other federal agencies that conduct, support, or regulate research involving children must adopt regulations to provide greater protections for those children.

Finally, our bill would address the shortage of pediatric clinical pharmacologists whose specialized expertise is essential in performing pediatric studies, because the bill would authorize grants to ensure that an adequate number of pediatric clinical pharmacologists and clinical investigators are trained and retained to meet the increased demand for expertise created by the Better Pharmaceuticals law. There are fewer than 200 academic-based clinical pharmacologists in the United States, of whom 20 percent are pediatricians. Moreover, the bill would authorize the Secretary of HHS to enter into loan repayment contracts with doctors who agree to train and practice in pediatric pharmacology.

Mr. President, it is very important that we pass our legislation this year. While we have successfully encouraged better drug testing for children through the incentives in the "Better Pharmaceuticals for Children Act," we must take the next step and ensure that strong federal protections are in place to protect the children who participate in such research.

The children who are participating in clinical trials are medical pioneers. They will help to ensure that drugs used for children will be proven to be safe and appropriate for use in children. At the very least, we should make certain that strong federal safeguards exist to ensure their safety as they participate in these trials.

By Mr. KERRY (for himself and Mr. DEWINE):

S. 2810. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CHILD HANDGUN INJURY PREVENTION ACT

Mr. DEWINE. Mr. President, I rise today as an original cosponsor of the Child Handgun Injury Prevention Act being introduced by my friend and colleague from Massachusetts, Senator KERRY. I support this bill because I believe it will save lives.

Recently, we have all witnessed a disturbing trend. Day after day after day, we see shocking news reports about children dying because they got their hands on a loaded, unlocked firearm. In

1999 alone, this was an almost daily occurrence. Last year, more than 300 children died in gun accidents. Most of these accidents occurred in a child's own home, or in the home of a close friend or relative—the very places where these children should feel the safest.

Mr. President, the mixture of children and loaded firearms is deadly. An estimated 3.3 million children in the United States live in homes with firearms—firearms that are always or sometimes loaded and unlocked. I believe that the majority of parents with firearms believe they are being responsible about gun storage and other safety measures dealing with firearms. But, the sad fact is that some parents simply have a fundamental misunderstanding of a child's ability to access and fire a gun, to distinguish between real and toy guns, to make good judgments about handling a gun, and to consistently follow rules about gun safety. These are children, after all, and we can't expect them to understand completely what is involved with handling a gun safely.

Here's a startling fact: Nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, another study found that when a gun was in the home, 75 to 80 percent of first and second graders knew where the gun was kept.

Many gun owners, state and local governments, as well as this Senate, have started to recognize the combustible relationship between children and loaded, accessible firearms. This recognition has led many gun owners to purchase gun safety locks to ensure the safe storage of their handguns. In some states, gun locks are required at the time handguns are purchased. Seventeen states have Child Firearm Access Prevention laws that permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others. And, also, the Senate passed an amendment to the juvenile justice bill last year that would require the use of gun safety locks.

Despite the fact that gun owners are buying more firearm safety devices and governments are rushing to mandate their use, surprisingly there are no minimum safety standards for these devices. Currently, there are many different types of trigger locks, safety locks, lock boxes, and other devices available. And, there is a wide range in the quality and effectiveness of these devices. Some are inadequate to prevent the accidental discharge of the firearm or to prevent a child access to the firearm.

As governments move toward mandated safety devices, it is crucial that consumers know whether or not the devices they are buying will actually keep children from harming themselves. If states are going to prosecute adults when a child uses a firearm, these gun owners should—at the very



least—have some peace of mind that their gun storage or safety lock device is adequate.

The legislation I am introducing today with Senator KERRY would help responsible gun owners and parents know that the safety devices they buy are at least minimally adequate. This legislation just makes sense. It requires the Consumer Product Safety Commission (CPSC) to formulate minimum safety standards for gun safety locks and to ensure that only adequate locks meeting those standards are available for purchase by consumers. The standards to be used by the Commission require that gun safety locks are sufficiently difficult for children to deactivate or remove and that the safety locks prevent the discharge of the handgun unless the lock has been deactivated or removed.

Mr. President, I would also like to note what this bill does not do. First of all, it does not give CPSC any say in standards of firearms or ammunition. In other words, it is not intended to regulate firearms, themselves, in any way whatsoever. Second, it would not mandate which type of gun lock device consumers use.

As I said earlier, there are many different types of gun locks currently available. Some of these allow for easy access and use of firearms for adults should they decide that is important to them. Other devices are more cumbersome and do not provide quick and easy access. Gun owners would be free to decide what device is best for them. This legislation would have no effect on that issue. Finally, this legislation does not require the use of gun safety locks. While the Senate has already passed legislation to do this, if that language is removed in conference, this legislation will not affect that.

As I have stated already, Mr. President, I believe that this legislation will save lives. But, more than that, this legislation will empower parents—parents who decide that they want to have a gun safety lock but are awash in a sea of different devices—to purchase only gun safety locks that provide adequate protection for their children. I urge my colleagues to join Senator KERRY and me in support of this bill.

By Mr. DASCHLE (for himself and Mr. CONRAD):

S. 2811. A bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture, Nutrition, and Forestry.

#### AMENDING THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. DASCHLE. 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. 2811

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

“(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

“(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

“(i) that is represented by—

“(I) any political subdivision of a State;

“(II) an Indian tribe on a Federal or State reservation; or

“(III) other federally recognized Indian tribal group;

“(ii) that is located in a rural area (as defined in section 381A);

“(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

“(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

“(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.”

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking “section 306(a)(19)” and inserting “paragraph (19) or (20) of section 306(a)”.

#### ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 635

At the request of Mr. MACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 1197

At the request of Mr. ROTH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1197, a bill to prohibit the importation of products made with dog or

cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1858

At the request of Mr. BREAUX, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1858, a bill to revitalize the international competitiveness of the United States-flag maritime industry through tax relief.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1997

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2413

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2459

At the request of Mr. DODD, his name was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2459, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2459, *supra*.

At the request of Mr. KERREY, his name was added as a cosponsor of S. 2459, *supra*.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2459, *supra*.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2459, *supra*.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2459, *supra*.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2459, *supra*.

S. 2557

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Hawaii (Mr. INOUE), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2644

At the request of Mr. GORTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. MOYNIHAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mr. GORTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. WARNER), the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mr. HELMS), the

Senator from Hawaii (Mr. AKAKA), the Senator from Florida (Mr. MACK), the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. GRAMS), the Senator from Nevada (Mr. BRYAN), the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. SMITH), the Senator from Maryland (Mr. SARBANES), the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Louisiana (Mr. BREAUX), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. KERREY), the Senator from Iowa (Mr. HARKIN), the Senator from Nevada (Mr. REID), the Senator from Georgia (Mr. CLELAND), the Senator from Virginia (Mr. ROBB), the Senator from Florida (Mr. GRAHAM), the Senator from North Carolina (Mr. EDWARDS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. ABRAHAM), the Senator from North Carolina (Mr. EDWARDS), the Senator from North Dakota (Mr. CONRAD), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2775

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2775, to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

S. 2779

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2779, a bill to provide for the designation of renewal communities and to provide tax incentives relating to such communities, to provide a tax credit to

taxpayers investing in entities seeking to provide capital to create new markets in low-income communities, and to provide for the establishment of Individual Development Accounts (IDAs), and for other purposes.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mr. GORTON), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3602

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3641

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3641 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and

Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3644

At the request of Mr. WELLSTONE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 3644 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3655

At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of amendment No. 3655 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. CAMPBELL, his name was added as a cosponsor of amendment No. 3655 proposed to H.R. 4577, *supra*.

AMENDMENT NO. 3658

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 3658 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 125—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. SPECTER (for Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 125

*Resolved by the Senate (the House of Representatives concurring).* That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon

on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

#### SENATE RESOLUTION SUBMITTED ON JUNE 27, 2000

#### SENATE RESOLUTION 328—TO COMMEND AND CONGRATULATE THE LOUISIANA STATE UNIVERSITY TIGERS ON WINNING THE 2000 COLLEGE WORLD SERIES

Ms. LANDRIEU (for herself and Mr. BREAU) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas the Louisiana State University baseball team completed the year with 13 consecutive wins, with a record of 4-0 in the Southeastern Conference tournament, 3-0 in Subregional action, 2-0 in Super Regional contests and 4-0 in the College World Series, ending its exciting season by defeating the previously undefeated Stanford Cardinal 6-5 on June 17, 2000, in Omaha, Nebraska, to win its fifth national championship in 10 years;

Whereas Louisiana State University firmly established itself as the dominant college baseball team of the decade, winning the College World Series title in 1991, 1993, 1996, and 1997;

Whereas Louisiana State University finished with a regular season record of 46-12 and a team batting average of .341;

Whereas Louisiana State University's senior catcher, Brad Cresse, distinguished himself in the championship game and throughout the season as one of the premier players in all of college baseball, leading the nation by hitting a total of 30 home runs in 2000;

Whereas Louisiana State University's senior right-handed pitcher, Trey Hodges, who earned the Most Outstanding Player Award of the College World Series, gave up just 2 hits and 1 walk in 4 innings while striking out 4 batters in his second victory of the College World Series, personifying the persistence and competitiveness that carried Louisiana State University throughout the year;

Whereas Louisiana State University's coach, Skip Bertman, named The Collegiate Baseball Newspaper's National Coach of The Year, has never allowed the Tigers to lose a College World Series championship game;

Whereas Coach Skip Bertman has instilled in his players unceasing dedication and teamwork, and has inspired in the rest of us an appreciation for what it means to win with dignity, integrity, and true sportsmanship;

Whereas Louisiana State University's thrilling victory in the College World Series championship game enraptured their loyal and loving fans from Baton Rouge to Shreveport, taking "Tigermania" to new heights and filling the people of Louisiana with an overwhelming sense of pride, honor, and community; and

Whereas Louisiana State University's national championship spotlights one of the nation's premier State universities, which is committed to academic and athletic excellence: Now, therefore, be it

*Resolved,*

#### SECTION 1. COMMENDING AND CONGRATULATING LOUISIANA STATE UNIVERSITY ON WINNING THE 2000 COLLEGE WORLD SERIES CHAMPIONSHIP.

The Senate commends and congratulates the Tigers of Louisiana State University on winning the 2000 College World Series championship.

#### SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the chancellor of the Louisiana State University and Agriculture and Mechanical College in Baton Rouge, Louisiana.

#### SENATE RESOLUTION SUBMITTED ON JUNE 28, 2000

#### SENATE RESOLUTION 329—URGING THE GOVERNMENT OF ARGENTINA TO PURSUE AND PUNISH THOSE RESPONSIBLE FOR THE 1994 ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

Mr. L. CHAFEE (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 329

Whereas on July 18, 1994, 86 innocent persons were killed and 300 were wounded when the AMIA Jewish Community Center was bombed in Buenos Aires, Argentina;

Whereas the United States welcomes Argentine President Fernando de la Rúa's political will to pursue the investigation of the bombing of the AMIA Jewish Community Center to its ultimate conclusion;

Whereas circumstantial evidence attributes the attack to the terrorist group Hezbollah, based in Lebanon and sponsored by Iran;

Whereas the investigation indicates that this bombing could not have been carried out without assistance from former elements of local security forces;

Whereas additional evidence indicates that the tri-border area where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the bombing attack;

Whereas Argentine officials have acknowledged that there was negligence in the initial phases of the investigation and that the institutional and political conditions must be created to advance the investigation of this terrorist attack;

Whereas on March 17, 1992, terrorists bombed the Embassy of Israel in Buenos Aires, killing 29 persons and injuring more than 200 others, and the Government of Argentina has not yet brought anyone to justice for that act of terrorism;

Whereas failure to duly punish the culprits of these acts serves to reward these terrorists and help spread terrorism throughout the Western Hemisphere;

Whereas the democratic leaders of the Western Hemisphere issued mandates at the 1994 and 1998 Summits of the Americas that condemned terrorism in all its forms and that committed governments to combat terrorist acts anywhere in the Americas with unity and vigor; and

Whereas it is the long-standing policy of the United States to stand firm against terrorist attacks wherever and whenever they occur and to work with its allies to ensure that justice is done: Now, therefore, be it

*Resolved,* That the Senate—

(1) reiterates its condemnation of the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and remembers the victims of this heinous act;

(2) strongly urges the Government of Argentina to fulfill its international obligations and commitments and its promise to the Argentine people by pursuing the local and international connections to this act of terrorism, wherever they may lead, and to duly punish all those who were involved;

(3) urges the Government of Argentina to pursue and prosecute any person with ties to Hezbollah or any other terrorist organization;

(4) calls on the President to raise this issue in bilateral discussions with Argentine officials and to underscore the United States concern regarding the 6-year delay in the resolution of this case;

(5) recommends that the United States Permanent Representative to the Organization of American States should seek support from the countries comprising the Inter-American Committee Against Terrorism to assist, if requested by the Government of Argentina, in the investigation of this terrorist attack;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for purposes of the investigation into this and other terrorist activities in the tri-border area; and

(7) desires a lasting and positive relationship between the United States and Argentina based on a mutual commitment to the rule of law and democracy in the Western Hemisphere and mutual abhorrence of terrorism.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the United States Permanent Representative to the Organization of American States.

#### AMENDMENTS SUBMITTED

#### DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

#### KERRY (AND OTHERS) AMENDMENT NO. 3659

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. BINGAMAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. . Notwithstanding any other provision of this Act, the total amount made available under this title to carry out the technology literacy challenge fund under section 3132 of the Elementary and Secondary Education Act of 1965 shall be \$517,000,000.

#### ENZI AMENDMENT NO. 3660

(Ordered to lie on the table.)

Mr. ENZI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 13, line 20, strike "Provided" and insert the following: "Provided, That of the

amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 2000, at least \$22,200,000 shall be used to carry out education, training, and consultation activities as described in subsections (c) and (d) of section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(c) and (d)): *Provided further*,".

#### KENNEDY (AND OTHERS) AMENDMENT NO. 3661

Mr. KENNEDY (for himself, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, Mr. DODD, Mrs. MURRAY, Mr. LEVIN, Mr. SCHUMER, and Mr. DURBIN) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:  
SEC. . **TEACHER QUALITY ENHANCEMENT.**

In addition to any other funds appropriated under this Act to carry out title II of the Higher Education Act of 1965, there are appropriated \$202,000,000 to carry out such title.

(Ordered to lie on the table.)

#### DOMENICI AMENDMENT NO. 3662

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 4, between lines 6 and 7, insert the following:

Of the funds made available under this heading for dislocated worker employment and training activities, \$5,000,000 shall be made available to the New Mexico Telecommunications Call Center Training Consortium for such activities.

#### LIEBERMAN (AND OTHERS) AMENDMENTS NOS. 3663-3664

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. BAYH, Mr. BRYAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. ROBB, and Mr. BREAUX) submitted two amendments intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

#### AMENDMENT NO. 3663

On page 57, between lines 19 and 20, insert the following:

#### TITLE I TARGETING STUDY

For carrying out a study by the Comptroller General of the United States, evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of state funds to areas with higher concentrations of children from low-income families, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001, respectively, \$10,000, which shall become available on October 1, 2000.

On page 70, line 7, strike "\$396,672,000" and insert "\$396,662,000".

#### AMENDMENT NO. 3664

In lieu of the matter proposed to be inserted, insert the following: "Higher Education Act of 1965, \$8,986,800,000, of which \$2,729,958,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which \$6,223,342,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2000-2001: *Provided*, That \$7,113,403,000 shall be available for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965: *Provided further*, That up to \$3,500,000 of those funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That \$1,222,397,000 shall be available for concentration grants under section 1124A of that Act: *Provided further*, That, in addition to the amounts otherwise made available under this heading, an amount of \$1,000 (which shall become available on October 1, 2000) shall be transferred to the account under this heading from the amount appropriated under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" in title III, for carrying out a study by the Comptroller General of the United States, evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of state funds to areas with higher concentrations of children from low-income families, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001, respectively: *Provided further*, That grant awards under sec-".

#### FEINSTEIN AMENDMENT NO. 3665

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:  
SEC. 305. (a) DEFINITIONS.—In this section:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) MASTER TEACHER.—The term "master teacher" means a teacher who—

(A) is licensed or credentialed under State law;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Not later than July 1, 2001, the Secretary shall conduct a demonstration project under which the Secretary shall award competitive grants to local educational agencies to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agencies to serve as master teachers.

(2) REQUIREMENTS.—In awarding grants under the demonstration project, the Secretary shall—

(A) ensure that grants are awarded under the demonstration project to a diversity of local educational agencies in terms of size of school district, location of school district, ethnic and economic composition of students, and experience of teachers; and

(B) give priority to local educational agencies in school districts that have schools with a high proportion of economically disadvantaged students.

(c) APPLICATIONS.—In order to receive a grant under the demonstration project, a local educational agency shall submit an application to the Secretary that contains—

(1) an assurance that funds received under the grant will be used in accordance with this section; and

(2) a detailed description of how the local educational agency will use the grant funds to pay the salaries and employee benefits for positions designated by the local educational agency as master teacher positions.

(d) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under the demonstration project unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly, through the State, or through a combination thereof) in non-Federal contributions an amount equal to the amount of the grant awarded to the agency.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress analyzing the results of the demonstration project conducted under this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an analysis of the results of the project on—

(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers; and

(iv) the impact of master teachers on student achievement; and

(B) recommendations regarding—

(i) continuing or terminating the demonstration project; and

(ii) establishing a grant program to expand the project to additional local educational agencies and school districts.

(f) FUNDING.—Of the amount made available under this title under the heading relating to school improvement programs for carrying out activities under title VI of the Elementary and Secondary Education Act of

1965, \$50,000,000 shall become available on October 1, 2000, and shall remain available through September 30, 2005, for making grants under this section.

#### HARKIN (AND OTHERS) AMENDMENT NO. 3666

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mr. CONRAD, Mr. REED, Mr. DODD, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:  
**SEC. \_\_\_\_ EDUCATION INFRASTRUCTURE.**

Notwithstanding any other provision of this Act—

(1) from the amount appropriated under this title under the heading "SCHOOL IMPROVEMENT PROGRAMS" the Secretary of Education shall make available \$1,300,000,000 to carry out the Education Infrastructure Act of 1994;

(2) the total amount made available under this title to carry out title VI of the Elementary and Secondary Education Act of 1965 shall be \$1,800,000,000; and

(3) \$1,400,000,000 of such \$1,800,000,000—

(A) shall be available for purposes described in the second proviso under such heading; and

(B) may be used for purposes described in the third proviso under such heading.

#### GRAMM AMENDMENT NO. 3667

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 91, strike section 515.

#### LANDRIEU AMENDMENT NO. 3668

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 4577, supra; as follows:

On page 41, lines 11 and 12, strike "\$7,881,586,000, of which \$41,791,000" and insert "\$7,895,723,000, of which \$55,928,000".

#### LEAHY AMENDMENT NO. 3669

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 45, line 4, insert before the period the following: "Provided, That an additional \$2,500,000 shall be made available for the Office for Civil Rights: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by \$2,500,000".

#### SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3670

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the appropriate place, add the following: "None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for

the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act."

#### WELLSTONE AMENDMENT NO. 3671

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:  
**SEC. \_\_\_\_.** (a) In addition to any amounts appropriated under this title for the Perkin's loan cancellation program under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), an additional \$30,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be reduced on a pro rata basis by \$30,000,000.

#### DODD (AND OTHERS) AMENDMENT NO. 3672

Mr. DODD (for himself, Mr. KENNEDY, and Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:  
**SEC. . 21ST CENTURY COMMUNITY LEARNING CENTERS.**

Notwithstanding any other provision of this Act, the total amount appropriated under this Act to carry out part I of title X of the Elementary and Secondary Education Act of 1965 shall be \$1,000,000,000.

#### WELLSTONE (AND OTHERS) AMENDMENT NO. 3673

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. REID, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 34, line 17, insert before the period the following: "Provided further, That in addition to amounts provided herein, \$3,000,000 shall be available for the Center for Mental Health Services: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced on a pro rata basis by \$3,000,000".

#### WELLSTONE AMENDMENT NO. 3674

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

**SEC. \_\_\_\_.** (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

#### BINGAMAN (AND OTHERS) AMENDMENT NO. 3675

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REID, Ms. COLLINS, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, strike the period and insert the following: “*Provided further*, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, \$20,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs.”.

#### JEFFORDS AMENDMENTS NOS. 3676–3677

(Ordered to lie on the table.)

Mr. JEFFORDS submitted two amendments intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

##### AMENDMENT NO. 3676

(a) On page 59, between lines 12 and 13, insert the following:

“HIGH SCHOOL ACADEMIC ACHIEVEMENT PROGRAM

For necessary expenses to help school students reach their full academic and technical skills potential through enriched learning experiences, \$20,000,000.”

(b) OFFSET.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$20,000,000.

##### AMENDMENT NO. 3677

On page 92, between lines 4 and 5, insert the following:

#### SEC. \_\_\_\_ AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 211(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa-11(c)(1)(D)) is amended by striking “and” at the end and inserting “or (iii) suffered such illness, disability, injury or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention to correct such illness, disability, injury or condition, and”.

#### KENNEDY (AND OTHERS) AMENDMENT NO. 3678

Mr. KENNEDY (for himself, Mr. WELLSTONE, Mr. ROBB, Mr. BINGAMAN,

Mr. ROCKEFELLER, Mr. REED, Mr. DODD, Mr. AKAKA, Mr. DURBIN, Mr. KERRY, and Mr. BAYH) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 2, line 12, strike “\$2,990,141,000” and insert “\$3,889,387,000”.

On page 2, line 13, strike “\$1,718,801,000” and insert “\$2,239,547,000”.

On page 2, line 15, strike “\$1,250,965,000” and insert “\$1,629,465,000”.

On page 2, line 17, strike “\$1,000,965,000” and insert “\$1,254,465,000”.

On page 2, line 18, strike “\$250,000,000” and insert “\$375,000,000”.

On page 5, line 6, strike “\$153,452,000” and insert “\$197,452,000”.

On page 5, line 7, strike “\$3,095,978,000” and insert “\$3,196,746,000”.

On page 5, line 26, strike “\$153,452,000” and insert “\$197,452,000”.

On page 6, line 1, strike “\$763,283,000” and insert “\$788,283,000”.

On page 20, line 1, strike “\$19,800,000” and insert “\$22,300,000”.

#### BREAUX AMENDMENT NO. 3679

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ POINT OF ORDER AGAINST CONSIDERATION OF OMNIBUS APPROPRIATIONS CONFERENCE REPORTS IF NOT AVAILABLE FOR 2 DAYS.

It shall not be in order in the Senate to consider a conference report on an Omnibus Appropriations bill (an appropriations bill containing 2 or more of the 13 regular appropriations Acts) unless that conference report has been available at least 2 days prior to consideration.

#### WELLSTONE (AND OTHERS) AMENDMENT NO. 3680

Mr. REID (for Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. REID)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 34, line 17, insert before the period the following: “*Provided further*, That within the amounts provided herein \$3,000,000 shall be available for the Center for Mental Health Services to support through grants a certification program to improve and evaluate the effectiveness and responsiveness of suicide hotlines and crisis centers in the United States and to help support and evaluate” a national hotline and crisis center network.

#### TORRICELLI AMENDMENTS NOS. 3681–3682

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed to him to the bill, H.R. 4577, supra; as follows:

##### AMENDMENT NO. 3681

On page 27, line 24, strike the period and insert the following: “*Provided further*, That the funds made available under this heading for section 317A of the Public Health Service Act may be made available for programs operated in accordance with a strategy (developed and implemented by the Director for the Centers for Disease Control and Prevention) to identify and target resources for childhood lead poisoning prevention to high-risk populations, including ensuring that any individual or entity that receives a

grant under that section to carry out activities relating to childhood lead poisoning prevention shall use 10 percent of the grant funds awarded for the purpose of funding screening assessments and referrals at sites of operation of the Early Head Start programs under the Head Start Act.”.

##### AMENDMENT NO. 3682

On page 42, line 12, strike the period and insert the following: “*Provided further*, That the funds made available under this heading for section 645A of the Head Start Act shall be made available for Early Head Start programs in which the entity carrying out such a program may—

“(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program; and

“(2) in the case of a child who has not received such a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).”.

#### TORRICELLI AMENDMENT NO. 3683

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

#### PART \_\_\_\_ MISCELLANEOUS PROVISIONS

#### SEC. \_\_\_\_ 01. DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES WITH RESPECT TO CAMPUS BUILDINGS.

(a) SHORT TITLE.—This section may be cited as the “Campus Fire Safety Right to Know Act”.

(b) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking “and” at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(P) the fire safety report prepared by the institution pursuant to subsection (h).”; and

(2) by adding at the end the following new subsection:

“(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

“(1) FIRE SAFETY REPORTS REQUIRED.—Each eligible institution participating in any program under this title shall, beginning in academic year 2001-2002, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report containing at least the following information with respect to the campus fire safety practices and standards of that institution:

“(A) A statement that identifies each student housing facility of the institution, and whether or not each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

“(B) Statistics concerning the occurrence on campus, during the 2 preceding calendar years for which data are available, of fires and false fire alarms.

“(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

“(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire

escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety.

"(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(3) **REPORTS.**—Each institution participating in any program under this title shall make periodic reports to the campus community on fires and false fire alarms that are reported to local fire departments in a manner that will aid in the prevention of similar occurrences.

"(4) **REPORTS TO SECRETARY.**—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

"(5) **DEFINITION OF CAMPUS.**—In this subsection the term 'campus' has the meaning provided in subsection (f)(6)."

(c) **REPORT TO CONGRESS BY SECRETARY OF EDUCATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming dormitories and other campus buildings up to current new building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university facilities, including recommendations for methods to fund such cost.

#### BAUCUS (AND JEFFORDS) AMENDMENT NO. 3684

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

#### SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Since its passage in 1997, the Balanced Budget Act of 1997 has drastically cut payments under the medicare program under title XVIII of the Social Security Act in the areas of hospital, home health, and skilled nursing care, among others. While Congress intended to cut approximately \$100,000,000,000

from the medicare program over 5 years, recent estimates put the actual cut at over \$200,000,000,000.

(2) A recent study on home health care found that nearly 70 percent of hospital discharge planners surveyed reported a greater difficulty obtaining home health services for medicare beneficiaries as a result of the Balanced Budget Act of 1997.

(3) According to the Medicare Payment Advisory Commission, rural hospitals were disproportionately affected by the Balanced Budget Act of 1997, dropping the inpatient margins of such hospitals over 4 percentage points in 1998.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that Congress and the President should act expeditiously to alleviate the adverse impacts of the Balanced Budget Act of 1997 on beneficiaries under the medicare program under title XVIII of the Social Security Act and health care providers participating in such program.

#### BAUCUS (AND OTHERS) AMENDMENT NO. 3685

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:  
SEC. \_\_\_\_ Notwithstanding any other provision of this Act—

(1) the total amount made available under this title to carry out section 8007 of the Elementary and Secondary Education Act of 1965 shall be \$50,000,000; and

(2) the amount of funds provided to each Federal agency that receives appropriations under this Act in an amount greater than \$20,000,000 shall be reduced by a uniform percentage necessary to achieve an aggregate reduction of \$25,000,000 in funds provided to all such agencies under this Act.

#### WELLSTONE (AND OTHERS) AMENDMENT NO. 3686

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself, Mr. JEFFORDS, Mr. KOHL, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 37, between lines 21 and 22, insert the following:

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,100,000,000, to be available for obligation in the period October 1, 2001 through September 30, 2002.

#### BAUCUS (AND OTHERS) AMENDMENT NO. 3687

Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:  
SEC. \_\_\_\_ Notwithstanding any other provision of this Act—

(1) the total amount made available under this title to carry out section 8007 of the Elementary and Secondary Education Act of 1965 shall be \$50,000,000; and

(2) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the

Department of Education shall be reduced on a pro rata basis by \$25,000,000.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

##### SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, July 11, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2195, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; S. 2350, a bill to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah; and S. 2672, a bill to provide for the conveyance of various reclamation projects to local water authorities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 28, 2000, at 9:30 a.m., on airline customer service.

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

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the session of the Senate on Wednesday, June 28, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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



## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 28, 9:30 a.m., Hearing Room (SD-406), to conduct a business meeting to consider the following items: Everglades Restoration, Water Resources development, and GSA Authorizations—(a) Multiple FY01 Prospectuses and (b) One FY02 Design Project.

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

## COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, for an Open Executive Session to consider the chairman's Mark of the Marriage Tax Relief Reconciliation Act of 2000.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, at 11 a.m., to hold a business meeting.

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

## COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 28, 2000, at 2:30 p.m., in room 485 of the Russell Senate Building to mark up pending committee business to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA-21) to make certain amendments with respect to Indian tribes.

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

## COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 28, 2000, at 10 a.m., in SD226.

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

## SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, at 2 p.m., to hold a hearing.

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

## SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Wednesday, June 28, 2000, at 9 a.m. to hold a hearing.

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

## SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Wednesday, June 28 at 2 p.m., in SD226.

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

## PRIVILEGE OF THE FLOOR—H.R. 4577

Mr. DODD. I ask unanimous consent that Meredith Miller and Kathy HoganBruen, of my staff, be granted the privilege of the floor for the remainder of the debate on this bill.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that Laura Chow, a legislative fellow in my office, be granted floor privileges during the debate on the Labor-HHS bill.

Mr. JEFFORDS. Mr. President, I further ask consent that Diane Lenz be granted access to the floor during consideration of my amendment.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Vinu Pillai, an intern, Nina Rossomando, a fellow, and Ellen Gerrity be allowed the privilege of the floor this afternoon.

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

## GAMBLING ON COLLEGE ATHLETICS

Mr. BROWNBAC. Mr. President, I draw quick attention of the body to the amendment I hope to bring up sometime during the session—or on a freestanding bill—banning gambling on college athletics. There is currently only one State in the Union where you can bet on college sports. That is in Nevada. It is called the "Vegas Exception." That has led to a lot of problems of gambling on college athletics and on college campuses.

Also, one of the aspects I want to point out briefly—and why I want to bring this up yet this session of Congress because of the impact it is having on our young people—is the expansion into gambling and getting addicted.

We are finding that one of the leading gateways for young people to get into gambling is through sports gambling—betting on sporting events. That is one of the top two ways of getting young people involved. They are among the most susceptible to becoming addicted to gambling.

There is a study by the Harvard Medical School on addiction. It reported that college students are three times as likely to develop a severe gambling

problem as compared with other adults. It shows that the leading gateway for college students becoming addicted is through sports betting.

There is only one place in the country where it is legal. That is in Nevada. It is the "Vegas Exception." That provides this atmosphere where it is legal or thought to be legal in many places, and we are seeing this problem grow.

The NCAA is strongly supportive of this amendment. They want to get at this issue of gambling that is expanding exponentially across the country, and the problems they are having they want to be able to deal with so people will know there is a fair game that is going on. They want to deal with it now.

Some Members are opposed to this amendment. I simply stand here to say I am prepared to bring this amendment up at any time with limited debate—1 hour of debate equally divided between each side—and I am willing to go late into the night, as it is obvious now at this hour—to talk about this issue, get an up-or-down vote on it, and simply move forward. If the body agrees, let the body work its will. If the body disagrees, so be it. Let's move on.

This is an important issue to our young people, to our colleges, and to college athletics. These games should remain honest and not be influenced by gambling. We are even hearing of some referees now who are betting on games. It is causing people to question whether these are legitimate sporting events or fixed events on the point spread.

I simply continue to state to my colleagues that this is an important amendment on which I want to get a vote in this session of Congress. I am prepared to have limited debate at any point in time or bring the matter up as a freestanding bill so we are able to address it. I don't want to hold up other bills. I want to be able to get a vote on this particular item. We can do so in a limited time fashion. It is important that we get this addressed now.

## FEASIBILITY STUDY ON THE JICARILLA APACHE RESERVATION

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 625, H.R. 3051.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3051) to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3051) was read the third time and passed.

# NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 630, S. 2719.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2719) to provide for business development and trade promotion for Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2719) was read the third time and passed, as follows:

S. 2719

*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 "Native American Business Development, Trade Promotion, and Tourism Act of 2000".

## SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration of the Indian self-determination era, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States.

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorizes.

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich

cultural legacy that accords great value to self-determination, self-reliance, and independence, native Americans suffer high rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by marking available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

## SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBILITY ENTITY.—The term "eligible entity" means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) INDIAN.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN GOODS AND SERVICES.—The term "Indian goods and services" means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term "Indian lands" includes lands under the definition of—

(i) the term "Indian country" under section 1151 of title 18, United States Code; or

(ii) the term "reservation" under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term "former Indian reservations in Oklahoma" shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN-OWNED BUSINESS.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(8) TRIBAL ENTERPRISE.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(9) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

## SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the "Office").

(2) DIRECTOR.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the "Director"). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) INTERAGENCY COORDINATION.—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) **ACTIVITIES.**—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) **ASSISTANCE.**—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) **PRIORITIES.**—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) **PROHIBITION.**—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

#### SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the "program").

(b) **COORDINATION OF FEDERAL PROGRAMS AND SERVICES.**—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available for eligible entities.

(c) **ACTIVITIES.**—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) **TECHNICAL ASSISTANCE.**—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) **PRIORITIES.**—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

#### SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) **PROGRAM TO CONDUCT TOURISM PROJECTS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) **DEMONSTRATION PROJECTS.**—

(A) **IN GENERAL.**—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) **PROJECTS DESCRIBED.**—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint revenues and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) **GRANTS.**—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) **LOCATIONS.**—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall

provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) **ASSISTANCE.**—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) **INFRASTRUCTURE DEVELOPMENT.**—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

#### SEC. 7. REPORT TO CONGRESS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) **CONTENTS OF REPORT.**—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

#### ACCEPTANCE OF STATUE OF CHIEF WASHAKIE

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 333, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 333) providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 333) was agreed to.

The preamble was agreed to.

#### AUTHORIZING USE OF ROTUNDA OF THE CAPITOL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 344, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 344) permitting the use of the Rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 344) was agreed to.

#### RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000

Mr. BROWNBACK. I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives to accompany S. 1515, an Act to amend the Radiation Exposure Compensation Act, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1515) entitled "An Act to amend the Radiation Exposure Compensation Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation Exposure Compensation Act Amendments of 2000".

##### SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President's Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

##### SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) CLAIMS RELATING TO LEUKEMIA.—

"(A) IN GENERAL.—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

"(i) (I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

"(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

"(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

"(ii) submits written documentation that such individual developed leukemia—

"(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

"(II) more than 2 years after first exposure to fallout.

"(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

"(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive \$50,000; or

"(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive \$75,000.

"(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

"(i) Initial exposure occurred prior to age 21.

"(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

"(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act."

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "Wayne, San Juan," after "Millard,"; and

(B) by amending subparagraph (C) to read as follows:

"(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and"; and

(2) in paragraph (2)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure," and inserting "the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),";

(B) by striking "(provided initial exposure occurred by the age of 20)" after "thyroid";

(C) by inserting "male or" before "female breast";

(D) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(E) by striking "(provided low alcohol consumption and not a heavy smoker)" after "esophagus";

(F) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas"; and

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder."

(c) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(a) ELIGIBILITY OF INDIVIDUALS.—

"(I) IN GENERAL.—An individual shall receive \$100,000 for a claim made under this Act if—

"(A) that individual—

"(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

"(ii) (I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

"(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury;

"(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

"(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

"(B) the State submits an application to the Department of Justice to include such State; and

"(C) the Attorney General makes a determination to include such State.

"(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6."

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking "and" before "corpulmonale"; and

(ii) by striking "and if the claimant," and all that follows through the end of the paragraph and inserting "silicosis, and pneumoconiosis";

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

"(5) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

"(A)(i) an arterial blood gas study; or

"(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and

"(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of two National Institute of Occupational Health and Safety certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the 'ILO'), or subsequent revisions;

"(ii) high resolution computed tomography scans (commonly known as 'HRCT scans') (including computer assisted tomography scans (commonly known as 'CAT scans'), magnetic resonance imaging scans (commonly known as 'MRI scans'), and positron emission tomography scans (commonly known as 'PET scans')) and interpretive reports of such scans;

"(iii) pathology reports of tissue biopsies; or

"(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

"(6) the term 'lung cancer'—

"(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

"(B) includes in situ lung cancers;

"(7) the term 'uranium mine' means any underground excavation, including 'dog holes', as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

"(8) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants."

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(c) WRITTEN DOCUMENTATION.—

"(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

"(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or

"(II) is a board certified physician; and

"(III) has a documented ongoing physician patient relationship with the claimant.

"(2) CHEST X-RAYS.—

"(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5)

shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by—

"(aa) the Indian Health Service; or

"(bb) the Department of Veterans Affairs; and

"(II) has a documented ongoing physician patient relationship with the claimant."

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "In establishing procedures under this subsection, the Attorney General shall take into account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable."

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant."

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting "(other than a claim for workers' compensation)" after "claim"; and

(B) in clause (ii), by striking "Federal Government" and inserting "Department of Veterans Affairs".

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe."

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting "(1) IN GENERAL.—" before "The Attorney General";

(B) by inserting at the end the following: "For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant's request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid."; and

(C) by adding at the end the following:

"(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

"(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

"(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

"(B) PERIOD.—The period described in this subparagraph is the period—

"(i) beginning on the date on which the Attorney General makes a request for additional in-

formation or documentation under paragraph (2); and

"(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

"(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

"(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans."

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "Not later than 180 days after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act."

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A claim"; and

(2) by adding at the end the following:

"(b) RESUBMITTAL OF CLAIMS.—After the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000 shall not be applied to the limitation under the preceding sentence."

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "20 years after the date of the enactment of this Act" and inserting "22 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000".

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking "date of the enactment of this Act" and inserting "date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000".

(h) ATTORNEY FEES LIMITATION.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows: "SEC. 9. ATTORNEY FEES.

"(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this

Act, more than that percentage specified in subsection (b) of a payment made under this Act on such claim.

“(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

“(1) 2 percent for the filing of an initial claim; and

“(2) 10 percent with respect to—

“(A) any claim with respect to which a representative has made a contract for services before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000; or

“(B) a resubmission of a denied claim.

“(c) PENALTY.—Any such representative who violates this section shall be fined not more than \$5,000.”.

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

**SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.**

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

**“SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.**

“(a) DEFINITION.—In this section the term ‘entity’ means any—

“(1) National Cancer Institute-designated cancer center;

“(2) Department of Veterans Affairs hospital or medical center;

“(3) Federally Qualified Health Center, community health center, or hospital;

“(4) agency of any State or local government, including any State department of health; or

“(5) nonprofit organization.

“(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

“(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

“(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

“(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

“(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

“(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

“(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

“(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

“(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section \$20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.”.

Mr. HATCH. Mr. President, I am pleased that the Congress is approving one of my top legislative priorities, the “Radiation Exposure Compensation Act Amendments of 2000,” (S. 1515) which will update the compensation program Congress enacted a decade ago. The amendments we pass tonight will make certain that more Utahns who were exposed to radiation during the Cold War can now be granted deserved compensation to recognize the injuries and hardship they and their families have suffered. It will also streamline the application process, making it easier for eligible claimants to qualify.

Mr. President, we our government can never truly make right the unanticipated illness and injury caused by our Nation’s nuclear testing program. But we should do all we can, and it is my fervent hope these amendments show Congress’ commitment to righting a wrong in which the government played such a substantial role.

S. 1515 is aimed at improving a program which provides a measure of compensation to individuals who have sustained illness due to radiation exposure. These are fellow Americans who have suffered terribly from cancer and other debilitating diseases resulting from exposure to fallout and uranium mining during this narrow period of our history.

In meetings with constituents over the past several years, I have heard countless heart-rending stories about the devastating effects families have felt due to their exposure to radiation. I recall so vividly one young woman in St. George, Utah talking about the “beautiful sky” that her mother called all the children outside to view, thus exposing every family member to radiation. Tragically, many of those family members were eventually diagnosed with cancer.

Through advances in science, we now know so much more about the effects of that radiation than we did in the late 1950s and 1960s. In fact, we know so

much more today than we did in 1990 when Congress passed the original compensation program, the Radiation Exposure Compensation Act. Our current state of scientific knowledge allows us to pinpoint with more accuracy which diseases are reasonably believed to be related to radiation exposure, and that is what necessitated the legislation we are considering today.

The RECA amendments of 2000 updates that 1990 law in a number of important areas. Let me briefly take this opportunity to summarize the improvements to RECA that S. 1515 makes:

1. It expands the list eligible diseases (leukemia) and other cancers eligible for compensation to include: lung; thyroid; breast (male and female); esophagus; stomach; pharynx, small intestine; pancreas; bile ducts; salivary gland; urinary bladder; brain, colon; ovary; gall bladder, or liver in those claimants referred to as “downwinders” and onsite test participants.

2. It extends eligibility to other diseases (non-cancers) including pulmonary fibrosis, silicosis and pneumoconiosis to millers and miners.

3. It includes two new counties, Wayne and San Juan, as well as several other counties from other states.

4. It extends eligibility for compensation to include above-ground and open-pit uranium mine workers, uranium mill workers, and individuals who transported uranium ore. Under the 1990 law, only underground miners of uranium were included.

5. In an important change, it eliminates a distinction between smokers and nonsmokers. While I appreciate the concern of government officials that smokers who became ill could not reasonably attribute that illness to radiation exposure, many constituents have explained to me that it was virtually impossible to provide reliable documentation about as to whether they had smoked or not. Thus, I insisted in this change so that claimants no longer need to prove they were nonsmokers. For many individuals, this will ease the application process immeasurably.

6. It allows for certified physician/patient written documentation and appropriate tests (e.g. CAT scans and MRIs) to be used in the verification of a claim. This will also ease the claimant’s application process tremendously. Before, claimants had to search for specific documentation that may have never existed or was disposed of years earlier.

7. In another important provision, these amendments respect Native American law in claims processing as it applies to survivor eligibility based on law, tradition, and custom of a particular Indian tribe (i.e. martial status).

8. While the bill retains the RECA’90 levels of compensation and does not alter the documentation requirements showing that a person was present during the atomic testings, at the request



of Senator DASCHLE, the bill does extend compensation to a new group of individuals: millers (and ore transporters) who are also eligible for \$100,000.

9. In the case of millers, miners, and ore transporters, the bill lowers the amount of documented radiation from 200 Working Level Months (WLM) to 40 Working Level Months. If a miller or ore transporter applies for compensation, their exposure documentation can be either proof of 40 WLM or one year documented employment. This is a big change, for with RECA 90, millers and ore transporters were not even eligible for compensation and miners were required to show proof of 200 WLMs.

10. Miners and millers are eligible for compensation if they meet the eligibility criteria for lung cancer and chronic lung diseases mentioned above in #2. Millers are eligible for compensation if they develop renal cancers, chronic renal disease including nephritis and kidney tubal tissue injury. The compensation would be \$100,000.

11. Finally, at the suggestion of several Washington County, Utah constituents, the bill includes a new grant program that will help with early detection, prevention and screening of radiogenic diseases. These programs will screen for the early warning signs of cancer, provide medical referrals and educate individuals on prevention and treatment of radiogenic diseases. The grant program is designed to be available to a wide range of community-based groups, including cancer centers, hospitals, Veterans Affairs medical centers, community health centers and state departments of health.

I am extremely grateful to the interested and concerned constituents who helped in the drafting of the RECA amendments. Many times, their heartfelt stories helped lead to provisions in the legislation which can only help improve the program. For example, in one meeting on the bill held in St. George, Utah, a woman explained to my office that the compensation program, while well-intended, could never make families who had experienced radiation-caused illness whole again. She expressed her feeling that the greater good could come not from compensating individuals, but from instituting programs which will help families detect potential illness earlier, allowing them to be treated more successfully and cost-effectively. From that conversation was born the new prevention grant program, which I believe will prove to be extremely successful.

Our nation has a commitment to the thousands who suffered ill-effects from radiation exposure during a period of nuclear testing critical to our Nation's defense capabilities. I believe we have an obligation to those who were injured, especially since they were not adequately warned about the potential health hazards involved in their exposure.

This legislation was made possible by a staunch group of bipartisan sup-

porters who have worked several years to see these program modernizations through. In particular, I want to thank my colleagues from the Beehive State, Representative CHRIS CANNON, a Judiciary Committee member who worked so hard to get this bill through, and Senator BOB BENNETT, for his support on this measure.

Likewise, I want to thank a number of other Senators for their help in passing this legislation—Senators BEN NIGHTHORSE CAMPBELL, JON KYL, and PETE DOMENICI, and Minority Leader TOM DASCHLE and Senator JEFF BINGAMAN. All of these Senators assisted substantially in developing this legislation.

I would be remiss if I did not thank members of the Senate Judiciary Committee, and especially Senator PAT LEAHY, for their help and cooperation on this issue. And, I want to pay special tribute to my counterpart in the House, Chairman HENRY HYDE, as well as to Representative LAMAR SMITH, Chairman of the Subcommittee on Immigration and Claims.

Finally, I would also like to thank the ranking member of the House Judiciary Committee, Representative JOHN CONYERS, Representative BARNEY FRANK, and Representative JOE SKEEN for their generous support and contributions toward the passage of this bill. I would also be remiss if I did not mention the contributions made to this bill by Stewart Udall, whose substantial work on RECA and these amendments should not go unnoticed.

I want to offer sincere appreciation for the assistance and cooperation of key staff, including Cindy Blackston of the House Judiciary Committee, Trudy Vincent of Senator BINGAMAN's staff, Peter Hansen and Mark Childress of Senator DASCHLE's staff, and Ed Pagano of Senator LEAHY's staff.

Also, I want to recognize the hard work by my own staff on this legislation. I have often thought that the probability of any bill passing by unanimous consent is an inverse relationship to the number of hours spent developing it. This bill has been a long time in development. Dr. Marlon Priest began the research phase for this bill over two years ago. Dr. David Russell has brought the legislation to its completion. Pattie DeLoatche, Rob Foreman, Shawn Bently, Troy Dow, Jeanine Holt, and Patricia Knight have worked tirelessly together on behalf of this legislation.

And last, but not least, I want to thank the many constituents who offered helpful suggestions to me as we worked to enact S. 1515. I have a tremendous appreciation for their determination, dedication and hard work which was such a necessary part of crafting this legislation.

The Radiation Exposure Compensation Act Amendment of 2000 is an important piece of legislation which will speed up the application process as well as modernize the criteria for compensation, helping thousands of fellow

Utahns and other deserving Americans who were injured by our nation's nuclear development and testing programs. I am hopeful that President Clinton will sign this bipartisan bill into law on a priority basis.

Mr. DASCHLE. Mr. President, I am delighted that the Senate is passing S. 1515, the Radiation Exposure Compensation Improvement Act Amendments of 2000. I deeply appreciate the hard work of my colleague, Senator HATCH, in developing this legislation and bringing it to this point.

Hundreds of former uranium workers in South Dakota and thousands across the nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the United States government. Although the federal government knew that this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

In 1990, Congress passed landmark legislation to compensate these individuals. The legislation before us today takes critically-needed steps to amend this act to make it easier for victims to apply for and receive compensation. It also broadens the availability of compensation by updating the list of compensable diseases to take into account the latest science and by extending compensation to groups of workers excluded from the original law. Most importantly, it makes compensation available to workers in all states, including my home state of South Dakota. The original law limited compensation to workers in five states only, despite the fact that workers in other states faced identical circumstances.

It is critical that we pass this legislation as quickly as possible in order to provide these individuals with compensation. Many are sick, and unable to afford adequate health insurance. This compensation will provide them with vital assistance.

While I believe we need to send this legislation to the President immediately, there is one issue I hope to address as quickly as possible. The current version of this legislation sets different standards of eligibility for compensation for uranium millers and uranium miners. Uranium millers must demonstrate that they worked in a mill for a year. However, miners must demonstrate that they were exposed to 40 or more working level months of radiation. Given that miners' records about their level of exposure have now been lost, or were kept inaccurately, I believe we should set the one year standard for both categories of workers. Would the Senator from Utah agree at the first available opportunity to seek to amend this legislation to state that miners must simply demonstrate that they worked in a mine for one year to be eligible to receive compensation?

Mr. HATCH. I agree to work with the Democratic Leader. While we cannot



afford a delay in sending the current bill to the resident, a strong argument can be made that both miners and mill workers should have the same standard of eligibility for compensation. I will work with the Senator in an expeditious manner to address this issue and make any necessary amendment.

Mr. DASCHLE. I thank my colleague and once again commend him for his outstanding work on this issue.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1515, the Radiation Exposure Compensation Act Amendments of 2000, and sending it to President Clinton for his signature into law. I want to congratulate the Chairman of the Judiciary Committee, Senator HATCH, and the Senator from New Mexico, Senator BINGAMAN, for their leadership on this bill.

During the Senate Judiciary Committee consideration of this legislation last year, I offered an amendment on behalf of Senator BINGAMAN to add the category of renal disease affecting uranium miners to the coverage of the Radiation Exposure Compensation Act. I am pleased to report that our amendment has been retained in the final version of this legislation. I know that Senator BINGAMAN sought higher compensation levels for radiation exposure victims in his original legislation, but has agreed to this bipartisan compromise to ensure the bill's final passage into law this year and to expedite compensation to radiation exposure victims in New Mexico.

I want to commend Senator HATCH and Senator BINGAMAN for a job well done.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Utah, Senator HATCH, and others, to recognize we are passing S. 1515, which makes long overdue improvements to the Radiation Exposure Compensation Act of 1990.

Mr. President, RECA was originally enacted in 1990 as a means of compensating the individuals who suffered from exposure to radiation as a result of the U.S. government's nuclear testing program and federal uranium mining activities. While the government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended to those adversely affected by the various radiation tragedies. In keeping with the spirit of that apology, the legislation the Senate is passing today will further correct existing injustices and provide compassionate compensation for those whose lives and health were sacrificed as part of our nation's effort to win the Cold War. While this bill does not go as far as the bill I originally introduced in the Senate this Congress, I am pleased that we have been able to take these important steps to begin to compensate our citizens for the sacrifices they made.

During the period of 1947 to 1961, the Federal Government controlled all aspects of the production of nuclear fuel. One of these aspects was the mining of

uranium in New Mexico, Colorado, Arizona, Wyoming and Utah. Even though the Federal Government had adequate knowledge of the hazards involved in uranium mining, these miners, many of whom were Native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners had no idea of those dangers. Consequently, they inhaled radon particles that eventually yielded substantial doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate and incidence of incapacitating respiratory disease. The health effects of uranium mining in the fifties and sixties remain the single greatest concern of many former uranium miners and millers and their families and friends.

In 1990, I was pleased to co-sponsor the original RECA legislation to provide compassionate compensation to uranium miners. I believe that our efforts in 1990 were well intentioned but have not proven to be as effective as we had hoped in providing redress to those individuals who suffered the effects of working in uranium mines or mills or transporting the ore. The government has the responsibility to compensate all those adversely affected and who have suffered health problems because they were not adequately informed of the risks they faced while mining, milling, and transporting uranium ore.

Now we are getting ready to pass this comprehensive amendment to RECA to correct omissions, make RECA consistent with current medical knowledge, and to address what have become administrative horror stories for the claimants. With passage of this bill, we're now a Presidential signature away from offering compensation to thousands more uranium workers than ever.

Mr. President, the success of this bill is due in large part to Paul Hicks, who stood up for uranium workers, and strongly encouraged Congress to do the right thing by passing this bill. Paul was President of the Uranium Workers of New Mexico, and his passing just two months ago makes today's action bittersweet. But I hope his family can take comfort in the fact that he made a tremendously positive impact on the lives of thousands of uranium workers.

Mr. President, I am appreciative of all the hard work done on this bill by Senator HATCH and others, and I hope the President will sign this bill as soon as possible so that justice will be delayed no longer.

Mr. BROWNBACK. I ask unanimous consent that the Senate agree to the amendment of the House.

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

#### MEASURE READ FOR THE FIRST TIME—S. 2808

Mr. BROWNBACK. Mr. President, I understand that S. 2808 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2808) to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax.

Mr. BROWNBACK. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

#### ORDERS FOR THURSDAY, JUNE 29, 2000

Mr. BROWNBACK. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 29. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4762, the disclosure bill under the previous order.

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

#### PROGRAM

Mr. BROWNBACK. For the information of all Senators, on Thursday the Senate will resume consideration of the disclosure bill at 9:30 a.m. Under the previous order, there will be closing remarks on the bill with a vote on final passage to occur at approximately 9:40 a.m. Under the order, a vote in relation to the Frist amendment to the Labor-HHS appropriations bill will immediately follow the disposition of the disclosure bill.

As a reminder, there is a finite list of amendments to the Labor appropriations bill. Those Senators who have amendments on the list should work with the bill managers on a time to offer their amendments during tomorrow's session. Final passage on the bill is expected to occur by midafternoon.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:32 p.m., adjourned until Thursday, June 29, 2000, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 28, 2000:

##### DEPARTMENT OF DEFENSE

DONALD MANCUSO, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE ELEANOR HILL.

##### CORPORATION FOR PUBLIC BROADCASTING

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006, VICE HENRY J. CAUTHEN, TERM EXPIRED.