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Senate

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

PRAYER

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

Almighty God, like the signers of the Declaration of Independence, we pledge to You and to our Nation our lives, our fortunes, and our sacred honor. We confess that it is a lot easier for us to say that than for the 56 men who placed their signatures on that historic liberating document. We reflect thoughtfully that few were long to survive. Five were captured, tortured, and later died. Twelve had their homes ransacked, looted, occupied by enemy soldiers, or burned. Two lost sons in the Army. One had two sons captured. Nine died of hardships. Thomas McKean of Delaware was so harassed that he had to move his family five times and yet served in Congress without pay, his family living in poverty and hiding. Thomas Nelson, Jr. of Virginia committed his own estate to pay back loans of the Government for $2 million and was never paid back. And we remember John Hancock's courage was as large in commitment of his funds as his signature was on the Declaration.

Father, remind us that freedom is not free. May we do our work today with profound gratitude, but it is You we give the praise. Thank You for women and men in every period of our history who really had to give up their lives, offer up their fortunes, and keep their sacred honor with costly patriotism. God, bless America with women and men like that today and start with each of us now. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BROWNBACK. What a beautiful prayer and beautiful way to start the day.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will begin consideration of Senate Concurrent Resolution 5, a concurrent resolution relating to congressional opposition to the unilateral declaration of a Palestinian state. Under the order, there will be 45 minutes for debate on the resolution with time controlled by Senators BROWNBACK and WELLSTONE.

At the conclusion of the debate time, the Senate will resume consideration of S. 280, the education flexibility bill, with the time until 2 p.m. equally divided between the chairman and the ranking member.

At 2 p.m., under a previous order, the Senate will proceed to a stacked series of rollcall votes. The first vote will be on adoption of Senate Concurrent Resolution 5, to be followed by votes on amendments pending to the Ed-Flex bill. The final vote in the sequence will be on the passage of the bill.

Following the stacked series of votes, it may be the leader's intention to begin consideration of Calendar No. 16, S. 257, a bill regarding the deployment of a missile defense system.

I thank my colleagues for their attention.

CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the pending business.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I yield myself such time as I may consume. Under the previous order, I believe there are 45 minutes equally divided between myself and Mr. WELLSTONE on this debate.

At the very start of the Oslo peace process between Israel and the Palestinians, PLO Chairman Yasser Arafat wrote a letter to then Israeli Prime Minister Yitzhak Rabin in which he stated this: ''The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides, and declares that all outstanding issues relating to permanent status will be resolved through negotiations.'' That letter was dated September 9, 1993, and it led to the ceremony on the White House lawn 4 days later that publicly launched the peace process.

Indeed, it was on the basis of the words that Chairman Arafat wrote that Israel agreed to enter into the negotiations. It was on that basis that Israel agreed to cede land and political authority to the Palestinians. It is the most important and fundamental Palestinian commitment, and it undergirds the entire peace process.

And yet it is this very principle that Chairman Arafat now threatens to abandon. Over the past several months he has repeatedly threatened to unilaterally declare a Palestinian state over the entire West Bank and the Gaza Strip, with the eastern part of Jerusalem as its capital.

Mr. President, this issue touches the core of the Israel-Palestinian conflict as the question of the permanent status of the Palestinian entity. What will be its final borders? Will there be limits on its sovereignty? Will it be allowed to have a military, to possess jets and tanks and missiles, to enter into foreign alliances with the likes of Iraq or Iran or Libya? All these questions need to be bilaterally negotiated

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

between Israel and the Palestinians so that Israel's security can be assured.

You can just imagine what happens the day after a unilateral declaration. Palestinian security forces begin patrolling an area that they now consider part of an independent state but that is part of the area that Israel has had security control over. Israel would undoubtedly have to take steps to provide for the safety of its citizens. Tension will mount quickly, leading inevitably—and rapidly—to a quick descent into violence and bloodshed.

And consider for a moment what the Palestinians have already achieved in the peace process. Five years ago at this time, not one Palestinian living in the Gaza Strip or on the West Bank lived under Palestinian civilian authority. Today, 98 percent have their own executive branch, democratically-elected legislature, and courts. They have their own educational system, their own broadcasting authority, their own airport, their own travel documents, their own flag and anthem. They have full control over virtually the entire Gaza Strip and ten percent of the West Bank, including all major population centers, and civilian authority over another seventeen percent. And that is even before the start of final status negotiations. There has been much progress.

So why does Arafat make such a threat? Why jeopardize the entire peace process? On May 4, the five-year period that began with the signing of the first agreement between Israel and the Palestinians ends. It had been hoped that by that point all final status negotiations would have been completed. But it should be noted that none of the agreements signed between Israel and the Palestinians—Oslo I, Oslo II, the agreement on redeployment in the city of Hebron, and the Wye River Accord were negotiated by the hoped for date. Still, the negotiators stuck to it until agreements were hammered out. That is exactly what should occur now. The peace process is much too important to be held hostage to an arbitrary date.

Some say that Arafat will back down and not carry out this threat, or that he will postpone the date. I certainly hope that is right. But listen to these words of his closest associate which were spoken as recently as February 22, less than 3 weeks ago. He said,

> We . . . assure the whole world that the establishment of the independent state of Palestine, with holy Jerusalem as its capital, is a sacred and legitimate right of the Palestinian people. It is a goal that our people will not accept to abdicate or to give up no matter what the difficulties.

Palestinian Authority Minister Nabil Shaath said on February 9, ''Our position concerning our right to declare a state on the fourth of May has not changed.

Any opposition to this right is rejected.'' Eleven days later, on February 20, he continued on the same line, stating, ''We are moving forward in our preparations for the day, May 4, the date of the declaration of the Palestinian state.'' A few weeks earlier, in January of this year, he indicated that the declaration of independence would, in his words, ''delineate the borders of the Palestinian state as being the borders of June 4, 1967, including all of the West Bank, Gaza Strip, and the part of Jerusalem that was on the Jordanian side of the armistice.''

So it is clear that the Palestinians are still considering their options. Chairman Arafat should know, therefore, that the Congress of the United States strongly urges him not to pursue this reckless course, but to live up to his own words and his own fundamental commitment to negotiate this most complicated and important issue bilaterally with Israel. That is the only true path to a final and lasting peace, which is what we all see.

He should know that the Congress of the United States stands strongly in opposition to a unilateral declaration. This resolution expresses that opposition to a unilateral declaration, and it urges the President to make clear to Chairman Arafat that we will not recognize a unilaterally declared state.

We should be very clear on this point. This is a matter of principle. We should not be relieved if Mr. Arafat arises on May 4 and says, ''We will postpone this decision until December 31.'' A unilateral declaration, whenever it would occur, would be wrong. The status of the territories controlled by the Palestinian Authority can only be determined through negotiations with Israel. Period.

We should not pay Mr. Arafat for not doing something which he should not have threatened to do in the first place. We should have only one message: To make a unilateral declaration of statehood is wrong, we will not recognize it, and we urge you not to go forward with it, but instead to return to the process that has gotten us this far to date—the peace process. That is the only course which holds a promise of meeting the legitimate aspirations of the Palestinian people while providing the people of Israel what they have yearned for in the past 50 years: peace with security.

Mr. President, we have a number of speakers on our side, and I know Senator WELLSTONE does as well.

Before I yield the floor, I ask unanimous consent to add Senators KYL, ROBB, ABRAHAM and MOYNIHAN as cosponsors of S. Con. Res. 5. Their names appear to have been inadvertently omitted in the printed RECORD.

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

Mr. BROWNBACK. Mr. President, I reserve the remainder of our time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I shall be relatively brief, and then I will ask Senator WYDEN, who is a cosponsor of this resolution, to really manage the rest of the time for Democrats. He is really the person who has taken the lead in the Senate on this, and he certainly should have the most time to talk about the resolution and the importance of it.

Mr. President, I will make a couple of points. One of them is very much in agreement with my colleague from Kansas, having to do with the importance of the peace process.

First, let me say that I think this resolution, which calls on the Palestinians not to unilaterally declare an independent state, is an important resolution. It is one which I certainly support. I support this resolution because I think that whatever ultimately is decided about whether or not there is or is not an independent Palestinian state, that is to be decided by Israel and the Palestinians. That is a part of the negotiation, part of where this peace process has to go in terms of dealing with these kinds of difficult questions. It would be a tragic mistake for there to be a unilateral declaration of a Palestinian state now. It would be a tragic mistake. I think this resolution really says that in a fairly strong and firm way.

Second of all, let me just say that I did have a chance, in December, to go to Israel with President Clinton. I have been a critic of the President on any number of different issues, especially when it comes to human rights questions. I think the administration's record is very weak. I think the President is trying to do the right thing in the Mideast. I went, in part, because I thought this was a commitment that the President was living up to, which he had made, regarding the Wye River agreement.

It was a very moving trip. I thought it was especially significant. I am convinced that the historians will write about what happened in Gaza when the Palestinian National Council went on record voting to revoke that part of their charter that called for the destruction of Israel. That can only be a step forward. It was very moving to be there when that vote took place. I just think that it raised the benchmark in terms of where we are going in the peace process. I thought it was a terribly important step that was taken.

Now we really wait to see what will happen in Israel. There are key elections. It is my hope that both Israel and the Palestinians will live up to a commitment that I think is so important to people all over the world. If there is not some political settlement, if there is not some resolution of this conflict, I fear that Israeli children and Palestinian children will be killing each other for generations to come.

My final point is that I would like to make this a part of the Senate record, and that is why I wanted to speak briefly about this. I do not believe that our support for this resolution should be construed as the U.S. Senate taking a one-sided point of view. I think we

should be evenhanded. I think the role of our Government is to encourage both parties to be committed to this peace process.

I think the role of the U.S. Government is to have credibility with both parties and to simply say that this really is the only step that can be taken, and the only step that can be taken is a political settlement.

So let me just make it clear, as ranking minority member of this committee, that this resolution is a terribly important resolution. I thank my colleagues for their leadership on this question, but I also want to make it clear that I believe it is important for the U.S. Senate to maintain an evenhanded approach and to do everything we can to encourage this peace process to go forward, to do everything we can to encourage both parties to be a part of this peace process. And I believe that is what this resolution does.

I will reserve the remainder of the time on our side. I will ask my colleague, Senator WYDEN from Oregon, to please manage this bill forthwith.

I ask unanimous consent that John Bradshaw, a fellow in my office, be allowed to be on the floor of the Senate for the rest of the day.

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

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I rise today as an original cosponsor of this resolution, and I yield myself as much time as I might consume.

Mr. President, I have had the opportunity, over the last 30 years, to visit Israel on a number of occasions, and I have had a personal awareness of the difficult responsibilities that are involved in maintaining the security of one of our best friends in the international community. As the ranking majority member of the Subcommittee on Near East Affairs for the Foreign Relations Committee, I have a few comments that I would like to make in regard to this matter and in support of this resolution, of which, as I said, I am a cosponsor.

Yasser Arafat and other senior Palestinian leaders have threatened repeatedly to declare a Palestinian state on May 4. That was the original deadline for the completion of the Oslo peace process. It is important to note that there are many commitments that have not been fulfilled by the Palestinian Authority, many deadlines that have not been met.

Mr. Arafat s ultimate objective is the creation of a Palestinian state, but he seems to be overlooking a number of obligations in the peace process which have not been met by the Palestinian Authority. Mr. Arafat is essentially saying that regardless of the fact that prior commitments have not been honored, he will declare an independent state.

Along with other difficult issues such as the status of Jerusalem, refugees, and water rights, the issue of a Palestinian state should be determined in the final status negotiations between Israel and the Palestinians. And that was clearly called for, I believe, in the Oslo agreement.

Recognizing the security threat posed to Israel from a self-contained Palestinian entity, President Reagan wisely enunciated the U.S. policy of opposing the creation of a Palestinian state. Behind President Reagan's policy on Palestinian statehood was his correct understanding that Israel, in order to ensure its own security, needed to be a central participant in determining how and in what form a Palestinian state would come into existence. The Reagan policy has endured since 1982 and has served the interests of the United States, of Israel, and of all other earnest supporters of peace in the Middle East. But the winds of change have been blowing in the past year.

The First Lady of our country was quoted in the New York Times in May of 1998 as stating, ''It will be in the long-term interests of the Middle East for Palestine to be a state.'' President Clinton's trip to Gaza last December added a great deal of momentum to Palestinian statehood.

In other parts of the world, implicit policy shifts and diplomatic overtures may pass without much notice. But we have to remember that Israel is in one of the most dangerous and unstable regions of the world.

Since the beginning of the Oslo process, for example, in 1993, Israel has lost more than 280 of its citizens to terrorist violence. That is a proportion of the Israeli population that would equal 15,000 Americans losing their lives. It is not an inconsequential number, but a very serious number. Those Israeli casualties have come through over 1,000 terrorist attacks, and the death toll in the five years since Oslo is greater than in the 15 years before the Oslo process was initiated. So it is important for us to note that this is not an inconsequential matter. It is, as a matter of fact, a very serious situation that demands our attention.

As Israel faces these threats, it must determine finally what steps in the peace process preserve and enhance its security and what steps do not. American policy has been most successful in the region when it has respected the role of Israel in this process.

The role of Israel as a respected, necessary component of the process is at odds with the idea of a unilateral declaration of a Palestinian state, and such a declaration would undoubtedly upset future peace talks and introduce a destabilizing element into Middle Eastern politics.

The administration has said that it opposes unilateral acts by either side in the peace process. But neutral statements are not good enough when it comes to supporting a friend like Israel in this dangerous region of the world.

Our leadership must be more consistent and forthright in opposition to the unilateral declaration of a Palestinian state. As a result, I believe that the U.S. Senate should go on record as saying that it is improper and inappropriate to declare a Palestinian state unilaterally. This resolution should be a signal that this country will not recognize a unilateral declaration of a Palestinian state.

This is a matter of great concern to us as a Nation for our own national interests. It is a matter of grave concern to us because we appreciate freedom-loving people around the world, and we understand the very serious threat to the security of Israel that an inappropriate determination of this issue could represent. When countries decide to try to reach agreements as a result of understandings similar to those presented in the Oslo accords, we have to make sure that they are simply not a cover for what would otherwise be a unilateral assertion of the rights of one individual or one individual group against another.

It is with that in mind, in reviewing my own experience and the history of Israel, acknowledging the difficult task of security Israel faces, that I have cosponsored this resolution.

Rather than eradicate terrorist infrastructure in Palestinian territory, the Palestinian Authority apparently has maintained its revolving door policy in detaining terrorists. Over 20 prominent terrorists have been released since President Clinton's visit to Gaza in December 1998. The Israeli Government reports that at least 12 wanted fugitives, including several who have killed American and Israeli citizens, are known to be serving in the Palestinian police.

At times, Mr. Arafat has threatened to cross out the peace accords and unleash a new uprising against Israel. He has described the peace accords as a temporary truce. The Palestinian Authority's official media arm, the Palestinian Broadcasting Corporation, consistently broadcasts incitement against Israel, including a children's program where martyrdom as ''suicide warriors'' is glorified. Mr. Arafat has not been helpful in resolving Israeli MIA cases, including the case of Zachary Baumel, missing since 1982.

This in not behavior of a responsible partner in the search for peace. The United States should be demanding full accountability for these violations of the Oslo Accord.

Too often, we have been seen as pressuring our friends and rewarding those who undermine the peace process, both in our dealings with the Palestinian Authority and our diplomacy throughout the Middle East.

Palestinian violations of the Wye Accord: In spite of Palestinian violations of the Wye Accord, the latest agreement in the peace process, State Department spokesman James Rubin said Palestinian leaders had ''worked hard'' to fulfill their commitments. Rubin then emphasized ''It is the Israelis who have not fulfilled any of their Phase

Two obligations by failing to pull back the further redeployment as required by Phase Two'' (January 6, 1999).

Iran poses a military and terrorist threat to Israel: Iran's ballistic missile and weapons of mass destruction programs are a direct threat to Israel. The Senate passed the Iran Missile Proliferation Sanctions Act (H.R. 2709) to sanction missile proliferation to Iran by a 90–4 vote last year, but the President vetoed the legislation. Iran supports terrorist groups which have killed Americans and Israelis, yet the Administration waived sanctions last year under the Iran-Libya Sanctions Act designed to restrict billions of dollars in foreign investment in Iran's oil and gas fields—dollars which will fund Iran's support of the enemies of peace in the Middle East.

Lack of United States leadership in Iraq: Saddam Hussein is the chief terrorist of a terrorist government committed to the destruction of Israel. The Iraqi president has provided nothing but provocation for over a year and international support for the sanctions regime is eroding. An inconsistent administration policy on Iraq over the last five years has undermined our efforts to bring about a change of government in Baghdad.

Syria continues to harbor Hezbollah terrorists: Syria provides safe haven to Hezbollah terrorists which wage an almost constant low-grade war with Israel. Hezbollah killed four Israelis in southern Lebanon on February 28, including a brigadier general, the highest ranking Israeli officer to be killed in Lebanon in 17 years. I have sponsored legislation to sanction the Syrian Government for its support of terrorism, but the administration has opposed the bill for the past 2 years.

I urge its passage in the U.S. Senate.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. Seventeen minutes 33 seconds.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I am going to speak for a few minutes, and then I am going to yield some of our time to the Senator from New Jersey, the cosponsor of this resolution who has very strong feelings on this matter as well. We appreciate him coming over, as well, this morning.

Mr. President, a unilateral declaration of Palestinian statehood is irresponsible political brinkmanship, a provocative act that literally dares the State of Israel to respond, and it directly contravenes the spirit of the historic Oslo accords.

Six years ago, at those accords, the Israeli and Palestinian people took significant steps towards achieving peace and stability in the Middle East. Together there was a commitment to work and cooperate to produce a lasting peace through open and honest negotiations.

Despite that very promising beginning, the peace process is now on dangerously thin ice. The greatest risk to stability in the Middle East today is a repeated threat by Palestinian leaders to unilaterally declare statehood once the historic Oslo accords expire on May 4. Not only would such a declaration run counter to the spirit of the accords, but it would truly send a chilling message to all those who want meaningful peace in the Middle East.

That meaningful peace is why Senator BROWNBACK and I in our bipartisan resolution today have garnered the support of 95 Members of the U.S. Senate to stand in strong opposition to a unilateral declaration of a Palestinian state. We believe that step would constitute an ill-conceived plan that would truly short circuit the peace process. It would be bad news to all those who value stability in the Middle East.

The question of achieving Palestinian statehood while maintaining Israel's security lies at the heart of the conflict between Israel and the Palestinian people. It is not going to be resolved overnight with a press release. It is going to take careful face-to-face negotiations and real commitment from both sides.

Both Israeli and Palestinian leaders made a commitment in the Oslo accords to go forward with the negotiated process. Chairman Arafat said so himself in a letter to Prime Minister Rabin in 1993. In his own words, he said, ''All outstanding issues relating to permanent status will be resolved through negotiations.'' He needs to be held to this promise. Israel has held up its end of the bargain. Mr. Arafat must do the same.

A rash move such as unilateral declaration would derail these negotiations and risk a dangerous escalation of this conflict. This sheer defiance of both the Oslo accords and the peace process would be the diplomatic equivalent of drawing a line in the sand, which invites a response and a potential escalation of this conflict.

On the playground, fights begin when the schoolyard bully balances a stick on his shoulder and dares someone to knock it off. A unilateral declaration of statehood employs the same kind of school-yard bullying—it dares the State of Israel to respond. And when Israel does respond by taking reasonable and necessary steps to ensure its security, these actions would be used as an excuse to further escalate this conflict.

How long would it be before we have Israeli defense forces and Palestinian militiamen standing eyeball to eyeball across the disputed boarder waiting for the other to blink, if there is a unilateral declaration of statehood?

How long before tensions rise so high that the smallest spark ignites more violence?

How long before we are faced again with the disturbing images where both Palestinian and Israeli mothers are shown mourning their children slain in some senseless act of violence?

The people of the Middle East have been down that road before. They have tried the old ways in resolving conflict through violence and bloodshed. Now they want the opportunity to use peaceful negotiation to resolve their differences. Let us not sabotage the prospect of peaceful resolution with a unilateral declaration. The Oslo peace process is a valuable opportunity to begin healing centuries-old wounds. A unilateral declaration of statehood would only reopen those old wounds and eventually lead to yet more bloodshed.

No one wants to see diplomats being replaced by armed soldiers. No one wants to see open dialog give way to angry threats. The peace process will be far better served by an open hand extended in friendship than by a fist clenched in anger.

Mr. President, the resolution that we will be voting on today is vitally important to keep the peace process moving forward. With overwhelming bipartisan support in the Senate, we have the opportunity to send a clear, unequivocal message that we stand united in our opposition to a unilateral declaration of statehood. This resolution will hopefully make Palestinian leaders think twice about scrapping the peace process.

I am pleased that the President of the United States indicated his opposition to a unilateral declaration of statehood. The reason so many Members of the Senate join us today in this bipartisan resolution is we wish to drive this message home even further.

The President is going to be meeting with Chairman Arafat in several weeks to discuss this important issue. By the Senate making this unequivocal assertion this morning, we can strengthen his hand as he goes forward using the Oslo peace process to make sure that there are no end runs around the critically needed negotiations.

I am optimistic that a peaceful resolution can be found in the Middle East. Last month, Israeli and Palestinian authorities committed themselves to try to change the images they have of each other and to break through the mistrust that has divided them for so long.

They decided to exchange columns in each other's newspapers and to hold joint briefings for Israeli and Palestinian journalists. These are positive steps toward peace, and I'm hopeful to see more of this kind of cooperation in the Middle East.

But even an incurable optimist like me knows that it would be difficult to take further positive steps after a bad-faith attempt to unilaterally declare independence.

Palestinian statehood is a complex issue that must be dealt with carefully. It cannot be resolved through force or fiat. The prospect of peace in the Middle East is just too important to risk in a game of political chicken. If the Palestinian leadership is truly serious about peace, they will abandon the prospect of unilateral statehood.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I am very proud to join with Senator BROWNBACK, Senator WYDEN, and my other colleagues in offering this resolution. I strongly support S. Con. Res. 5 and urge all of my colleagues in the Senate to adopt it.

S. Con. Res. 5 states not only our opposition to a unilateral declaration of a Palestinian state; it also urges the President of the United States to make very clear the opposition of this Government to such a unilateral action.

It is fair to state that the peace process in the Middle East has reached a critical point. Since the signing of the Wye River agreement, there has in truth been little progress. Some predicted that with the passage of the January 29 implementation date, the agreement might fail. All parties have a common interest that the Wye Plantation agreement not fail because the consequences would be enormous. The arguments for success remain overwhelming.

First, only implementation of the agreement will allow the parties to move to talks on final status, and only talks on final status hold the promise of ending this decades-old dispute.

Second, only implementation of the agreement will allow the parties to build of the basic elements of trust and confidence that are required for any complete and final agreement.

And finally, only a successful agreement will contribute to stability in the region, and bring an end to the use of the Palestinian dispute to fuel other conflicts.

Fifty years of negotiating for greater peace in the Middle East has taught us one lesson, peace requires' both words and deeds. Any deed that runs contrary to written agreements has enormous consequences.

We have also learned through these 50 years that progress may be unsteady, but it is certain. It has been a very long road from Golan disengagement of the Syrians, to a Sinai agreement, to Egyptian peace, to the Wye Plantation, following Oslo. There were moments when it appeared it might come to an end, but it has been continuous. The process does work, and it yields results. Abandoning the peace process now by a unilateral declaration of Palestinian statehood runs contrary to everything we have learned. It is contrary not only to the interests of the peace process of Israel and the United States, but ironically, in the long term contrary to the interests of the Palestinians themselves.

I believe the consequences would be enormous: The destabilization of the peace process would perhaps be irrevocable; second, the declaration is almost certain to lead to renewed bloodshed and frustration—people would believe the peace process would never be resumed. And, third, tragically, it may damage the interests of the U.S. Government in the supplemental aid package that is part of the Wye River agreement, and the hope of economic progress on the West Bank and Gaza so the Palestinian people themselves believe there is a dividend in the peace process and their quality of life. It would be extremely difficult to return to the Congress and argue for that supplemental aid package, including funds for the Palestinians, if the peace process has been abandoned and a Palestinian state unilaterally declared.

Mr. President, both parties committed themselves to a continuous bilateral process of negotiation. In September 1993, Yasser Arafat said to then-Prime Minister Rabin, ''All outstanding issues relating to permanent status will be resolved through negotiations.'' That was not a simple statement of fact. It was a promise. It is on that promise that Israel entered into the Wye agreement. It is on that promise that the United States has lent its good offices. It is on that basis that Israel recognized the Palestinian Liberation Organization and began these negotiations.

A unilateral act by the Palestinians on statehood would undermine this process perhaps irrevocably. I urge my colleagues' support of this resolution.

Just as importantly, I urge Chairman Arafat to consider these consequences. Whatever frustration he may feel, whatever disappointment they all feel that the deadline of January 29 has passed, I urge Chairman Arafat to remember that while progress has been unsteady, it has continued. This process will go forward. Do not abandon it. The Israeli elections may have caused a delay, but a new Israeli Government will remain committed to the peace process no matter who is elected. Reject the advice of abandoning peace. Reject the temptation of a unilateral declaration of statehood. Await the outcome of the Israeli elections and then let us return to the only peace process that guarantees the Israeli and the Palestinian people final determination through permanent status talks.

That is the process that is now before us. I thank my colleagues for offering this resolution. I thank Senator WYDEN for yielding me time.

I reserve the remainder of my time.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, could I inquire how much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Ohio has 7 minutes 6 seconds.

Mr. DEWINE. Mr. President, I rise today in strong support of this concurrent resolution, S. Con. Res. 5. This resolution expresses the strong disapproval of the U.S. Senate to any proposed or contemplated Palestinian state that is created, not through negotiation, but rather through unilateral declaration on the part of the Palestinian Authority.

I strongly support and have cosponsored this resolution because I believe in the Middle East process. Brave Israeli leaders have taken great risks for peace. So have Arab leaders. And so, importantly, have the people of the Middle East. I believe this process still offers the most promising approach for an enduring peace in the region.

Palestinian Chairman Arafat made a fundamental commitment at Oslo that, in his words, ''all outstanding issues relating to permanent status will be resolved through negotiations.'' I am here on the Senate floor today to call for a reassertion of that very policy. To move away from the Oslo process and take refuge in unilateralism would put the whole region at risk of destabilization. That is simply the wrong direction. I do not believe that a lasting peace can be built on the basis of unilateral declarations. Negotiations remain the single best way to secure the two pillars of a secure peace—addressing Israel's security concerns and creating a sustainable framework for preserving the human rights and political self-determination of the Palestinians.

The American people want security for Israel in the context of human rights for Palestinians. A unilateral declaration of independence by the Palestinian Authority would only delay the fulfillment of these goals. So I am proud to join my colleagues today in supporting this very important resolution.

Mr. LEVIN. Mr. President, I rise today to voice my support for Senate Concurrent Resolution 5 and announce my opposition to the unilateral declaration of a Palestinian state.

Palestinian statehood is an issue that has been left to be resolved between Israel and the Palestinians during permanent status negotiations. Nevertheless, Chairman Yasser Arafat has stated on a number of occasions his intention to declare a Palestinian state on May 4, 1999. This action would seriously undermine the continuation of the Oslo peace process. Prime Minister Binyamin Netanyahu has stated publicly that he would respond to such a unilateral declaration by annexing parts of the West Bank. Such a chain of events would surely mark a major setback and probably the end of the peace process.

In his September 9, 1993 letter to the late Prime Minister Yitzhak Rabin, Chairman Arafat writes that ''all outstanding issues will be resolved through negotiations.'' The unilateral declaration of a Palestinian state would clearly violate this commitment as well as the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip which was signed in Washington, D.C. on September 28, 1995. The agreement states that it is the understanding of the parties involved that permanent status negotiations ''shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest'' and further that ''neither

side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.''

Mr. President, this resolution puts the U.S. Senate on record as opposing the unilateral declaration of Palestinian statehood. It is a statement, in my mind, in support of the peace process and the continuation of negotiations between the Palestinians and the Israelis. Negotiation and mutual agreement are the only way a true and lasting peace can be reached in the Middle East. While a Palestinian state may indeed become a reality at some point in the future, it is my hope that any such entity would be born from the direct negotiations of the Israeli and Palestinian people and not a unilateral declaration.

Mr. MACK. Mr. President, a unilateral statehood declaration by chairman Arafat would constitute a gross violation of the Oslo accords, in effect ending the peace process. And any state that he might declare, outside of the peace process, would be illegitimate, irresponsible, and wrong.

I am pleased to see this initiative has been cosponsored by 90 Senators as of this morning. But we must realize that this show of support grows from a very deep and heartfelt concern. We want peace to succeed, but Chairman Arafat's threat to unilaterally declare a state clearly threatens peace.

Mr. President, last week in a statement on the Senate floor, I asked how can peace be reached while the Palestinian leadership teaches children to hate. Today I ask, how can peace be reached when the Palestinian leadership threatens to unilaterally impose a final status.

I rise today to oppose this threat to the peace process. I hope the President will join us in making this statement to Chairman Arafat.

Mr. LEAHY. Mr. President, S. Con. Res. 5 expresses congressional opposition to a unilateral declaration of a Palestinian state and urges President Clinton to unequivocally assert United States opposition to such a declaration. I agree with the sponsors of this resolution that it would be extremely unwise for the Palestinian Authority to take such a provocative and destabilizing step.

In open forums and behind closed doors the administration has expressed repeatedly its opposition to any unilateral action by either Palestinians or Israelis which would predetermine issues reserved for final status negotiations. There is no doubt that the United States firmly opposes a unilateral declaration of a Palestinian state.

Such a declaration would be a violation of the principles contained in the Oslo Accords, and it could imperil the hard won but fragile agreement reached at Wye River. At the signing of the Wye River Memorandum, the late King Hussein said, ''we are not marking time, we are moving in the right direction.'' A unilateral declaration of a Palestinian state would throw the entire process into reverse. It would be a serious mistake.

So I support S. Con. Res. 5 as far as it goes, Unfortunately, it does not reflect the inescapable fact that there are two sides to the Middle East Conflict. Just as the Palestinian Authority has fallen short in its implementation of its Oslo commitments, so have some Israeli Government actions exacerbated the condition which have caused some Palestinians to demand that the issue of statehood be resolved outside the scope of the Oslo process. Many have lost the hope that was kindled by the handshake between Prime Minister Rabin and Chairman Arafat on the White House lawn in 1995. Had the resolution been better written or balanced I could have co-sponsored it.

Despite these setbacks, the administration has played a key role in keeping the peace process alive. Congress has been asked to provide over a billion dollars in new funding to support implementation of the Wye River Memorandum. This is funding that we are very hard-pressed to find, but lasting peace in the Middle East is in the strong interest of the United States. Just as we are doing out utmost to bring the parties together, they need to demonstrate that they are fulfilling their commitments. They must both refrain from taking provocative, unilateral actions that would jeopardize the prospects for peace and they must both be willing to take the necessary risks to ensure a safe and prosperous future for their people.

Mr. FITZGERALD. Mr. President, I rise today as an original cosponsor of S. Con. Res. 5, a resolution expressing opposition to a unilateral declaration of a Palestinian state. I am proud to join my colleagues in supporting this resolution

We cannot allow the work of the past several years to be swept away by unilateral acts such as that threatened by Yasser Arafat. President Arafat has threatened to declare a Palestinian state by May 4, 1999 if there is no further progress in the Peace Process.

Mr. President, this act, in defiance of the Oslo Peace agreements signed by the late Prime Minister Yitzhak Rabin and Mr. Arafat, can only destabilize the region. It would no doubt precipitate further acts and the entire Peace Process, as precarious as it is, could be shattered.

The only true path to peace is through negotiation with Israel. There is no other way to achieve a satisfactory conclusion to this one-hundred-year conflict. With the passage of this resolution Congress sends the message that if Yasser Arafat declares a Palestinian state on May 4, the United States should not recognize the validity of the declaration and Congress will strongly oppose it.

Mr. President, if there is to be peace between Israel and the Palestinians, it will be accomplished through peaceful negotiations between the two parties, not through unilateral acts.

Mr. BOND. Mr. President, I rise to offer my strong support to the resolution. For a long time now, the Palestinians and the Israelis have been negotiating a peace, based on compromise and a vision of peaceful coexistence.

These negotiations have been difficult, for both sides. But, they have progressed steadily towards an extraordinary agreement. One which could be a model for all the world to marvel.

A unilateral declaration by Chairman Arafat would destroy the advances he has made for his people in their quest for peaceful political and geographic autonomy. It is provocative, and it goes against every tenet of every accord to which he has affixed his signature. It would destroy any goodwill he has developed in this body because of his good faith negotiation with the Israeli Government.

I am proud that this body has the courage to stand up and voice its opposition to any unilateral moves by Mr. Arafat. I hope that he can see through the political fog he has created by floating this situation, which was made obviously in an effort to pander to radical elements.

As an original cosponsor of this resolution, I call upon all my colleagues to send a clear message that we could not accept such a declaration.

Mr. BYRD. Mr. President, I have no doubt that S. Con. Res. 5 is a well-intentioned effort by the members of this body to express their opposition to any unilateral declaration of statehood by the Palestinians. I support that position—such a reckless action on the part of the Palestinians would be disastrous to the Middle East peace process— but I cannot support this resolution. It is, in my opinion, ill-timed and unnecessary.

The Administration has made clear its opposition to any unilateral action that would preempt the negotiations between Israel and the Palestinian Authority. But the Palestinians are not the only players in this drama. The Israelis are also partners in the peace process, and have an equal stake in refraining from provocative and destabilizing actions. This resolution, however, does not address the responsibilities of the Israelis.

If Yasser Arafat has not yet gotten the message that the United States is opposed to a unilateral declaration of statehood, this non-binding resolution is not sufficient to drive the point home. But it contains the kind of rhetoric that could be used by those who wish to further disrupt the peace process. Given the tensions inherent in the efforts to negotiate a peaceful settlement between the Israelis and the Palestinians, the Congress should not take up what amounts to little more than a self-serving resolution that may do more harm than good.

If the United States Congress wishes to make a meaningful contribution to

the Middle East peace process, we should, first, keep pressure on both sides to negotiate in good faith and to avoid provocative words or actions, and second, we should act promptly when the Administration sends to Congress its request for supplemental appropriations to implement the Wye River peace agreement. In this way, we can demonstrate our commitment to peace in the Middle East without adding fuel to an already incendiary situation.

Mr. KYL. Mr. President, I rise to express my support for Senator BROWNBACK'S legislation, Senate Concurrent Resolution 5, regarding the unilateral declaration of a Palestinian state. As an original cosponsor of this legislation, I believe it is important for the Senate to indicate its opposition to any unilateral declaration of statehood by the Palestinian Authority before Chairman Yasser Arafat's visit to the United States to meet with President Clinton.

The legislation underscores three important points:

First, the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority.

Second, any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.

Third, the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian state making clear that a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

As we all know from reading the newspapers, this legislation is directed toward those Palestinians, including Chairman Yasser Arafat, who have made statements about the possibility of issuing a unilateral declaration on or about May 4 of this year. Last month a top Palestinian official said, ''We are moving forward in our preparation for the day, May 4th, the date of the declaration of the Palestinian state that would encompass a portion of Jerusalem. The cabinet announced that ''At the end of the interim period [the Palestinian Authority] shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state.''

On several occasions over the past year, the Clinton administration has refused to express U.S. opposition to the unilateral declaration of an independent Palestinian state, and has left it an open question as to whether the United States will recognize a unilaterally declared Palestinian state. As an example, his intention to establish a Palestinian state with its capital in Jerusalem. Unfortunately, the President may have only encouraged this course when he said: ''[T]he Palestinian people and their elected representatives now have a chance to determine their own destiny on their own land.''

This legislation is intended to set the record straight. Despite the President's ambiguous statements, there should be no confusion among the Palestinian leadership about where the United States Congress stands on the issue of a unilateral declaration of statehood.

Mr. President, this matter brings to the fore another issue in which the administration's mixed signals and inconsistent policy in the Middle East has enabled false hopes and fantasy to flourish. I am referring to the policy of the United States regarding the status of Jerusalem.

With support from 90 percent of the members in both Houses, in 1995, Congress passed the Jerusalem Embassy Relocation Act, the principle feature of which was the requirement to establish an American embassy in Jerusalem no later than May 31, 1999. Another key element of the legislation, which the administration has repeatedly refused to acknowledge, is the statement of U.S. policy regarding Jerusalem. The legislation states: ''It is the policy of the United States that Jerusalem is the capital of Israel.'' Despite that the legislation is now law, the Clinton State Department has repeatedly refused to acknowledge this policy.

So, with the acquiescence of the Clinton administration, the Palestinian Authority has chosen to ignore American law and continues to hold out hope that the United States will recognize Jerusalem as the capital of a Palestinian state, perhaps even the capital of a state established unilaterally.

This will not happen.

The United States Congress has a clear policy regarding Jerusalem. Today, we are stating our position regarding the unilateral establishment of a Palestinian state. While the administration's policies are confusing, ambiguous statements of general support for everything on the table, the Congress is clear and direct. No unilateral declaration. No Palestinian sovereignty over Jerusalem.

I commend Senator BROWNBACK and my colleague from Arizona, MATT SALMON, who is the principal sponsor of this legislation in the House of Representatives.

Mr. KENNEDY. Mr. President, I strongly support this resolution, and I urge the Senate to approve it. I oppose the unilateral declaration of an independent Palestinian state. Such a provocative action would violate the letter and the spirit of the peace process in the Middle East, and could well be an irreparable blow to that process.

The issue of an independent state is clearly one of the most critical issues in the peace process, and just as clearly, it is an issue that must be negotiated by the parties themselves.

I hope very much that Chairman Arafat will be successful in resisting the pressure he is under to take this irresponsible action. The peace process is too important, and the parties have come too far, to allow this to happen.

It is very important for all of us in the United States who care about peace in the Middle East to make our views clear on this fundamental issue. I commend the Senate leadership of both parties for enabling the Senate to go on record today in strong opposition to any such unilateral declaration.

Mr. BIDEN. Mr. President, when the Prime Minister of Israel, the late Yitzhak Rabin, and the Chairman of the Palestine Liberation Organization, Yasser Arafat, signed the Declaration of Principles on September 13, 1993, they each made a commitment to put nearly a century of conflict behind them and agreed to settle their differences through negotiation.

Since then, the process they set into motion has had its ups and downs. Many innocent lives have been lost at the hands of those opposed to peace and reconciliation. But progress has been sustained because both sides have ultimately demonstrated a willingness to resolve their disputes at the bargaining table.

Were Chairman Arafat now to take the unilateral step of declaring a Palestinian state, I fear that it would threaten the progress that has been made over the past 6 years.

The Declaration of Principles stipulates that the toughest issues—Jerusalem, refugees, settlements, borders—are to be resolved by permanent status negotiations. It is dangerous to argue that the end of the interim period on May 4 gives either side the right to decide an issue that both sides agreed to negotiate.

Any action or proclamation by either side that prejudges the outcome of negotiations can only hurt the cause of peace. it invites the other side to respond in-kind, and it serves only to delay a lasting peace settlement.

Mr. President, last August, I had the opportunity to meet with the Chairman Arafat and Prime Minister Netanyahu. At the request of President Clinton, I discussed with them some of the key issues in dispute.

Contrary to what many were saying at the time, I found both leaders to be committed to the peace process. Not many believed that these two individuals would overcome the profound differences over territory and security that were holding up an agreement on the second redeployment. With the Wye River Memorandum, both leaders proved that negotiations can resolve disputes, if both sides share the same goal.

It is in that spirit that I trust that the Palestinian leadership will not proceed with a unilateral declaration of statehood.

I am confident that they will realize that their aspirations can best be realized through a commitment to the principles of negotiation.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. I yield time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is my expectation—and really prediction—that this resolution will pass the U.S. Senate by overwhelming numbers and that it should be heeded by any of those who wish to have a unilateral declaration of a Palestinian state. My colleagues have already articulated the point that Chairman Arafat has made a commitment to determine issues such as the Palestinian state by negotiations, and we would expect that commitment to be preserved. There are very delicate matters involving Israel and the Palestinian Authority with respect to withdrawals, and there are major risks in ceding as much real estate, as much ground, as much territory as Israel has ceded to the Palestinians.

There is an element of great emotionalism, over and above the issue of security. I recall the famous handshake on the White House lawn on September 13, 1993, with the expectation of working out a permanent peace in the Middle East.

In December of 1993 I had occasion to travel with a congressional delegation and visited Egypt. President Mubarak arranged a meeting with Chairman Arafat at that time, where he renewed his pledges to live by the Oslo accord.

A few weeks later I was in Israel, in Jericho, and found for sale at the roadside stands, flags of the Palestinian state. The ink was barely dry on the Oslo accords and the handshakes were barely unclasped on the White House lawn before people were talking about a Palestinian state and there was, in fact, the Palestinian flag.

I recall visiting in Amman, Jordan, in the mid-1980s, awaiting a meeting with King Hussein and looking at a map of the Mideast. Where I expected to see the designation of ''Israel,'' there was the designation of ''Palestine.'' I mentioned that to King Hussein, the leader of Jordan, and had the comment that ''it was an old map.'' Well, maps can be redrawn. But for years the State of Israel was not recognized in the Arab world. Instead of having ''Israel,'' which had control of the land and was the sovereign controlling that land, ''Palestine'' was still noted on the maps.

There is also the issue of a very substantial appropriation which is being sought from the Congress of the United States. I am not saying that appropriation would be conditioned on the Palestinian Authority abiding by the terms of the Oslo accord with respect to settling the declaration of a Palestinian state by negotiations, but certainly it would be in mind, it would be a factor to be considered, with many, many others.

So, in sum total, there is much to recommend restraint by the Palestinian Authority and to leave this issue, as to whether there will be a declaration or not, to final status negotiations in accordance with the terms of the Oslo accord.

I thank the Chair and thank my colleague from Ohio for yielding the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, Senator LAUTENBERG, the Senator from New Jersey, is interested in speaking on this as well. He is not here at this time.

I ask unanimous consent that the remainder of our time be allowed to go to Senator LAUTENBERG. I believe it is just under 5 minutes. It is my understanding there will be a vote on this measure at 2 o'clock or sometime in that time vicinity, so he would have to get here, obviously, fairly soon. But I ask unanimous consent the remainder of our time be allocated to Senator LAUTENBERG.

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

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

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

Mr. LAUTENBERG. Mr. President, I understand there is a unanimous consent agreement that says I should be permitted to use the remainder of the time on this side.

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. Mr. President, I rise in support of this resolution, of which I am an original cosponsor, opposing Palestinian statehood as a unilateral declaration. We need to send an unequivocal signal of the Senate's opposition to any unilateral declaration of Palestinian statehood.

I know the players here very well. I knew Israeli Prime Minister Rabin. I considered him a close friend. I had a lot of contact with him over a period of more than 20 years. I got to know Chairman Arafat when he came to Washington, and I have seen him in Jericho. I have seen him here several times; I have seen him in New York. When they got together, shook hands, and signed the Declaration of Principles that was negotiated in Oslo, it was a tremendous historical moment.

The Oslo accords set in motion a process to end violence and bring peace to this troubled region. Despite obstacles and delays, Israel and the Palestinians have come a long way down the road to a better future. Last year, with the peace process stalled, President Clinton brought together Prime Minister Netanyahu and Chairman Arafat for intensive discussion on a plan that would achieve further progress in implementing the Oslo accord. With the help of a good friend to the United States, to Israel, and to the Palestinians—King Hussein of Jordan—President Clinton convinced the parties to sign the Wye River agreement.

Both Israel and the Palestinians implemented their commitments in the first phase of the Wye memorandum. Unfortunately, the process remains stalled there, though important cooperation between Israeli and Palestinian representatives continues.

President Clinton has rightly urged the parties to respect and implement the Wye memorandum, despite the pending election in Israel. Prospects for further implementation are good, in my view, even if this is not happening right now.

The point is that, on the whole, the Oslo framework is still intact. Final status negotiations to resolve the most challenging issues should begin within a matter of months. In that context, the resolution we are considering today makes a vital point. The Palestinians must not jeopardize the peace process by unilaterally declaring statehood, as Chairman Arafat and other Palestinian leaders have suggested. By adopting this resolution, we send an unequivocal message that, certainly as far as the Congress is concerned, the United States would not recognize a unilateral statehood declaration and would instead condemn it as a violation of the Oslo accords.

Mr. President, this resolution represents our strong commitment to a negotiated peace in the Middle East. I, on a personal basis, look forward to the fact that one day they will put aside violence there and they will get along. It is a necessity; this is not a matter of choice. I welcome the overwhelming support that is indicated for this message on the part of my colleagues, that no unilateral declaration of statehood will receive the support or the encouragement of the United States.

With that, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I think this is a terribly important issue in that we understand that the bottom line is that threats undermine the peace process. It is that simple. Autonomy has to be determined through the process of negotiations. We are not talking about statehood. I applaud all of the Members who have joined in cosponsoring this resolution. I hope it will be passed unanimously by the U.S. Senate.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

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

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

Jeffords (for Lott) modified amendment No. 60 (to amendment No. 31), to express the

sense of the Senate regarding flexibility to use certain Federal education funds to carry out part B of the Individuals with Disabilities Education Act, and to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Feinstein/Dorgan/Bingaman amendment No. 61 (to amendment No. 31), to assist local educational agencies to help all students achieve State achievement standards, and to end the practice of social promotion.

Wellstone amendment No. 62 (to amendment No. 31), to provide for local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and postsecondary consortia.

Bingaman amendment No. 63 (to amendment No. 31), to provide for a national school dropout prevention program.

Bingaman (for Murray/Kennedy) amendment No. 64 (to amendment No. 31), authorizing funds for fiscal years 2000 through 2005 to provide for class-size reduction in the early grades and to provide for the hiring of additional qualified teachers.

Bingaman (for Boxer) amendment No. 65 (to amendment No. 31), to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

Jeffords (for Lott) amendment No. 66 (to amendment No. 31), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Jeffords (for Lott) amendment No. 67 (to amendment No. 31), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Jeffords (for Lott) amendment No. 68 (to amendment No. 31), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act, and to amend the Individuals with Disabilities Education Act with respect to alternative educational settings.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, under the previous order, I yield myself 10 minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. TORRICELLI. Mr. President, there is understandably much discussion in our country about the ways and means to continue the rather extraordinary economic prosperity that has been visited upon our generation. Theories abound about how to maintain this economic growth that is providing employment, a growing Federal surplus, and a rising quality of life in America.

It is one thing upon which I suspect we can all agree, as we think about continuing the current economic expansion, that this prosperity is built upon a foundation of quality education. Indeed, I would argue that it is the investment of our parents' generation in quality schools, rising standards of excellence, attraction of good teachers, 30 and 40 years ago, that we are now reaping in dividends of prosperity. There is no question that in those years our parents understood that the security of our Nation and our prosperity would be no stronger than the investment we made in education.

I believe that as our parents recognized the opportunity and made the investment and that investment yielded these dividends, the problems of American education now stand like a dagger at the heart of our economy. Too many of our children are now attending schools that would be a source of embarrassment for any Member of this institution. I have visited schools across New Jersey where children meet in hallways, in gymnasiums, because there are no longer classes available. The very schools that our parents provided for us that helped build this prosperity are crumbling around our feet.

The GAO has reported that one-third of all schools in America, serving 14 million students, are in serious need of repair. Teachers, no matter how hard they try, no matter their level of effort, can only do so much with old textbooks and with the dearth of modern technology. All the inventions and services on the Internet in the world won't make any difference in American education when only 27 percent of public schools are even connected to the Internet. Far too few communities can any longer afford the extra curricular activities, the extra hours of instruction that we enjoyed as students ourselves.

Across America, school districts are canceling sports activities. The club activities, the tutoring activities, the activities where students excelled a generation ago are being lost, leaving between 5 and 15 million students left alone at home after school. The reality of the two-wage-earner family means that millions of these students not only do not have supervision in school or activities but are left alone. Even if they did not need the instruction, even if they did not need the socialization or activities, these students are going home, where we are laying the groundwork for drug abuse, teenage pregnancy, truancy, with a direct correlation between students who do not have activities after school and failing grades and dropouts.

Local schools are so overwhelmed with these social problems, the overcrowding, the crumbling schools, sometimes they have no choice but social promotion, take a student who is failing and send them through the system and on to the streets. The reality of this education debate is, there are a lot of good answers, and they are represented by many Senators on this floor—efforts to help local communities deal with the cost of reconstructing our schools, dealing with the problems of social promotion, the problems of rising standards, the problems of getting better teachers, retaining good teachers.

What is unique about this education debate is—everybody is right—there is no one good idea. There are no two good ideas. This is a problem of such complexity that is so central to quality of life and economic opportunity in America that succeeding requires everybody's best efforts. What is most important is that it is a debate that requires a competition of the best ideas between Democrats and Republicans and liberals and conservatives.

There is no monopoly on creative thinking in dealing with the problems of education in America. Indeed, the underlying legislation, the Education Flexibility Partnership Act, is a good idea, it is a sound idea, but it is one idea that in and of itself does nothing about overcrowding or rising standards or new technology. It is one idea. I will vote for it, and this Senate should enact it. But at the end of the day it leaves us with this question: What do we do about these varieties of other problems?

Indeed, can this Senate say at the conclusion of the 106th Congress that we have dealt with educational flexibility, but that is all we have done, and seriously argue that we have dealt with the issue of education in America?

Last year, in this Senate, I joined with Senator COVERDELL in the belief that we should establish savings accounts to help fund private and public education. I believed it was a good idea. But even then, I argued, in answer to my own legislation, that if that is all that we have done, we haven't begun to address the problems of education in America. I return to that argument today.

Consider the dimensions of the problem, if you are to disagree and argue that educational flexibility alone will deal with this national dilemma. Forty percent of fourth grade students are failing to obtain basic levels of reading; 40 percent of eighth graders fail to obtain a basic level of mathematics. High school seniors across the Nation are ranked 19th out of 21 industrialized nations in math and science. Of course, I support legislation for educational flexibility, but I am also here to support the Murray amendment to hire more teachers and reduce class size, because we know, according to the Department of Education in their 1998 May report, that one element most directly relating to improved student performance is a reduction of class size in the early grades. The Murray amendment is the one answer we know will improve student performance in early grades. The Murray amendment would finish the process we began last year of adding 100,000 new teachers in America to reduce class size.

Indeed, I would have liked to have today added to the efforts of Senator MURRAY with an amendment of my own, and that would have been to give

signing bonuses to people who will become teachers. Where our best college graduates will go to schools most in need, I would have offered them a signing bonus to get them into the classroom immediately.

It confronts the reality of the fact that a starting teacher in America today could hope to earn, in a public school, $25,000. For a software engineer, our leading high-tech companies are offering $50,000 to the same person, with a signing bonus. Teachers are prepared to make sacrifices because they are dedicated, but how much of a sacrifice? We know they are our most important asset in dealing with the issue of educational quality.

So, my colleagues, I urge that we all come together to support educational flexibility. But I would have liked to have offered my amendment, which will not be allowed today. I urge my colleagues to consider Senator MURRAY's amendment, and also Senator FEINSTEIN's to end social promotion in our schools—the passing of the problem along to the streets because we will not deal with it in the classroom—and Senator BINGAMAN's amendment to help stem the tide of dropouts. Unfortunately, one of the most important problems of all—deteriorating schools—we won't be able to vote on.

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

Mr. TORRICELLI. Mr. President, I thank you for yielding me the time. I support the underlying legislation but also the amendments being offered.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I stand before you today in strong support of Senator FRIST's Educational Flexibility Partnership Act. But then again, most of the Senate, and all 50 Governors, Secretary Riley, and even the President want this wonderful piece of legislation to pass today.

It is a big day personally for me. Some people are not aware of the fact that this effort for flexibility started in Ohio in 1981, when I commissioned a private-sector audit of the department of education to make it more friendly to our school districts. At the same time, it was command and control. The private-sector management audit came back and said it was riddled with paperwork, and the shocking thing was that half the paperwork the department had to do and the schools had to do was as a result of Federal regulations, and we were only getting 6 percent of our money from the Federal Government.

I recall going to Washington at that time and sitting down with Secretary Lamar Alexander and asking him if he could do something about it. Unfortunately, he could not. Later on when President Clinton became President and Dick Riley, a former Governor, became Secretary of Education, in the Goals 2000 legislation he provided for States to take advantage of some flexibility.

I want to underscore that a State cannot take advantage of this program unless they agree themselves to waive their regulations, and in some instances—for example, in Ohio—even waive statutes. This provided an opportunity for school districts to get waivers that, prior to Ed-Flex, had to go directly to Washington in order to get a waiver. It allows them to go to their superintendents of public instruction in their respective States.

I am proud that we have had an opportunity to take advantage of this. In Ohio we have 186 schools using a title I waiver, with over half of these schools increasing their proficiency test scores in math and science. Those school districts have taken advantage of waivers in the Eisenhower grants. As you know, in the Eisenhower grants, 85 percent of the money is supposed to be used for math and science. But in the elementary schools, how can a kid learn math or science if they cannot read? So as a result of the waiver program, we were able to get waivers to allow the money to be spent on reading, and today in those schools we have seen a dramatic increase in the math and science scores as a result of the fact that those schools were able to take advantage of the waiver.

There are some people who would argue that we need more accountability. I argue that we have accountability in most States. In Ohio, for example, we have our report cards, not only by districts but by individual buildings. With Ed-Flex, a building or a classroom that takes advantage of a waiver has to agree that within a year they will report back on how they are taking advantage of that waiver and whether it is making a difference in the classroom.

I would say that if I could get every title I school in the United States of America to become an Ed-Flex waiver school, we would have a lot more accountability with that title I money that is going into those districts—for those that are concerned about title I.

I think this idea is so overwhelming that last year, as chairman of the National Governors' Association, I made Ed-Flex one of my top priorities. I recall going to the White House and talking to President Clinton about it and his indicating that he thought it was a good idea. Last year, we almost got it done with the help of Tom Carper, the Democratic Governor of the State of Delaware. Again, we are bringing it back to Congress for their consideration.

To my Democratic colleagues I say this: There are a lot of ideas that have been proposed here on the floor. My attitude is that they all involve money. This is not a money bill. Ed-Flex does not require one additional dime from the Federal Government. What it does do is that it allows school districts to save the paperwork and the redtape so their administrators can spend time on education, and the teachers can, and they can take more of the money that is coming in from the Federal Government and put it in the classroom to improve the education of our children.

And if you want to talk about priorities: Rather than 100,000 new teachers, I would rather put the money in funding the Individuals With Disabilities Education Assistance Act or, in the alternative, my favorite: If I had the choice, instead of 100,000 teachers, I would put the money into 0 to 3, or conception to 3, a time in a child's life that is being, quite frankly, neglected in this country, not only by the Federal Government but by the local governments. We can prove that if you put money in during that period of time, when it is most important to the development of a child's ability to learn, you can get the best return on your investment.

So let's debate how we want to spend this Federal money and where we ought to be spending it, but let's not make that part of the debate on Ed-Flex. We will get to that. We will have that debate. We will look at what is available and decide how it is to be spent.

So today I ask the Members of the Senate to support Ed-Flex. Let's have a clean Ed-Flex bill. Let's get it done. It has made a great difference for the people of Ohio and those States that have taken advantage of it. I think it is long overdue to give the other 38 States of this Nation the same opportunities that we have.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I first thank the Senator from Massachusetts for yielding me time but, more importantly, thank him for his tremendous efforts on the floor of this Senate for the last several days. Hour upon hour, he has been battling to ensure that this education flexibility bill is not simply a blank check to the States but it also has the kind of accountability that will be necessary to ensure that this flexibility will result in improved student performance. In fact, it is a battle the Governors urged us to take up because they are as concerned as anyone else to ensure that this flexibility is accompanied by accountability.

He has also taken up the fight on two important issues of unfinished business. Last year, we appropriated significant amounts of money over the next several years to ensure that we could reduce class size by hiring additional teachers. It is now imperative that we authorize that appropriation, that we give a sense of continuity, stability, and assurance to the local communities that this money, this program, will be in place over time. Second, last year we also went a long way

toward developing programs to prevent students from dropping out of our schools. Senator BINGAMAN has been the champion of this program and that is unfinished business that we want to take up.

What has happened in the course of this debate is we have moved beyond both Ed-Flex and accountability and some unfinished business to embrace other issues. The positive value of that is any debate about education, I believe, is inherently healthy, and I am pleased to do that, but we have taken some steps away from the main topic.

There is one issue I particularly want to concentrate on and focus on. That is an amendment I introduced that would go directly to the issue of educational flexibility, directly to the issue of accountability. I had hoped to have the opportunity to offer the amendment as a stand-alone, that I could debate it and engage in a principled discussion, but because of the parliamentary condition of the floor, because of the unanimous consent, the only opportunity I had to have the amendment offered was to do so in conjunction with one of Senator LOTT's amendment.

I am in the awkward position of supporting my amendment and grateful that Senator LOTT included it in his amendment, but respectfully differing with Senator LOTT on his proposal with respect to IDEA. What Senator LOTT is essentially providing to the school districts of America is a Hobson's choice, a choice between decreasing class size or additional resources for IDEA, the Individuals with Disabilities Education Act. I don't think we should present that choice to school districts. I think we should do all we can to ensure that we properly fund IDEA and at the same time we are able to reduce class sizes throughout the country.

In fact, I argue that a reduction in class size will materially benefit the Individuals with Disabilities Education Act programs throughout the country because the reality of many schoolrooms is that there are IDEA students in large classrooms. They are not getting the attention they need and deserve. At the same time, the other students aren't getting that type of attention. By reducing class size—and this is an amendment that Senator MURRAY has championed and I salute her—we will help both programs, but ultimately we should be able to find the resources to fund both reduced class sizes and also keep up our commitment to the Individuals with Disabilities Education Act program.

Let me speak specifically about my amendment that goes to the heart of Ed-Flex. It goes to the heart of accountability. What it would do is involve parents, which I think is a topic we have not paid enough attention to. I hope in this oncoming reauthorization of the Elementary and Secondary Education Act, we would put a special emphasis on innovative ways of involving parents in the educational process. We know it works. We know it is important. We know that good schools are schools not only with robust and intellectually curious children and good teachers, they are those schools that have strong parental involvement.

My amendment would simply require the States to have a comment period with respect to their proposals for educational flexibility. Specifically, ask that parents and other interested parties be allowed to comment. These comments would be taken pursuant to State laws. We are not trying to create a special unique procedure. We don't want to add to the burden of States, but we want States to listen to the parents in their communities when they talk about educational flexibility.

More than that, we want these comments to be incorporated in the application to the Secretary of Education so that the Secretary understands not just the perspective of the Governor, but just as importantly—in fact, one might argue more importantly—the perspective of parents in the communities of that State.

I am pleased to say after spending a great deal of discussion with Senator FRIST, particularly, we have reached an accommodation acceptable to both sides. In fact, it represents a movement on my part from the amendment I suggested last year which would have required a formal 30-day period of comments that would require an evaluation of the comments by the States in terms of their goals for educational flexibility and incorporating that in the application. We have decided to move closer together in terms of a more streamlined process.

I point out that just a few days ago the Committee on Education and the Workforce in the other body, by an overwhelming vote of 30–9, passed my amendment of last year requiring a much more rigorous parental involvement, a more heavily regulated, if you will, approach to the issue.

In order to have a position in conference that will give us the opportunity to discuss this and discuss this with a principle proposal already on the table, I am extremely pleased that this amendment, the Reed amendment, has been incorporated into Senator LOTT's proposal. This Reed amendment is going forward.

It also, I might add, follows precedents we established last year with respect to parental involvement, in particular with respect to the Workforce Investment Act and the Reading Excellence Act. I hope this is the beginning of a trend to involve parents directly with the issue of educational reform at the local level.

I hope it also represents an opportunity that we will follow up in the Elementary and Secondary Education Act to think about ways we can get parents more involved in the education of their youngsters. I also add that the Parent Teachers Association of America supports my amendment, the Education Trust supports it, the American Federation of Teachers and the Center for Law and Education supports this. Also, this was one of the provisions that was pointed out specifically in the statement of administration policy dated March 3 as part of their review of the underlying Ed-Flex legislation.

I say with some regret I cannot support Senator LOTT's proposal because I do think it is presenting a Hobson's choice. I think we can do better. I don't think we have to choose between some children versus others. I think we have to recognize that class size will help all children. It may, in fact, be additionally beneficial to children with special needs.

Again, I think as we all recognize that we have a special responsibility to put our money where our noble words are when it comes to the issue of individuals with disabilities and their education in the United States, that requires looking for additional resources rather than simply trying to play one off the other in terms of some children versus other children.

I thank, again, Senator KENNEDY's leadership and certainly Senator FRIST and Senator WYDEN who have been doing a remarkable job on the floor. I hope at the end of the day we will have a bill we can all support. There are some provisions, as I outlined, that I opposed, but I conclude by strongly supporting my amendment which would give parents a real say in the educational flexibility plans that emanate from the States.

With that, I yield back any time I have to Senator KENNEDY.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will be managing the time on our side until Senator JEFFORDS arrives. I yield myself 6 minutes and then I will yield to the distinguished Senator.

Mr. President, first, I rise in strong support of the Education Flexibility Partnership Act. I begin with a brief quote:

> An investment in knowledge always pays the best interest.

Benjamin Franklin stated that in the early years of our Republic.

Building upon this statement, I say it is a simple fact—which the occupant of the Chair, as a distinguished Governor in a State that has seen great economic growth and prosperity and better jobs and more opportunity—it is a simple fact that the future is prejudiced in favor of those who can read, write, and do math.

A good education is a ticket to a secure future in this United States. And obviously, the opposite is equally true. As the earning gap between brains and brawn grows even larger, almost no one doubts that there is a link between education and the individual's prospects, even in this great land of opportunity.

Today, the Senate is taking a first step to improve our Nation's educational system, because everyone acknowledges that our children are the

future of this country and we must make every effort to provide them with the tools to succeed. Our action provides States with increased flexibility to ensure that our students have an even better opportunity to succeed. I submit that because we have so many programs at the national level, small and large—and I will allude to the number shortly—that if you are looking for a place to reform, maybe you ought to start right here.

Maybe we ought to look at the whole package of targeted educational programs at the national level and see how far off the mark they really are when it comes to helping children in the United States. This takes some of our programs and says that one size doesn't fit all, and Washington bureaucrats and interpreters of these various laws don't always know best, so we are going to give local teachers and administrators who know the problems the opportunity to create flexibility in terms of how these various programs are used in the field for our children.

I want to move ahead to a summary that was given to us by the GAO that, in conjunction with the Budget Committee staff and under the leadership of Senator FRIST, looked at a whole myriad of U.S. Federal programs to see just what we were doing and what we were not doing. And so, Mr. President, I want to inform you that your concern when you were Governor of Ohio of all the bureaucracy and paperwork and missing the target by Federal programs, if you wondered why, this is why. Our National Government has funded over 86 teacher training programs in 9 agencies and offices; 127 at-risk and delinquent youth programs in 15 agencies and offices; and over 90 childhood programs in 11 Federal agencies and 20 offices.

Now, it is quite obvious that the U.S. Government, our committees, and our Secretary, are not the know-all and end-all of good education occurring in Ohio, New Mexico, Arizona or Massachusetts. How could we be the end-all and the know-all when, essentially, we contribute less than 7 percent of the funding? Now, it almost makes us, standing on the floor speaking so eloquently about what the Federal Government is doing with its money on education, to some extent, borderline unreasonable in terms of credibility, because how can you change this big education system—and I am going to estimate that we are spending $427 billion a year on kindergarten through 12 in all our sovereign States and all the school districts. You tell me how that $200 million or $300 million targeted in some way—Mr. President, a former Governor, tell me how that $200 million or so spread across this land can have a real impact on a system that is as diverse as America and into which we are spending $417 billion and we can't get the job done. It can't be that the million dollars is going to help. It is only that we make it appear as if it is going to help. We invent the amendments and the bills, and sometimes we even take a poll before we invent them to see what it is the people want.

Who can be against more teachers? But if you fund the States with more money for IDEA, the disabled children, which we are already obligated to do, it relieves an equal number of dollars for them to use for teachers if they would like. Some are frightened, however, that the States and the schools might not use it for more teachers. They might use just a little piece of it for that because they already might have sufficient teachers.

It is not a new thing in education that we dreamt up here in Washington that we need more teachers in our schools, although it is still not unequivocal as to whether reducing the size to the level we contemplate nationally is what every school system thinks would do the job best for their children. That is not decided yet. That is still out there feverishly being tossed around with many other concepts in terms of education.

So, Mr. President, this is just the beginning—this flexibility—of what I hope is a real effort by the U.S. Government to reform its own education commitment to our States. We are all saying we want the States to reform, we want them to be more accountable. Well, when the bill comes up this year on primary and secondary education, it is my hope that we will not do more of the same. It is my hope that we will seriously consider a total reform of those programs, because if we are asking the States to do better, it is pretty obvious that we can do better also. As a matter of fact, I believe it is borderline these days as to just how much the Federal Government's assistance is really raising the education level of our children.

I repeat, if I had my way, and we could focus it into the right channels, I would be for more Federal aid to education, not less. But I guarantee you, with the myriad of programs, as I have described them, spread throughout Government with no accountability, one program to another, I would not be for spending more money to feed that kind of educational assistance when I have very serious doubts as to whether it has contributed significantly to helping our young people.

I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, the Senator from South Dakota was here before I was. Does he wish to have time on the Democratic side?

Mr. DOMENICI. Mr. President, we were rotating. I will take the privilege of saying that Senator KENNEDY would yield to Senator JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I will be brief.

I ask unanimous consent that Susan Hansen of my staff be permitted to be on the floor.

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

Mr. JOHNSON. Mr. President, I join with my colleagues, Republican and Democrat, in expressing support for the underlying Ed-Flex legislation that we are taking up today. This legislation recognizes that the final thought in how to prioritize educational needs in our school districts and our States does not reside exclusively here in Washington. It will commit to a level of innovation that I think is needed in the 50 States, and with the proper accountability, provide for many different strategies designed to improve student achievement all across this country.

However, I think Congress would be remiss if it stopped there. I think there are a number of very constructive amendments being offered relative to this legislation, not least of which is the afterschool program amendment being offered by the Senator from California, Senator BOXER, to provide for what I believe is a commonsense kind of Federal, State and local partnership, to provide for an enhanced ability to deal with afterschool programs for children K through 12.

This is not a new idea and it is not the province of either particular political party. There has been a tremendous amount of effort through the 21st Century Community Learning Centers Program across some 46 States today that have afterschool programs of one kind or another, in 800 different schools, involving some 190,000 students. This amendment would create the kind of partnership that would not involve Federal bureaucracy or Federal micromanagement, but would provide some additional resources for our States and our schools to expand afterschool efforts to 1.1 million additional students in the United States.

Our school budgets are strapped. Property taxes that fund school districts in many of our States are already too high.

It is apparent to anyone who has had any discussions with school leaders and community leaders and child advocacy leaders that they simply cannot go it alone, that this kind of effort requires a new form of partnership.

Not least of all, one of the great gains that we have already seen demonstrated by effective afterschool programs in this country has been a significant reduction in juvenile crime. At a time when we see crime rates going down nationally but yet crime rates among children, among young juveniles, in too many instances going up, there is a need for an additional strategy, an additional partnership to address that crisis.

Every study we have presented to the Senate indicates that most juvenile crime occurs between 3 o'clock in the afternoon and dinnertime. That is when experimentation with drugs, with alcohol, with sexual activity, and with gang participation most often occur, it is when it is initiated, and it is the

time when we most need this kind of partnership not just with our schools but with other community organizations and civic organizations to provide alternative kinds of activities for young people.

The studies have already shown that to the degree we have these effective programs in place, they have cut juvenile crime by anywhere from 40 to 70 percent. That is why we have such broad-based support from national law enforcement and police groups across this country. And it is why we can make a contrast between the modest expenditure required to significantly increase these afterschool programs and the alternative cost of incarceration. The cost of keeping a young person in a juvenile facility and ultimately in a prison equates roughly to the cost of sending them to Harvard for a year. For a much more modest expenditure, we can keep whole communities intact, have the kind of responsible adult supervision, and have the kind of focus in these young people's lives that they so badly need.

I have been holding meetings all across my home State of South Dakota, meeting with parents, with teachers, with law enforcement officials, with child care providers, and the need for expanding after school programs is obvious. More and more families are working. Both spouses are in the workplace, neither of them at home, because of the economic necessity of having a two income household. South Dakota has one of the highest ratios of two-spouse incomes in the Nation. More and more single-parent households as well find themselves confronting the latchkey option with their young people in the family.

As a consequence of this very apparent reality, South Dakota. Has struck a bipartisan level of cooperation and understanding about the need for these programs. My Governor, Republican Governor William Janklow, has been one of the more forceful advocates of an expanded State-local partnership on afterschool programs. I applaud his leadership on the issue. He has secured the services of Loila Hunking, the state coordinator for child care services and a long-time Democrat activist, to head up his afterschool program. It has been a model in many ways and reflects what States in other parts of the country have been doing to bring both sides together to set aside political polarization and, instead, to focus on what in fact is in the best interest of our kids and our communities.

But it is all too apparent—even though we have been building facilities and afterschool program facilities that can be used for afterschool programs, and day-care centers, even though we are scraping to find private funds to match local school funds and State funds—that the resources simply are not there, and all too often the communities where the need is the greatest are the communities that have the least financial capability of providing for these kinds of programs.

So, again, if we can come up with this amendment to authorize adequate funding for an afterschool program, we will, make a long stride forward not only to anticrime strategy but a pro-education strategy and one that both political parties can rally around. I think it compliments our Ed-Flex legislation. It compliments everything else that we are doing here on the floor today.

I want to again applaud Senator BOXER, Senator KENNEDY, and others who have worked hard to promote this afterschool amendment and the underlying Ed-Flex legislation as well.

Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Six and one-half minutes on your side.

Mr. JOHNSON. I retain my time and yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first I will yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. GREGG. Mr. President, I thank the Senator from Vermont. I want to congratulate the Senator from Vermont and the Senator from Tennessee, Senator FRIST, for having brought this bill finally to a vote after what was considerable resistance from the other side and what amounted to essentially a blocking of this bill as initiative after initiative after initiative was brought forward from the other side.

I think you have to look at the context of this bill in the context of those amendments from the other side that were offered. The concept of this bill is to give local communities, local teachers, local principals, and local school boards the ability to apply the Federal funds and to be released from the burden, the cost, and the interference of Federal regulations. That is what Ed-Flex is all about.

Thus, it is with some irony and significant inconsistency of the proposals that we have seen thrown at this bill from the other side do just the opposite. They create new program initiatives, almost all of which have been subject to no hearings, no disclosure in the sense of the congressional process, almost all of which create brand new, federally mandated, programmatic initiatives which tell the local communities, you must do this in order to get these Federal dollars: You must do this in order to get these Federal dollars. And the directive comes from here in Washington. It says that some group of bureaucrats sitting in the Department of Education, or at the White House, or maybe just the leadership on the other side of the aisle, is going to tell some school district in New Hampshire, or Vermont, or Missouri, or wherever, how to manage their day-to-day activity of managing the education of children.

Those proposals, which are being put forward—whether it is the 100,000 teachers, the afterschool program, the school building program—are all fundamentally inconsistent with the underlying purpose of this bill, which is to free up the local communities from the burden of Federal regulation.

More significantly than that, every one of those proposals suggests as its funding mechanism taking money from the special education accounts, money that is due the special education children of this Nation under the law that was already passed by this Congress—taking that money and using it for a brand new Federal program instead of putting it where it is supposed to be, which is with the special education child through 94–142.

Let's review that issue for a second, because it is so critical to this whole debate.

We have put forward an amendment on our side that says: Before you start a new program, before you create a new panoply of Federal regulations, let's do the job that we said we were going to do for the special education kids in this country; let's pay, or begin to pay, a higher percentage of the cost of special-education education.

When the special education bill was originally passed, the Federal Government said it was going to pay 40 percent of the cost. It dropped down to where the Federal Government was only paying 6 percent of the cost 3 years ago. And that difference, that 34 percent, was having to be picked up by the local taxpayers. The Federal share was having to be paid for by the local taxpayer. So that skewed education at the local community.

So, if the local teacher needed some assistance in their classroom, maybe a teaching assistant, or, if a principal needed an addition onto the school, or needed some new computers, they couldn't buy those kinds of things, they couldn't hire that new teacher. Why? Because the Federal Government wasn't paying its fair share, its obligated share, of the cost of special education. And the local community was having to take local dollars to support the Federal obligation for special education.

So what did the other side come forward and suggest? We are not going to pay any more money to special education. We are not going to increase that money at all. This administration set up a Federal budget. Instead of new money for special education, it essentially flat-funded that program and took the money that was supposed to go to special education and put it in all these new programs they created.

What does the local school district do now? They get hit twice: First, they get hit by the Federal Government, which refuses to pay for the special education children to the tune of the 40 percent they are supposed to. Then, they get told, if you want to get the dollars from the Federal Government, which is supposed to be coming to you

for special education, you have to follow one of these brand new, great ideas that the President has held a press conference on. You have to follow one of these press conference initiatives, whether it happens to be more teachers, more classroom size, or more after-school programs.

So the local school district, in order to get this money, first loses it, and then it is told, ''Oh, but we will give you the money that we just took from you, but you are going to have to follow what we want you to do here in Washington.''

How arrogant can we get? At what point does the arrogance of this administration stop in the area of education?

I do not believe that there is one person in this administration who can name more than maybe one child at Epping Elementary. I do not believe they have any idea what the child in the Epping Elementary School needs for education. When that teacher in the Epping Elementary School walks into that classroom and that teacher knows every child at every desk and knows what the child needs for education and knows that they need more books or more computers or maybe they need another teaching assistant, it should be that teacher who makes the decision as to what is used to help that child's education. It should not be here in Washington that that decision is made. And yet, that is exactly what these proposals suggest: Don't give the local school districts the flexibility to spend their own money on special ed, to spend their own money on general education activities. Instead, force the local school districts to take up the Federal share of special education costs and then tell the local school districts that because we want you to have more teachers in order for you to get the money which was supposed to go to special ed, you have to apply and take on this new Federal program.

It is total hypocrisy. It is total arrogance. And yet, it is these proposals that are coming forward. Fortunately, the people in this Congress, at least in the Senate, are going to have a chance to make a choice. They are going to have a chance today, because we are going to give them the option. We are saying that the money last year which was appropriated for the teachers' program, $1.2 billion, let's free that money up so that local school districts can make the choice: Do they want a new teacher or do they want the money to come to the special education accounts?

That is the simple choice that comes on the Lott amendment which was drafted by the Senator from Vermont and myself and the Senator from Tennessee, and it is really an excellent idea. We will find out what the local school districts need more. Do they want the dollars for special ed, or do they want the dollars for teachers? It is a perfectly reasonable proposal, and it is flexibility in the tradition of Ed-Flex.

So this amendment, this underlying amendment, about which I have heard people on the other side get up and say, oh, I can't support that because it pits one group of students against another group of students, well, ladies and gentlemen, the people who are pitting one group of students against the other group of students is the administration and the people who support these administration initiatives, because what they have done is to say we are going to pit the special ed students, who we are supposed to be funding, against our programs coming from Washington because we are going to take their money and use it.

That is where the real conflict comes. So we are going to give you an opportunity. We are going to give you an opportunity to live up to the obligations which the Federal Government put on the books back in 1976 and has refused to live up to. And we are going to give the communities the option of choosing whether they want a teacher, a program directed from Washington, designed by Washington, told to them how to operate by Washington, or whether they want to free up their local dollars by getting more special ed dollars that the Federal Government was obligated to pay in the first place and use those local dollars to either, one, hire a teacher; two, buy books, add new computers, add a new classroom, whatever they want to do with it. That is the ultimate flexibility.

The choice is going to be pretty clear here today as to how you want to manage education in this country. You can vote for all these directives from Washington, all these programs which are made for the creation of press conferences but give the local communities no flexibility and no opportunity to make their choices as to how they spend the money, or you can vote to give the local communities true flexibility by funding an obligation that has been on the books since 1976 and thus freeing up the dollars for the local community to either hire teachers, buy books, add classrooms, or create after-school programs. I opt for the side of giving local communities, teachers who know their kids, principals who know their schools, parents who know their children, the opportunity to make decisions on dollars rather than the Federal bureaucracy or even an American President.

Mr. President, I yield the remainder of my time back to the floor manager.

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

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

I appreciate the work Senator JEFFORDS has done.

Mr. President, I would like to share just a few thoughts. I have been involved in education with my children. I have taught, my wife has taught in public school. We care about education. We have school boards all over America that care about education. I know one of the school board members in my hometown of Mobile, AL, exceedingly well. His abilities and talents will match any Member of this body. He knows a lot more about the education going on in his area than we know in this body. Who is to say what is the best way to expend money to improve our children's education? The thing that counts is that magic moment in a classroom when learning occurs and children are motivated and inspired to do better.

I do not believe this Congress has the ability or has a proven track record of improvement. We now have a host of amendments. We have 788 Federal programs—788. We had an amendment offered yesterday that would mean the 789th; it would create a dropout czar for America.

I have been involved in local programs to deal with dropouts. Programs like that are happening all over America. It is not going to be solved by some Federal dropout czar.

This legislation is precisely what we need. It needs to go out of here clean, not as an appropriation, big Government spending bill, but a bill that gives flexibility to the schools.

The Presiding Officer was Governor. He knows how much benefit was gained when welfare reform was accomplished and we gave flexibility to Governors. I think it is time we give flexibility to our State and local school systems to improve education.

I thank the chairman, the Senator from Vermont, for his leadership. This is good legislation. It is time for us to pass it, and we can debate these issues about how further to help education when the elementary and secondary education bill comes up, which the Senator will be leading later this month.

I thank the Senator.

Mr. GRAMS. Mr. President, today the Senate debates an important bill designed to facilitate education administration and free more resources for our students. The ''Education Flexibility Partnership Act of 1999'' would extend the ''Education Flexibility Partnership Demonstration Program,'' otherwise known as ''Ed-Flex.'' Ed-Flex allows eligible local school districts to forgo Federal red tape that consumes precious education resources. In return, States must have sufficient accountability measures in place and continue to make progress toward improving student education. States must also comply with certain core Federal principles, such as civil rights. The concept of Ed-Flex is simple, yet the benefits would be significant. In other words, let's put more money into educating our kids in the classroom rather than lining the pockets of bureaucrats.

The Ed-Flex demonstration program is currently in place in 12 States. The ''Ed-Flex Act of 1999'' would allow all 50 States the option to participate in

the program. With good reason, the program has been very popular. Unnecessary, time-and-money-consuming Federal regulations are rightly despised by school administrators. Did you know that the Federal Government provides only seven percent of local school funding, but requires 50 percent of all school paperwork? That is ridiculous. Again, let's put money into the classroom instead of bureaucracy.

Ed-Flex is a step toward allowing more localized decisionmaking authority—the power to decide when the Federal regulations are more troublesome and expensive than they are worth. Today, there are simply too many regulations which are despised by school administrators.

Giving more decisionmaking authority to States and local school districts is good common sense. Naturally, those who are closest to our students are in the best position to make the most appropriate and effective decisions concerning their education. One-size-fits-all legislation may work well in other areas, but not in education. Some of the most successful classrooms across our Nation vary tremendously in their structure, functioning, and appearance.

In my home State of Minnesota, for instance, we have very rural communities, urban communities, and everything in between. We have got farm kids, suburban kids, and city kids. And all of these kids are students. And I know this sort of rural-to-urban community-mix is typical for most States. How much sense does it make then, to require local school districts and classrooms—all with their own particular strengths and weaknesses—to follow, in lock-step, the homogenized, uniform routine of Federal bureaucracy? Not much.

We have some opportunities before us to do something meaningful for our children's education. A complementary possible amendment to Ed-Flex which promotes local decisionmaking power is Senator GORTON's block grant amendment, as well as Senator HUTCHINSON's Dollars to the Classroom Act. Under these proposals, many federally funded K–12 programs would be consolidated and the dollars sent directly to states or local school districts—free from the usual Washington red tape. This helps to ensure that our education dollars go to students, as opposed to bureaucrats.

Similarly, Senator COVERDELL's Education Savings Accounts and School Excellence Act is an important step forward in restoring decisionmaking authority to parents and families—where it is needed. The bill simply allows families to save for their children's education, without tax penalty. It would expand the college education savings accounts established in the Taxpayer Relief Act of 1997 to include primary and secondary students. It would also increase the annual contribution limit from $500 to $2,000 per child. The money could be used without tax penalty to pay for a variety of education-related expenses for students in K–12, as well as college expenses.

This is a simple, straight-forward initiative for families and students. Common sense would have had us pass the Education Savings Accounts bill long ago. Unfortunately, tired, groundless attacks continue. The charge I hear most frequently is that ''education savings accounts and tax breaks for parents would shift tax dollars away from public schools.'' That is simply not the case.

More education dollars under parental control would promote education by encouraging parents to save, invest in, and support programs and materials that facilitate and provide the right option for a child's education.

We all want the best education available for our children, and to improve the state of American education and schools for all children. It would be nice to think that we could solve the problems of education by spending more and more money. Unfortunately, that doesn't work. The United States is the world leader in national spending per student. Yet our test scores show that our system is failing our children.

Test results released last year show that American high school seniors score far below their peers from other countries in math and science. We are at rock bottom. It is going to take more time and effort to solve these problems—and the most important work will be done by those in the best position to do so: parents, teachers, and local administrators. We must give them the freedom they need to accomplish the job. This freedom comes with the authority to make decisions based on a variety of specific needs. I will continue to support measures like the Ed-Flex legislation that return money and control—from Washington—to parents, teachers, and local school districts. After all, they know best how to spend education dollars.

Mr. MCCAIN. Mr. President, I rise today to express my support for S. 280, the Education Flexibility Partnership Act of 1999, which would free all fifty states from many of the costly and burdensome federal regulations which are imposed on them by the federal government. These unnecessary regulations prevent their schools from providing innovative and effective academic opportunities for millions of young Americans. I am proud to be an original cosponsor of this measure which would expand the current Ed-Flex program to all fifty states.

One of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal success and fulfillment. A solid education for our children also plays a pivotal role in the success of our nation; economically, intellectually, civically and morally. We must strive to develop and implement initiatives which strengthen and improve our education system, thereby ensuring that our children are provided with the essential academic tools for succeeding professionally, economically and personally.

The most exciting aspect of this bill is that it brings teaching back to our classrooms and frees our schools from excessive filing, correlating, faxing and shuffling of paper. It would allow schools like Barbara Bush Elementary School in Mesa, Arizona to focus on helping children learn essentials like reading and using a computer. It would allow Barbara Bush Elementary School to focus on teaching its students rather than wasting its valuable educational resources for filing, typing, refiling, and faxing paper to the bureaucrats in Washington, DC.

It is important to note that all states which obtain an Ed-Flex waiver must adhere to basic Federal principles, including the protection of civil rights, educational equity and academic accountability.

Like many Americans, I have grave concerns about the current condition of our nation's education system. If a report card on our educational system were sent home today, it would be full of unsatisfactory and incomplete marks. In fact, it would be full of ''D's'' and ''F's.'' These abominable grades demonstrate our failure to meet the needs of our nation's students in kindergarten through twelfth grade.

Our failure is clearly visible throughout the educational system. One prominent display of our nation's failure is seen in the results of the Third International Mathematics and Science Study (TIMSS). Over forty countries participated in the 1996 study which tested science and mathematical abilities of students in the fourth, eighth and twelfth grades. Tragically, our students scored lower than students in other countries. According to this study, our twelfth graders scored near the bottom, placing 19th out of 21 nations in math and 16th in science, while scoring at the absolute bottom in physics.

Meanwhile, students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes in our children's academic performance in order to remain a viable force in the world economy.

We can also see our failure when we look at the Federal Government's efforts to combat illiteracy. We spend over $8 billion a year on programs to eradicate illiteracy across the country. Yet, we have not seen any significant improvement in literacy in any segment of our population. Today, more than 40 million Americans cannot read a menu, instructions, medicine labels or a newspaper. And, tragically, four out of ten children in third grade cannot read.

Another clear sign of our failure is displayed by the inadequate preparation of many students when they exit the system. The number of college freshmen who require remedial courses in reading, writing and mathematics when they begin their higher education is unacceptably high. In fact, presently, more than 30 percent of entering freshman need to enroll in one or more remedial courses when they start college. Equally dismal is a Wall Street Journal report that two-thirds of job applicants for a division of the Ford Motor Company ''fail a test in which they are asked to add fractions.'' It does not bode well for our future economy if the majority of workers are not prepared with the basic skills to engage in a competitive global marketplace.

I am also disturbed by the disproportionate amount of federal education dollars which actually reach our students and schools. It is deplorable that the vast majority of federal education funds do not reach our school districts, schools and children. In 1995, the Department of Education spent $33 billion for education and only 13.1 percent of that reached the local education agencies. It is unacceptable that less than 13 percent of the funds directly reached the individuals schools and their students.

My home state of Arizona receives approximately $420 million each year in federal education funding. These funds account for seven percent of Arizona's education budget, yet it takes almost half of the staff at the State Department of Education to administer the numerous rules and regulations which accompany the federal dollars. This means that half of the Arizona Department of Education staff is busy working on Federal paperwork rather than developing improved curriculum, helping teachers with professional development skills and working to improve the quality of education for Arizona children. This is a sad commentary on the current structure of our educational system.

Much of the Federal Government's involvement in education is highly bureaucratic, overly regulatory, and actually impedes our children's learning. Clearly, we need to be more innovative in our approach to educating our children. We need to focus on providing parents, teachers, and local communities with the flexibility, freedom, and, yes, the financial support to address the unique educational needs of their children and the children in their communities. This is precisely what the Ed-Flex program does. It removes the obstacles for innovative, productive and successful educational initiatives in our classrooms and frees our schools from the choking grip of federal bureaucrats.

Mr. President, it is absolutely crucial, as we debate this and other proposals to reform our educational system, that we not lose sight of the fact that our paramount goal must be to increase the academic knowledge and skills of our nation's students. Our children are our future, and if we neglect their educational needs, we threaten that future.

I am gravely concerned that goal is sometimes lost in the very spirited and often emotional debate on education policies and responsibilities. Instead, this should be a debate about how best to ensure that young Americans will be able to compete globally in the future. I believe the key to academic excellence is broadening educational opportunities and providing families and communities both the responsibility and the resources to choose the best course for their students.

Ed-Flex is an important step in our journey to improve our nation's education system and better prepare our children so that each of them has much more than their individual dreams of becoming an astronaut, fire fighter or pilot. The bill is an important step towards ensuring that our children not only dream but have the capacity to make their dreams a reality. This is what education is all about—providing an endless realm of possibilities through knowledge. But it is just the first of many steps which we need to make to ensure that the best interests of our children, our future are being realized. I look forward to working with my colleagues as we continue this journey towards a strong and successful educational system.

Mr. BYRD. Mr. President, I have long been concerned about our nation's education system and the many problems that individual classes across the country grapple with every day. When I reflect on my days in a two-room schoolhouse, I have fond memories of my teachers and classmates, and, most importantly, my learning experience. The students were disciplined, my teachers were serious about their work, classes were small and well-kept, and students thrived on learning for learning's own sake. We did not have the kinds of problems so common in schools today.

I do, however, recognize that with each passing year, educating our nation's children becomes an even more formidable challenge. I am pleased that we were able to address a few of the many concerns facing parents, students, and educators as part of the Senate's debate on this bill, S. 280, the Education Flexibility Partnership Act of 1999. With classrooms bursting at their seams with students, there is a definite need for smaller class size. Students do better when they have the individual attention of a teacher. Moreover, I believe that this kind of environment provides teachers and students with a setting truly conducive to quality instruction. We, as a nation, need to do more in this regard.

But, Mr. President, there are also other pressing education priorities for states, including funding for the Individuals with Disabilities Education Act (IDEA), which remains underfunded to date. Disabled children deserve the same opportunity to receive a good education as those without a disability. I am hopeful that we in Congress will continue to build toward the forty-percent funding commitment that was established as part of the IDEA legislation. I believe, however, that reducing class size and providing for the needs of disabled children are both worthy goals that are not mutually exclusive, and I am troubled that efforts to provide sufficient resources to achieve one of those goals may have the effect of undercutting the other. The notion of pitting these two worthy goals against one another to score partisan political points is embarrassing. Certainly, both can, and should, be accomplished.

While many important education programs and new initiatives have been discussed during the Senate's debate of S. 280, I believe that the underlying legislation offers some benefits in the form of flexibility. I do have concerns that there is little substantive performance data on the impact of Ed-Flex in the states now operating with it. I would have preferred to see some positive results on student achievement levels prior to making this type of expansion. But I am hopeful that the education accountability built into this legislation will hold states to a higher standard and serve as an incentive to all states seeking Ed-Flex status. I am also somewhat comforted by the fact that the bill contains a sunset provision, which will force the Congress to revisit this issue, and, I hope, live up to its oversight responsibilities.

Mr. President, it disturbs me greatly to witness the political divide in this body on such an important issue which affects us all, whether it be our own child's education, that of a grandchild, or a neighbor's child. We are all for education—it is the country's number one priority, and with many problems to solve, it is time for us to work together to make every child's educational experience a rewarding one.

Ms. SNOWE. Mr. President, during the consideration of S. 280, the Education Flexibility (Ed-Flex) Partnership Act of 1999, several new education proposals have been advanced by my colleagues on the other side of the aisle. In particular, an issue that has received prominent attention is an amendment that would authorize federal monies for the hiring of 100,000 new teachers.

Like my colleagues, I am strongly committed to improving K–12 education and ensuring that the unique needs of our nation's schools are addressed. While the federal government provides only a fraction of our nation's total K–12 education spending, the amount that it does provide is critical to ensuring that our nation's children receive the quality education that they need and deserve.

Mr. President, as I look at the various challenges and issues facing our nation's schools, it is clear that every state and every community has different needs, even if some of these

needs are fairly pervasive. While one community may feel that its greatest need is the hiring of more teachers, another may feel that buying new textbooks or purchasing computers for the classroom may be the most pressing need.

Over the years, various federal education programs have been created to assist state and local governments in addressing their disparate needs, including programs that are designed to address issues that demand national oversight. For instance, more than 20 years ago, the federal government appropriately demanded that individuals with disabilities receive a quality education, and the Individuals with Disabilities Education Act (IDEA) was enacted accordingly.

Unfortunately, even as the federal government appropriately mandated that disabled children be educated at the local level, it has continued to fall woefully short in fulfilling its promised commitment to cover 40 percent of the associated cost. In fact, as several of my colleagues have emphasized, the federal government only funds approximately 10 percent of the cost today—and that paltry percent has only been achieved through Republican-led efforts over the past three years to increase funding for IDEA by 85 percent!

As a result of the ongoing federal shortfall, state and local governments are not only forced to cover the 60 percent share that was agreed to—but they also pick-up the missing 30 percent federal share.

Mr. President, this broken promise on the part of the federal government must not continue. Not only does it represent a failure on the part of the federal government to meet an important obligation to our nation's disabled children, but it also forces states and communities to divert their scarce resources for this unfunded mandate—resources that could otherwise be used to address a wide variety of local needs, including the hiring of new teachers.

To demonstrate the impact of this unfunded mandate, consider that in my home state of Maine, the federal government currently provides approximately $20 million for the education of the disabled, while the state and local governments are forced to shoulder more than $200 million of the cost. Therefore, if the federal government were to fulfill its 40 percent commitment, an additional $60 million would flow to the state.

That's $60 million now spent by Maine's state and local governments to cover a federal commitment—$60 million that would otherwise be freed-up to address distinct and pressing local needs. Sixty million dollars.

Needless to say, this shortfall has not been overlooked by officials at the state or local level. During a recent meeting with representatives of the Maine Municipal Association, local officials emphasized to me the need for the federal government to fulfill its commitment to fund 40 percent of the cost of educating the disabled because of the substantial budgetary impact it is having on their communities.

And during the recent gathering of the National Governors Association (NGA), the Governor of Maine, Angus King, interrupted President Clinton during his presentation on education issues to hammer home the need for special education funding. As quoted in a March 1, 1999, article in the Portland Press Herald, Governor King ''raised his hand and interrupted'' the President saying:

> Mr. President, I'm bringing you a report from Franklin, Maine, and a lot of other places in Maine. What I'm telling you is that if you want to do something for schools in Maine, then fund special education and we can hire our own teachers and build our own schools.

Mr. President, I don't believe the thoughts and comments by the Governor of Maine are unique to our state. This is a national problem that requires federal action. Paying ''lip-service'' to this funding commitment is no longer enough. We cannot simply brush off the comments of governors and local leaders by expressing support for the full-funding of education for the disabled and not achieving it—rather, it's time to actually deliver on the promise made more than 20 years ago.

For this reason, I believe Congress should ensure that the federal share of education for the disabled is fully-funded before new programs are created. Not only will this ensure that a long-standing federal promise will finally be met, but it will also ensure that distinct local needs—which may include the hiring of new teachers—can be readily addressed.

During the upcoming reauthorization of the Elementary and Secondary Education (ESEA) Act, there will be countless opportunities to reform and improve federal education programs that are intended to address distinct needs. But the time to create truly new federal education programs—and to devote federal resources to these new proposals—should not occur until we have met our outstanding federal obligation to disabled children and to the states and communities that educate them.

Mr. President, the time to fully-fund the federal share of education for the disabled is now. I urge that my colleagues vote to ensure that any new K–12 education monies be used to meet this commitment, and to finally fulfill a federal promise made to state and local governments more than 20 years ago.

Mr. KOHL. Mr. President, I rise today to express my intention to vote for final passage of the Education Flexibility Act. Although this bill is far from perfect, I support the underlying principle of flexibility in education, and believe we should move this bill forward.

Despite my support for giving local school districts more flexibility in improving education, I have serious concerns about this bill. Last year, we passed a new initiative to hire 100,000 teachers to reduce class size in the early grades. We approved this program on a bipartisan basis, recognizing that research has shown that smaller classes give teachers more time to spend with individual students and improves student achievement.

School districts in Wisconsin are already putting together their budgets and planning to use this Federal money to hire teachers. They are looking to Congress to send them assurances that the teachers they hire today will receive Federal support over the next six years. I am extremely disappointed that the Senate failed to adopt Senator MURRAY's class size amendment, which would authorized the program for six years and given our school districts that assurance. I am hopeful that we can still address this important issue later this year.

In addition to the Senate's failure to authorize the class size initiative, I am also concerned that the bill, as amended, pits students with special needs against other students in fighting for education funding. This is inexcusable—and unnecessary.

I agree that the Federal government must live up to its obligation to pay for 40% of the costs of special education. It is a responsibility we have failed to meet for far too long, and I will continue to fight for full funding of special education. However, I believe it is time that we make education of all our children—including those with special needs—our top priority. There is no reason why we cannot fully fund all of our educational needs in this country. We should fully fund special education, and we should fully fund class size, and after-school programs, and school construction. We can do all of these things—and we should not pit any of these vital programs against one another as some have tried to do here today.

I am extremely concerned about the amendments that were added to this bill today. Although I recognize that school districts need additional resources for special education, I believe these amendments wrongly force them to choose between special education and hiring teachers—another essential need they face. We should not force them to make this choice—we should provide enough funding to fill both needs.

Although I am deeply troubled about these amendments, I will vote for final passage of the bill because I believe in the original intent of providing more flexibility to States and local school districts. I am voting for it now because I think we need to move this bill forward. However, I strongly believe these amendments should be dropped in conference. If this bill comes back from the Conference Committee with these amendments still included, I will be forced to oppose the bill.

Mr. President, I still hold out hope that these problems can be worked out in conference, and that we can move

this bill, which was originally a bipartisan bill, forward expeditiously.

Mr. DEWINE. Mr. President, I rise today in strong support of S. 280, the Education Flexibility Act. This legislation will give greater responsibility, flexibility, and control to local schools. That's where the students, parents, and teachers are. That's where the education happens.

That's where the control ought to be. I have been fighting for our teachers and local school administrators for many years, and I think one of the most important things we can do for them is liberate them from Federal red tape—so they can do what they do best: Teach our kids.

In offering this bill, our distinguished colleague from Tennessee, Senator FRIST, is striking a blow for freedom in American education.

This bill would expand an existing pilot program to all eligible states. It is a good deal for the states—in this bill we offer to free the states from the burden of unnecessary, time-consuming Federal regulations. In return, all states have to do is comply with certain core principles, such as civil rights, and establish a system of accountability. The bill also would require states to have a system of waiving their own regulations.

My own home state of Ohio has been one of the pilot programs and has provided over 200 waivers for local schools. For example, the Eisenhower teacher training program only supported math and science training. Using ed-flex, Ohio waived this requirement—and today schools can use this program for training teachers in other subjects such as reading and social studies.

The Ohio Department of Education, in its annual report to the Secretary of Education, reached the following conclusion, and I quote: ''The greatest benefit to having Ed-Flex authority is that it, combined with the ability to waive State rules and statutes, establishes a school-planning environment unencumbered by real or perceived regulatory barriers. This environment encourages creativity, thoughtful planning, and innovation.''

Mr. President, that's as true everywhere else in America as it is in Ohio. And that's why this Ed-Flex bill has such strong bipartisan support.

But I should note that while Ed-Flex is an important step forward, it is just a single step. We need to do more. Over the next year, the Health, Education, Labor, and Pensions Committee, on which I serve, will be working on the Elementary and Secondary Education Act of 1999—which will deal with almost all of the federal programs that impact K–12 grade education. When the Elementary and Secondary Education Act was passed in 1965, it was 30 pages long, today it is more than 300 pages long. As a member of that committee, I will be looking to empower parents, support local control, promote effective teacher training programs, recognize and reward excellent teachers, and send more money back to the states and local schools with no strings attached.

Remember: The Federal Government provides only 6 percent of local school funding, but demands 50 percent of the paperwork that burdens local teachers and administrators. That burden demands nearly 49 million hours each year—or the equivalent of 25,000 school employees working full time—on paperwork, not kids. There are over 700 separate federal education programs spread across 40 separate federal bureaucracies.

Mr. President, I am concerned about the quality of our children's education. The Third International Math and Science Study recently reported that out of 21 countries, the U.S. ranked 19th in math and 16th in science, barely ahead of South Africa. Verbal and combined SAT scores are lower today than they were in 1970. Businesses spend more than $30 billion annually in retraining employees who cannot read proficiently. Nearly 30 percent of college freshmen need remedial classes.

Mr. President, these are disturbing statistics. As we move forward to improve our children's education, I urge my colleagues to remember that the most important education tool in any classroom is a qualified, highly trained teacher. After parents and families, America's teachers play the most important role in helping our children realize their potential. Our current teachers are doing a good job—indeed, a great job—given the resources they have to work with. Clearly, it's time to change the way we allocate resources. It's time that today's teachers get more support and training and less paperwork from the federal government.

I want to thank the sponsor of the Ed-Flex legislation, Senator FRIST, for his work with all members to improve this bill. The manager's amendment that we accepted last week addresses many of the concerns that have been raised about this legislation. Without going into the details of the amendment, I would simply point out that it will strengthen accountability measures currently in the bill, require states to coordinate their Ed-Flex applications with state comprehensive plans, emphasize school and student performance as an objective of Ed-Flex and add additional provisions for public notice and comment regarding Ed-Flex proposals.

Ultimately, our children's success in education depends on the support they receive at home and in the classroom. Our focus in Washington should be to take every opportunity to empower parents and then free local schools from regulations that prevent improvements and innovations in local schools.

Mr. President, that's why I strongly support this bill.

PREVENTION OF TRUANCY ACT

Mr. DODD. In the 105th Congress, I offered my legislation, the Prevention of Truancy Act, as an amendment to the Ed-Flex bill during the Labor and Human Resources Committee's consideration, where it failed on a tie vote. It was my intention to offer it on the floor on this bill. However, I am pleased instead to be on the floor with my colleague from Alabama, Senator SESSIONS, to discuss our common interest in assisting communities address this real and serious problem and express our intent to offer legislation similar to the bill I offered last year soon. We will also be working with Senator BINGAMAN who offered similar legislation last Congress and Senator COLLINS who supported my amendment in Committee last year.

Senator SESSIONS, a new member to the Committee on Health, Education, Labor, and Pensions and the Chairman of the Judiciary Committee's Subcommittee on Youth Violence, believes as I do that truancy is a gateway offense, and that this legislation would present us with an opportunity to catch good kids before it is too late. The Senator from Alabama has worked hard for the duration of his career on finding solutions to difficult issues such as truancy. I believe this legislation will truly make a difference in the lives of many children and, at the same time, prevent juvenile crime. I also believe that our working together will produce strong, solid legislation that we should all be able to support.

Mr. SESSIONS. Mr. President, I am pleased to be working with the Senator from Connecticut on truancy legislation. I am struck by the alignment of our interests here. I believe this is a national problem and one that deserves federal attention. I am pleased that Senator DODD and I have been able to work out an agreement here that avoids an amendment to the Ed Flex bill on this subject, which would be a concern for me and a number of my colleagues who very much want to be supportive in this effort to address truancy. I look forward to working with the Senator to bring forward a strong bill from my committee to support efforts to assist local governments in their efforts to reduce truancy.

AFTERSCHOOL CARE

Mr. DODD. Mr. President, I'd like to thank my colleague from Vermont for his cooperation in working out an agreement to address the need for afterschool programs as part of the Health and Education Committee's reauthorization of the Elementary and Secondary Education Act later this year.

As my colleagues know, I was planning to offer an amendment to the Education Flexibility Act, that I offered when this bill was in committee, to increase funding for programs serving children during out-of-school hours through the Child Care and Development Block Grant and the 21st Century Community Learning Centers Program.

I know that my colleague from Vermont shares my strong interest in ensuring that children have safe alternatives during the hours they are not

in school. He has been a leader for years on this specific issue as well as a tireless advocate for many other critical concerns of American families.

Mr. JEFFORDS. This is a very important issue for me, but not nearly as important as it is to the parents of the nearly 24 million school-age children who need care while their parents work. The issue of how best to meet the needs of school-aged children and youth will be addressed—not just in the context of one program, like the 21st Century Community Learning Centers Act, but within the framework of a comprehensive, cohesive review of Federal public education policy.

Mr. DODD. Out of consideration for the Senator's interest in moving this bill forward expeditiously, I have agreed to withdraw my amendment. I am pleased that Senator JEFFORDS has agreed instead to take up this issue as part of ESEA and to hold comprehensive hearings on the issue of afterschool care this year.

I am particularly pleased that Senator FRIST shares our concern about the documented rise in juvenile crime that we see in the hours immediately after school. I also appreciate his pledge to work with us to increase support for afterschool programs.

Mr. JEFFORDS. I want to thank Senator DODD for helping us move the educational flexibility legislation along. I want to assure him and my Senate colleagues that the withdrawal of Senator DODD's amendment does not signal the end of the Senate debate on school-aged child care, but the beginning of our work.

Senator DODD has been a leader on child care and other youth issues for his entire congressional career. He has continually worked to craft effective legislation that will help children and their families, and I appreciate his tireless efforts.

By working together, I have little doubt that we can greatly improve the Federal Government's response to the needs of school-aged children and their families.

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the Education Flexibility Partnership Act of 1999. I am pleased to join with a bipartisan group that includes thirty-three of my colleagues and almost all of the nation's governors, to ensure that all states have the flexibility to encourage education reforms of the highest standards in our schools. This legislation enjoys the support of the National Education Association, the National School Board Association, the National Conference of State Legislatures, and the National Governors' Association.

As many of my colleagues know, the Ed-Flex Program was established in 1994 under the Goals 2000 Program. It originally authorized 6 states to participate in a demonstration program that would allow States the ability to waive certain Federal regulations and statutes for local school districts and schools in return for high standards and accountability. In 1996, Congress expanded the Ed-Flex Program in the Omnibus Appropriations Act to include six more states. While this waiver authority may seem broad, Ed-Flex States may only grant waivers for selected Federal programs. Most importantly, these states may not waive Federal requirements relating to health, safety, civil rights, parental involvement, allocation of funds, participation by pupils attending private schools, and fiscal accountability.

With over 14,000 school districts in this nation, there cannot be one education reform plan that fits every community. Ed-Flex allows states and local education agencies to commit to common goals and purposes and yet allows them to choose the best path to achieve these results. Ed-Flex is not a cure-all for education reform. It is just a common-sense, practical tool that allows local school districts and schools to get back to the business of educating our youth and away from the business of filling out forms.

Most waivers granted under Ed-Flex have dealt primarily with the use of Title I funds on a school-wide basis and the allocation of Eisenhower Professional Development Funds for teaching disciplines other than math and science. These are common sense changes that have allowed local school districts and schools to use Federal dollars in a smart and efficient manner. Ed-Flex has also encouraged several states to streamline their own regulations and statutes, thus providing their schools with better guidance and clarity on state requirements.

Some of the requirements of Federal programs have produced nonsensical results. For instance, in my home state of Indiana, the town of Elwood operates two separate elementary schools. One of these schools meets the 50 percent threshold for Title I so it can implement Title I programs school-wide. However, the other school just misses this threshold and must restrict Title I resources to only Title I students. That particular elementary school in Elwood, Indiana would be cited by the State Board of Accounts if they were to allow non-Title I students the use of their computer lab which was paid for with Title I funding. These Federal requirements have not only produced two systems of elementary education for this town, but has created confusion over what sort of educational programs can be implemented. This kind of strict regulation is not only absurd, but counterproductive to school reform. As long as Title I students are being targeted for additional assistance, there is no reason a school should be prohibited from sharing its resources with all of its students. In twelve states, Ed-Flex has allowed local education agencies and schools to operate Title I programs on a school-wide basis thus equalizing the standard of learning for all students.

Some have raised the issue that Ed-Flex does not address the major concerns of our nation's school districts. While Ed-Flex will not on its own solve our education problems, it can spur our States and schools to creatively approach old problems in a new way. As a former Governor, I know first-hand how easing strict Federal requirements can help states achieve positive results. Any school teacher will tell you that there is no one lesson plan from which to educate all of our nation's students. Just as each child is unique in his or her capacity to learn and grow, so too our are nation's school districts unique. No matter how well-intentioned, the Federal Government cannot continue down the path of a one-size fits all educational system for our nation's children. Education is now and will continue to be the primary responsibility of local communities and states. Educators, community leaders, and parents are the best judges of what is good education policy for their schools. Each community has different needs and by expanding the Ed-Flex Program, we can allow them to partner with the Federal Government to achieve some truly outstanding results.

For example, a Maryland school district was able to identify a trend in math and science performance of middle school students who came from two elementary schools. After looking at the assessment results and the demographic make-up of the student population, they were able to use the waiver authority to implement comprehensive planning and greater resource coordination. The result has been improved reading and math instruction for this school district's elementary and middle school students.

Our nation's schools will face many challenges in the next century. Dilapidated school buildings, overcrowding in the classrooms, and a shortage of qualified teachers will place great demands on our country's educational systems. While Ed-Flex alone will not solve all of these problems it can ease the burdens placed on our educators so they can rise to meet the challenges of the future. I am pleased to vote in favor of final passage of the Education Flexibility Partnership Act which expands this successful program so that all states, not just twelve, have the opportunity to waive Federal requirements that present an obstacle to innovation in their schools.

I thank Senators FRIST and WYDEN for re-introducing this effective tool of reform. I believe this bipartisan approach is a step in the right direction towards helping our nation's schools achieve positive results.

Mr. THOMPSON. Mr. President, I rise today to express my support for the Education Flexibility Partnership Act of 1999, better known as Ed-Flex. This bill will help to restore the proper respect for the ability of states and local communities to educate our children. I applaud the work done by my colleagues, BILL FRIST and RON WYDEN,

and I am pleased to join them as a cosponsor of this bill. Ed-Flex is a common sense, bipartisan, cost-effective approach that empowers states and local communities to put their focus where it belongs—on educating our children, not on complying with federal mandates.

The principle of federalism is vital to our democracy. This principle holds that the Federal Governmental has limited powers and that government closest to the people—states and local communities—is best positioned to serve the people. Our Founding Fathers had serious concerns about the tendency of our government to centralize power and to encroach on a state's ability to improve the lives of its citizens.

This federal encroachment has been particularly pronounced in the area of education. The U.S. Constitution assigns Washington no responsibility at all for education. Indeed, for its first two centuries, America's Federal Government understood that the 10th amendment left responsibility for education to the states. America's education system works best when parents, teachers, and local school officials, who know our students best, make the decisions about where a school spends its money. But as federal involvement in education increased since the 1960's, Washington began to regulate how our schools spend their funds. Even after all these new regulations, America's dropout rates are near 40 percent in many urban areas, three-fourths of all 4th graders in high-poverty communities cannot read at a basic level, and our most disadvantaged communities remain in need of real education reform.

Americans understand that Washington can't possibly know what is best for a particular student in Memphis or in Los Angeles or in Miami. Patrick Jacob of Germantown, TN, wrote to me earlier this month to remind me that when the Federal Government tells our schools how to spend their money, it reduces the community's ability to take responsibility for educating our children.

There are real solutions in education and they are coming from states from Texas to North Carolina and Arizona and from cities from Milwaukee to New York. However, federal regulations often prohibit states from expanding these reforms. Ed-Flex will give state and local school officials greater freedom from burdensome requirements of federal education statutes or regulations that impede local efforts to improve education. For example, if the parents, teachers and leaders of a particular school district decide that additional money is needed for reading instruction, that school district should not be precluded from shifting its resources to achieve that goal. Ed-Flex will free our schools to make more of these critical choices for themselves. Ed-Flex costs American taxpayers nothing. And instead of sending another unfunded mandate down from Washington, it provides our states with what governors from both parties asked us for when they came to Washington last week—flexibility.

I urge my colleagues to join me in supporting this important legislation.

Mr. BINGAMAN. Mr. President, I rise in support of final passage of S. 280, the Education Flexibility Partnership Act of 1999 and would like to take a brief moment to describe my reasons for supporting this legislation. Despite serious concerns about the amendments that will be offered here on the floor today, I am voting for this legislation as a strong supporter of both increased federal flexibility and additional federal funding for special education.

First and foremost, I am in favor of making federal education programs as flexible as possible. Over the years, requirements and regulations in many areas have crossed the line from responsible monitoring to redundant paperwork. Much has been done in recent years to lessen administrative burdens and eliminate federal regulation. However, I strongly believe that federal education programs need to go farther in to set clear goals and then provide as much flexibility as possible to local policymakers, as well as principals and classroom teachers.

To that end, this bill will allow schools in all 50 states to apply for waivers from a set of state and federal education laws. I voted for expanding Ed-Flex in 1998, and I am proud to have supported creation of the demonstration program that gave New Mexico this flexibility three years ago.

I am also supporting this bill because I am a strong advocate of increased funding for special education. Special education provides specialized services to students that can require significant additional costs to schools and local school districts. These services are essential to these students, and the federal government should do its part to support these efforts.

During the past 3 years, I have worked with my colleagues in the Senate to help increase funding for the Individuals with Disabilities Education Act by billions of dollars. My goal, as stated in the IDEA statute, is that the federal government meet its commitment to IDEA funding by providing 40 percent of the costs of educating special education students. And this bill sends a strong signal that additional funding in FY2000 and beyond is required for IDEA grants to states.

For these reasons, I am voting in favor of final passage. However, I will carefully watch the final legislation that is produced by the conference committee on S. 280 before deciding how to cast my final vote before this bill is sent to the President.

For example, in my view it is unfortunate that the final version of this legislation could have the unintended and unnecessary effect of diverting funding from the new class size reduction program started last year. Under this program, New Mexico is slated to receive $9.6 million in FY99, which would allow schools around the state to hire more than 250 teachers.

There is no reason that the Senate cannot support this program as well as increased funding for IDEA. In fact it would have been preferable to have extended the authorization for the class size reduction program so that these efforts could continue into the future. I am concerned that, by merging two viable streams of funding into what is in effect just one source, the overall amount of funds awarded for education may not increase as much as is needed.

Because of these concerns I voted against several amendments to S. 280 that would make schools decide between the special needs of disabled students and the clear imperative to lower class size in the early grades. Ideally, there would be two strong programs that would both receive the funding they deserve.

I am also concerned that the Senate version of this legislation may not have sufficient accountability measures to go along with the expanded flexibility that is in the Ed-Flex bill. The taxpayers expect us to account for the roughly $15 billion per year that is sent to local schools, and in my view there should be stronger measures of performance and review in the final conference report.

Finally, it is extremely unfortunate that this version of the bill does not create the national dropout prevention program that I had offered as an amendment. This amendment, which passed last year by 74 to 26, would address the fact that 500,000 students drop out of school each year. There is no funded program to help lower dropout rates. And yet students in too many schools have just a 50–50 chance of graduating. Those that don't will earn less, be more likely to need public support, and more likely to get involved in crime. That affects all of us, not just the individual students.

It is my hope that some of these concerns can be addressed during the conference between the House and Senate.

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

Mr. KENNEDY. Mr. President, how much time do I have.

The PRESIDING OFFICER. The Senator has 6 minutes 24 seconds.

Mr. KENNEDY. I yield myself 6 minutes, Mr. President.

Mr. President, in the last 3 or 4 weeks, we have heard our majority leader on three different occasions indicate that the most important issue we are going to address in the early part of this session was education. Over the period of the last 6 days, we have tried to debate a number of the ideas that we have on this side of the aisle, and certainly there ought to be the opportunity to debate amendments from the other side of the aisle as well.

We have tried to do that, but have been effectively closed out from that opportunity.

I would like at this time, to read a statement by Senator PATTY MURRAY, who, because of a death in the family, will be unable to be here to make this representation in the final few minutes of consideration before we go into a series of votes—the most important being the time-sensitive issue of smaller classes for grades K through 3. This is what Senator MURRAY says:

Mr. President, I want to express how deeply disappointed I am. The Senate had a tremendous opportunity to work together to make a tangible difference in our children's lives and their futures. But instead, Republicans have chosen the path of partisanship and division.

Last October, the Senate reached a bipartisan agreement to reduce class size and improve teacher quality. Republicans and Democrats worked together to reach a compromise that is sending funds to local school districts this July. We did it because we knew it was the right thing to do. That simple fact has not changed in the last 5 months.

So I am absolutely baffled about why we could not reach this agreement again. The Senate's failure to pass this amendment was irresponsible and inexcusable.

The Senate Republicans have broken their promise to teachers, to parents, and worst of all, to children in the first, second, and third grades across the country.

The Senate Republicans are hoping that this issue will just fade away, but the education of our children is far too important for me to allow that to happen. I will be back for as long as it takes to get them to recognize they cannot continue to stall. Until they take real steps to reduce the class size, Mr. President, the Republicans owe the children of this country an explanation.

This is what we heard last fall. At that time, leading Republicans in Congress hailed the class size agreement. House Majority Leader DICK ARMEY said, ''We were very pleased to receive the President's request for more teachers, especially since he offered a way to pay for them,'' effectively supporting the first year of getting smaller class sizes. Republican Congressman BILL GOODLING, Chairman of House Education Committee, declared that the Class Size Reduction Act was ''. . .a real victory for the Republican Congress but, more importantly, a huge win for local educators.'' Senator SLADE GORTON said the same thing about the Class Size Reduction Act, representing the Republicans in negotiation on education, ''On education, there s been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . .''

Now before the Senate we have the amendment of the Senator from Washington, to fulfill that commitment—which Republicans were taking credit for 5 months ago—and we are being denied this opportunity.

We will have a chance this afternoon to vote on it. This is the time, today is the day, where the U.S. Senate can go on record for smaller class sizes in grades K–3. Today—today is the day to do it.

I say to my good friend from New Hampshire, all of us are very concerned about our nation's children. We, on this side, do not yield that there is anyone who is more concerned about those needy children in our local communities. The fact of the matter is that his battle is not with us—it is with the Republican leadership that supported this program 5 months ago.

Special ed educators all over this country are supporting the Murray amendment. Why? Because they think you can serve special needs children in many different ways, not just in targeting money for a particular funding program, but in smaller classes. We put that in the record. So we reject this idea that we are pitting one group of children against another, which effectively is what the Republican amendments are doing.

Mr. President, today in just 8 minutes we will start a series of votes. They are on amendments that can make a major difference in student achievement. They are supported by parents, local school boards, principals, and teachers all across this Nation for smaller class size, expanding afterschool programs, reducing drop out rates, and ending social promotion. We have a chance on the floor of the U.S. Senate, to take votes and declare that we want action in those areas. That is what we are trying to do. We have been trying to do it for 6 days and have been denied that through parliamentary mechanisms of our Republican friends.

I hope those Americans who care so deeply about those issues know how important it is to the children of this country. It is intuitive. Every parent knows if you have a child in a smaller class the child is going to do better. We have an opportunity to do something about that and I hope this afternoon we will have a strong vote in support of the Murray amendment—the children in this country deserve it.

I reserve the remainder of my time.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Tennessee, the sponsor of the bill.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, it is an exciting day because education in the United States is off to a fresh start. The underlying bill, which I am hopeful and confident will be passed later today, does something that previous bills out of this body did not do, and that is cut redtape. It combines flexibility and allows local innovation, local creativity to emerge, with strong accountability built in to give our students—and that is the purpose—to give our students the best chance to receive a solid and a strong education to prepare them for the millennium which is just around the corner.

Ed-Flex is not a panacea. We have been very careful, as sponsors of this bill, to point out it is not a panacea to our Nation's educational systems' woes, but it is a strong bipartisan, bicameral first step. It is a first step to unshackle the hands of our teachers, to unshackle the hands of our administrators, of our principals—all who are working hard every day to educate our children. You look around at the success of Ed-Flex, whether it is just around the corner in Phelps Luck School in Maryland where waiver authority was granted to reduce class size, or in Kansas where Ed-Flex has made it possible to implement all-day kindergarten, or in many of the States that have access to Ed-Flex now to reduce paperwork. After today, coupled with the passage in the House of Representatives just a few hours ago, and ultimately to be signed by the President, we can give these opportunities to all States, to all children, to all schools in this country.

I am proud to have been an original author and original sponsor of this particular bill. I am very appreciative of the manager and his conduct of the floor proceedings over the last several days, and I especially want to thank the Governors with whom I have worked very closely over the last several weeks to accomplish passage of this bill. I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Maine 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman and again commend Senator FRIST, chief sponsor of this legislation, and the chairman of the committee. I am pleased to join with them in this effort.

Mr. President, the question before us is simple. This is not a question of who is for better schools; this is not a question of who is for putting more Federal resources in education; because both Democrats and Republicans alike share those two goals. The question before us is whom do you trust to make education decisions? Should education decisions be decided in Washington? Should every Federal dollar be attached to a string? Or should we trust the people at the local level—our school board members, our teachers, our parents, to make the best decisions for the students in local schools? To me, the answer is clear. We should increase the Federal commitment to education, but empower local school boards, teachers and parents to make the best decisions in keeping with the needs of their communities. That is the question before us.

The second question before us is, Is the Government, is Congress, going to keep its promise with regard to funding special education? I say the answer to that should be yes. Let's keep the promise that was made more than 20 years ago when Congress passed the legislation mandating special ed. Let's keep our promise. Let's fully fund that important program before creating a whole lot of new categorical grant programs with strings attached. That is the debate.

Everyone here is for better schools, better teachers, but that is not the issue.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 1 minute 50 seconds.

Mr. JEFFORDS. I yield the remainder of my time to myself.

I have noticed over the years with my good friend from Massachusetts, that the weaker his arguments, the louder the volume. He exceeded all my expectations today.

My Democratic friends have a number of amendments that will be coming up for votes shortly. As I have pointed out this week, we will be considering the reauthorization of the Elementary and Secondary Education Act this Congress. The Committee on Health, Education, Labor, and Pensions has already held several hearings on the ESEA, and many more are in the works. I will oppose all amendments that are relevant to the Elementary and Secondary Education Act. I will do this, not because I am callous to these issues, in fact, I ve championed them, but because these amendments should be discussed in the normal committee process. I will, however, support amendments that are designed to let local educators direct more money to special education. The reauthorization of special ed occurred last year, and it is open to have more money. The amendment I introduced on behalf of Senator LOTT and others will provide local communities with a choice regarding how much they will use their share of the $1.2 billion included in last year's omnibus appropriations bill for education.

Under our amendments, a school system may use the funds either to hire teachers or to support activities under the Individuals with Disabilities Education Act. What fairer system can you have under the circumstances? That is all we are doing. We are saying give them an option, give the locals an option: More teachers or more money for special ed. Our amendment will permit local school officials themselves to decide whether they need more money to educate children with disabilities or whether they need funds to hire more teachers.

In Vermont, I am betting the funds will be used for IDEA. Time and again, Vermonters have made clear to me that special education funding is far and away the most pressing need of our communities. And time and again, Vermonters have pressed me to find out whether the Federal Government will honor its promise to pay 40 percent of the costs of special education. We are fortunate in Vermont to have already achieved the small class sizes which the President is trying to promote with his teacher hiring program. We do not need more. We need more money for special ed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has 24 seconds.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the concurrent resolution.

Mr. KENNEDY. Is it appropriate or is it in order to ask for the yeas and nays on all of the amendments this afternoon? I ask unanimous consent that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Is there an objection to the Senator's request? Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second on the amendments en bloc?

There appears to be a sufficient second.

The yeas and nays were ordered en bloc.

CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on Senate Concurrent Resolution 5.

The clerk will report the concurrent resolution.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. On this question, the yeas and nays were ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

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. 38 Leg.]

YEAS—98

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

NAYS—1

Byrd

NOT VOTING—1

Murray

The concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 5

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir Arafat that, in his words, ''all outstanding issues relating to permanent status will be resolved through negotiations'';

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian State, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Senate continued with consideration of the bill.

AMENDMENT NO. 60

The PRESIDING OFFICER. The question is on amendment No. 60 offered by Senator JEFFORDS for the majority leader. There is 5 minutes of debate equally divided. Who yields time?

Mr. JEFFORDS. It is my understanding the yeas and nays have already

been ordered on all of these amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. JEFFORDS. I yield myself 2½ minutes.

Mr. President, I urge a ''yes'' vote on this amendment for your local school districts. This is the most important amendment you will have this afternoon. I emphasize that this is extremely important for your local school districts.

The pending amendment would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act. It would allow any local educational agency the choice of using its share of the $1.2 billion provided under those provisions either to hire teachers or to carry out activities under part B of the Individuals with Disabilities Education Act, IDEA.

We reauthorized IDEA last year, and this is the perfect time to do this. Local school officials would have the opportunity to determine which of these two activities is a greater need for their schools, and to spend the additional funds accordingly.

In addition, the amendment contains a finding that reemphasizes a simple fact—full funding of IDEA would offer LEAs the flexibility in their budgets to develop class size reduction, or other programs that best meet the needs of their communities.

I believe this approach offers a good middle ground. It is a compromise between those of us who are urging we live up to our promises, with respect to IDEA funding, and those who believe we should undertake a massive new effort to hire teachers for local schools.

I urge all of my colleagues to support this amendment. I think it ought to be unanimous.

Mr. KENNEDY. Mr. President, last year we made a bipartisan agreement to support the hiring of additional teachers. We had a $500 million increase in IDEA and $1 billion increase in terms of the teachers, including special needs teachers.

Communities need funds both for IDEA and smaller classes—and for other top priorities too. We can reduce class size and give children with disabilities a better education. There is no reason to choose one or the other—both are priorities and both can be met.

Every local community in this country is trying to decide whether they are going to hire additional teachers within the next few weeks. If we say now we are going to accept the Lott amendment, you are emasculating this particular provision, which the local communities have been basing their judgment on, and saying, no, that isn't what you are going to do, you are going to have to come up with a new kind of a program.

If we make a commitment to a local community that permitted them to hire general teachers or special needs teachers, I daresay one of the principal reasons that the special needs community supported this amendment last year was because we added that specific provision. We are saying let us, let the local communities live out the bipartisan commitment that we made to them 5 months ago. They can make that local judgment depending upon the needs of the community.

How can you have greater flexibility than that—rather than overturn the whole proposal that was out there and dump this on the school committees that are all finalizing their budgets in the next few weeks?

I hope that the amendment would not be accepted.

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 9 seconds.

Mr. JEFFORDS. I reiterate what I said before. If you want flexibility, vote yes. This amendment gives the local communities total flexibility to meet the needs they have. If you want to limit them down to one thing, hiring new teachers, vote no.

All of our schools want total flexibility, especially in order to have money for special education. We have promised them 40 percent, but have given them 11 percent. We are the cause of the terrible problems local schools have in trying to do what they can to improve their school systems.

I urge a ''yes'' vote.

Mr. KENNEDY. This is the language:

> . . . to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement of both regular and special needs children.

That is defined as ''providing professional development to teachers, including special education teachers and teachers of special-needs children. . . .'' We already have it. The local school communities are committed to making their own judgment and decision. Why are we turning that all over, Mr. President, now in the final hours of this? It makes absolutely no sense whatsoever. The special needs community supported that amendment last year.

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

The PRESIDING OFFICER (Mr. ENZI). Does the Senator yield his time?

Mr. JEFFORDS. I yield back my time.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll to determine the absence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 5]

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

The PRESIDING OFFICER (Mr. VOINOVICH). A quorum is present.

Mr. KENNEDY. I move to table the Lott amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President——

Mr. KENNEDY. Mr. President, I made a motion to table, and I asked for the yeas and nays. It is not debatable. I asked for the yeas and nays on the motion to table. I made a motion to table, and I have asked for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The motion has been made to table.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Mississippi. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—38

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

NAYS—61

Abraham	Breaux	Campbell
Allard	Brownback	Chafee
Ashcroft	Bunning	Cochran
Bennett	Burns	Collins
Bond	Byrd	Conrad

Coverdell	Helms	Roth
Craig	Hutchinson	Santorum
Crapo	Hutchison	Sessions
DeWine	Inhofe	Shelby
Domenici	Jeffords	Smith (NH)
Dorgan	Johnson	Smith (OR)
Enzi	Kyl	Snowe
Fitzgerald	Leahy	Specter
Frist	Lott	Stevens
Gorton	Lugar	Thomas
Gramm	Mack	Thompson
Grams	McCain	Thurmond
Grassley	McConnell	Voinovich
Gregg	Murkowski	Warner
Hagel	Nickles	
Hatch	Roberts	

NOT VOTING—1

Murray

The motion to lay on the table amendment No. 60 was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. 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 question is on agreeing to amendment No. 60.

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 Washington (Mrs. MURRAY) is absent because of a death in the family.

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

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

[Rollcall Vote No. 40 Leg.]

YEAS—60

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

NAYS—39

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

NOT VOTING—1

Murray

The amendment (No. 60) was agreed to.

AMENDMENT NO. 64

The PRESIDING OFFICER. Under the prior order, we are now on amendment No. 64. There are 5 minutes equally divided.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Am I correct that the 5 minutes is for debate only?

The PRESIDING OFFICER. That is correct, the 5 minutes is for debate only. It is equally divided.

Who yields time? The 5 minutes is equally divided.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is the Murray amendment. Senator MURRAY is not here today, due to a death in the family, otherwise, she would be making the presentation at this particular time.

Basically, the Murray amendment builds on what was agreed to in the budget last October by providing 6 years of funding. It gives certainty to school boards all across the country that we are making a national commitment to see smaller class size in schools all across the Nation.

In the President's budget, there is $11 billion that is effectively allocated for this particular purpose. It follows the pattern that was agreed to last year that states if a particular district has already achieved 18 students, they can use the funds for professional enhancement or for special needs children. That is why it has the support of the special education community.

This amendment has the wholehearted support of all the school boards, of all the parent-teacher organizations, of the school teachers and local authorities across the Nation. It is a major national effort to try to get smaller class sizes.

We are going to need 2 million teachers over the next 10 years. This is only going to provide 100,000, but it will make sure that they are well-qualified teachers. It will place support the early grades, which ought to be our priority. I hope it will be accepted.

It also includes, Mr. President, the sense of the Senate that the budget resolution shall include an annual increase for the IDEA part B and funding so that the program can be fully funded within the next 5 years. So, we are committed to that as well. And it also says these increases shall not come at the expense of the other education programs.

If you support this amendment, you are also supporting a commitment to fund the IDEA over the period of the next 5 years.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will not support the amendment offered by my colleagues from Washington and Massachusetts.

First and foremost, the 100,000 teacher proposal is flawed. It puts quantity over quality. There is little or no emphasis on improving teacher quality in the proposal. Yet, the research shows with certainty that the quality of the teacher leading the class is significantly more important than the size of the class.

Furthermore, adopting a new, untested, multi-billion dollar program without hearings or local input is no way to make good public policy. We have begun the process of reauthorizing the Elementary and Secondary Education Act, and we should examine this proposal during consideration of that bill. I give my assurance to my friends on the other side of the aisle that I intend to fully examine this question. But the proper way to do it is under the orderly committee process. We are in the middle of that right now. We have begun the process of reauthorizing the Elementary and Secondary Education Act, and this issue should be appropriately addressed during this process.

So I inform my colleagues that I will, at the time of the vote, move to table the amendment.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I am pleased to join with my colleagues Senator MURRAY, Senator KENNEDY and others in introducing this Class Size Reduction amendment, which builds on last years successful effort towards reducing class sizes in grades 1–3 to 18 or fewer students nationwide. Last year, President Clinton proposed this historic initiative and Congress approved a down payment on this request last year, providing a $1.2 billion appropriation to help communities hire approximately 30,000 teachers nationwide.

Under the initiative enacted into law last year, school districts will begin to receive funding this July 1 in order to hire teachers to begin reducing class size this fall. While last year's appropriation provided an important start on this seven year initiative, the amendment before us gives us a chance to support effective local planning by giving school districts the confidence they need that funding will be available under this initiative for future years.

The average U.S. class size is 24 students with some as high as 30 students per class. A consensus of research indicates that students attending small classes in the early grades make more rapid educational progress than students in larger classes and that those achievement gains persist through at least the middle grades. More specifically, class size reduction leads to enhanced teacher-student quality relationships, higher student achievement, solid foundation for further student learning, and the ability of students to read independently by the end of the 3rd grade.

Mr. President, there are 3,750 schools in my state of Michigan. Some of these schools have been fortunate enough to reduce some of their classes in the early grades. Last month, I visited about a dozen of them, witnessing first

hand the benefits of smaller classes. I also visited several of the numerous schools in my state that are disadvantaged by large class sizes. For example, at the Calvin Britain Elementary School in Benton Harbor, where the student to teacher ratio is higher than the national average, teachers worry that they are not able to identify their students' learning needs. When I asked 2nd grade teacher Louise Hufnagel what it would mean to reduce her class of 26 down to 17 or 18, she said, ''It would make a world of difference. A lot of the children have special needs and it would make it easier to give them the individual attention they need.''

At East Leonard Elementary School in Grand Rapids, principal Tina Barwacz said she is convinced that lower class size improves academic performance. Teachers there are now giving more personalized attention to their students because their classes are smaller. Third grade teacher Dan Mayhew, with 17 students this year down from 23 last year, says that now he can get to each student more often and make sure the individual masters the standards and the core curriculum. Another third grade teacher, Sharon Uminski, with 17 students this year, down from 28 last year, says she gets to know her class better, including learning faster students strengths and weaknesses. She went on to say that it also allows her to initiate remedial education in a subject when necessary on an individual basis; and that she encounters less discipline problems resulting in more class time for instruction. First Grade teacher Teresa Guinnup who had 25 students last year and 17 this year says now she can talk to each child and check his or her ability. The students told me that they like smaller class sizes because it was easier to concentrate, there was more room and some kids get to sit at their own desk.

At Winchell Elementary School in Kalamazoo where some classes have gone from 29 down to 17, teachers are seeing major improvements in their pupil's reading skills. First grade teacher, Mary Trotter, who had 28 students last year and has 19 this year said, ''I'm able to give children much more individual help. It's a dream.'' First grade teacher Kitty Wunderlin who had 29 students last year and 19 this year, said ''it is divine to have 19 students. I can give them one to one attention. With 29 students I felt overwhelmed.'' And, first grade teacher Kathie Gibson told me, ''I've seen great gains in my students reading skills this year.''

In Lansing, at Harley Frank Elementary School, kindergarten teacher Mrs. Zimmerman, who has been teaching for 34 years and who last year planned to retire until she heard class sizes were going to be reduced, said that she now has more control over her class, the kids are happier and more adjusted and in short, they are able to learn more. With smaller classes, teachers can assess each student's progress in a more timely manner and students develop more interest in learning, all of which create higher student achievement.

Many other direct experiences of teachers and students were shared with me. For instance, at Merrill Community Elementary school in Flint, which started a class downsizing program five years ago for grades K–4. Before this program began, their student to teacher ratio was 30–1. One teacher, Mrs. Stephanie Thibault told me that ''having 30 first and second graders in a classroom was overwhelming and exhausting.'' Teachers would literally find themselves counselling some of their students in the hallways because their buildings and classrooms were so overcrowded. After the implementation of their new program, that ratio changed to 17 students to 1 teacher, and listen to the difference expressed by Mrs. Thibault. She exclaims ''As a teacher, my role has expanded beyond instruction. Having a 17–1 ratio allows me to know my students and their families better, allows me to personalize learning tasks for each child and it gives me opportunities to provide one-on-one help. Students benefit because they receive the attention and caring they deserve.''

Because of a class size reduction program, Mrs. Thibault can now give students the instruction they deserve. Isn't that exactly what we should strive for? Our teachers should not be overwhelmed and exhausted at the end of each day. Our students should not be competing with each other to get the attention of their teachers. Each child deserves that attention and caring that teachers like Mrs. Thibault can provide. But some teachers are not capable of providing that teaching environment. Too many of our classrooms are spilling out into the hallways and until we change this by reducing class size, our young people will be at a disadvantage.

When we reduce class size, we not only help our teachers and students, but we meet needs of parents whose children are learning more and performing better in school. When the program to reduce class size first began in the Flint Community School District, test scores for students were low. For the 1994–95 school year, only 8 percent of the students at Merrill Elementary passed the ''Reading/Story'' portion of the Michigan Education Assessment Program, the MEAP test. For that same year, only 26 percent passed the ''Reading/Info'' section and just 10 percent passed the Math portion of the MEAP test. Since the implementation of the program, the students at Merrill Elementary school have seen their scores rise dramatically, and I'm not just taking about a couple of percentage points. Last school year, after just 4 years of smaller class sizes, 54 percent of those elementary students passed the ''Reading/Story'' portion of the test, an increase of 45 percent. In addition, 70 percent of Merrill elementary students passed the ''Reading/Info'' portion, a 44 percent increase and 55 percent passed the ''Math'' section of the MEAP test, a 44 percent increase. In just a few years, these students were receiving more attention in a better academic environment and were simply, learning more.

Let's take the important lessons from these elementary schools in Michigan and apply them to this legislation. We must start reducing class sizes now. If we fail to pass this amendment, reducing class size, we fail the students of Michigan and the rest of the nation.

Ms. MIKULSKI. Mr. President, I am proud to be an original cosponsor of the Murray/Kennedy Class Size Amendment. This amendment continues a major six year effort to help local school districts hire 100,000 teachers nationally. It is one the most important pieces of legislation the Senate will consider this year. This amendment will strengthen our schools today and build a framework for the future.

Last year we made a down payment by including $1.2 billion in the budget for class size. This year, we must continue the fight for our schools and the fight for our kids. We must give our schools the support they need to lower class size. We must get behind our kids by passing this critical legislation.

Last year, we worked together in a bipartisan fashion to reduce class size in the FY99 Omnibus Appropriations Act. Last year we got $1.2 billion in the Omnibus to reduce class size using highly qualified teachers. Nationally, this allowed us to hire some 30,000 new teachers this year. My state of Maryland alone received $17.5 million and will get about 425 new teachers this summer.

Mr. President, I have visited these classrooms and I have talked to these kids. These children have told me over and over again that they want to learn. They have told me they need more individualized attention. I have received letters from kids in school who are begging for our help. They tell me their schools are overcrowded and the teachers can't control the large classrooms. They tell me they are scared to go to school and that they can't learn because the teachers are too busy trying to manage the overcrowded classes.

Mr. President, this is a sad time for our students. A child should never fear going to school. We need to work and work hard to ensure that our efforts are not short circuited because of politics. I have told many teachers and students about the important strides we made last year to make sure they will have smaller and more effective classrooms. These children are excited about having more opportunities to learn. They are eager to learn to read and learn about science and technology. They are excited about all the wonderful possibilities that lie ahead for them with a proper education. But we need to do more. By passing this amendment today, we in the Senate

have an opportunity to prove our commitment to education.

Efforts are already underway in my state of Maryland to reduce class size. I have heard from at least five counties in my state that they have class reduction programs already in place or in development. The schools in Montgomery County, Maryland, for example, are reducing class size for reading at the primary grade level. In the primary grades, they have started a program where there are only 15 students per teacher for a 90 minute reading block. They are also reducing class size in math at the middle and high school levels and have added an extra math teacher to each school to ensure success in algebra. I applaud these efforts, but they need federal help to do more.

These programs started this school year and are being phased in over the next three years focusing initially on low-performing schools. And do you know what these programs will do? They will prepare Maryland kids for the new millennium. They will prepare our children to go onto college and gain the important skills they will need in the future. These class reduction programs are the building blocks that will help prepare our kids to be our future leaders.

The American people are counting on us to help fix an education system which failed so many children. Our education system has been ignored for far too long. If we don't pass this amendment today, we are sending the wrong message to the American public. Because of our efforts last year, our schools will be able to hire new teachers this summer. If we don't pass this amendment, we are telling those school that we are not committed to improving America's education system. We need to continue this effort to provide 100,000 new teachers for America. Let's get behind our kids and pass this amendment.

Mr. KENNEDY. Do I have any time?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute. The Senator from Massachusetts has no time.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. No time remaining.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield back the remainder of my time and 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 yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Murray amendment No. 64. 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 Washington (Mrs. MURRAY) is absent because of a death in the family.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 64) was agreed to.

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

Mr. CRAIG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 66

The PRESIDING OFFICER. Under the previous order, we will now debate Lott amendment No. 66 with 5 minutes equally divided.

Mr. JEFFORDS. Mr. President, this is very similar to the amendment we previously voted on, referred to as the Lott-Jeffords amendment. The pending amendment would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act to expand the choices available to local school officials. They would have the opportunity to determine whether hiring teachers or educating children with disabilities is a greater need for their schools, and to spend the additional funds accordingly.

I am sure that many areas would choose to hire teachers, although I strongly suspect that most communities in my home State would choose to use their funds for IDEA. A number of small States are already at the level of teachers they need, but we are grossly underfunded in taking care of our special needs children. I have heard many times during my trips home, that the current level of funding for IDEA falls far short of the 40 percent we promised in 1975. Full funding of IDEA would offer local school officials the flexibility in their budgets to develop dropout prevention or other programs that best meet the needs of their communities. I urge my colleagues to support this amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, it is very difficult to hear. The Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Connecticut.

Mr. DODD. Mr. President, I rise in opposition to the amendment and do so with a sense of some regret. I offered an amendment a year ago with, in fact, Senator COVERDELL, our colleague from Georgia, on the $7 tax break proposal as an alternative where real money—$1.6 billion—would go toward IDEA.

I think all of us appreciate the fact that many of us over the years wanted to raise our level of support for that program. But in this particular issue, to kind of ask in a sense that we now take needed dollars to try to bring down class size and throw this item in—by the way, I lost on that amendment where we would have had $1.6 billion for IDEA. I got voted down on that proposal. Here we have a real issue of class size.

One of the major problems in IDEA is the learning disabilities. Two-thirds of IDEA kids are learning disabled; primarily speech, and language is the second disorder. That problem is not discovered until the third or fourth grade in most schools. You don't discover that with a younger child.

The irony here, in a sense, is that we are trying to reduce class size, which is what the underlying amendment would do, so that you try to avoid the problems from being created in the first place. Here we are sort of competing against each other. We have a legitimate issue that we are trying to get dollars into, and that is to reduce class size. To the extent that we do that, we are going to reduce the IDEA problem. That is what we ought to be trying to do, instead of creating this false choice out here, in a sense. If you can choose between these dollars, clearly, in many communities, because it is a tax issue, they are going to go with IDEA. The underlying problem with IDEA gets addressed if we reduce the class size.

I urge my colleagues in this particular case—after we increased by $500 million last year IDEA funding—that we reject the amendment. Do what we can in this partnership and bring down class size, which is what most Americans would like us to do across the board, and still work on the IDEA issue and reducing the obligations there.

For those reasons, I urge the rejection of this amendment.

Mr. JEFFORDS. Mr. President, I point out that all we are doing is giving flexibility to States like Wyoming, North Dakota, Vermont, and other States that are already at the reduced class size. Why not let them spend it for IDEA, which is grossly underfunded? That is where the money is really needed. That is where the kids will be helped.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

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

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—61

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

NAYS—38

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

NOT VOTING—1

Murray

The amendment (No. 66) was agreed to.

AMENDMENT NO. 63

The PRESIDING OFFICER. We are now on amendment No. 63. There are 5 minutes equally divided for debate. But before we begin that, we will need to get the attention of the Senate. Will Members in the well take their conversations to the Cloakroom?

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is intended to commit the Federal Government to help local school districts deal with a very serious problem, the problem of students dropping out of school before they graduate. There is no Federal program that is intended to resolve this problem. I hear a lot of talk about how there are other Federal programs. There is no Federal program that is funded that is intended to solve this problem. This amendment would help us do this.

Clearly, this is a major issue in all of our States.

This is particularly an important issue in our States where we have large numbers of Hispanic students. The dropout rate is 30 to 50 percent among that community.

I yield the rest of the time to the Senator from Nevada who is a cosponsor on this amendment.

Mr. REID. Mr. President, we have over 1 million people, men and women, in prison in this country. Let's round it off and say we have 1 million people in prison, and 820,000 of those people in prison, men and women, have not graduated from high school. If there were no better reason to do something about the dropout problem, that would be it. We have to keep young men and women in school. Three thousand children drop out of school every day, 500,000 a year. This amendment would do nothing to take away from local school districts absolute control as to how they handle dropouts, but it would give them additional resources and assets they now do not have.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am reluctant to oppose this amendment because I have such great empathy and sympathy for the problem, and, because I respect the Senator from New Mexico a great deal. We have worked together on so many programs and problems over the years, and we will continue to do so. And I respect his judgment. However, to address this issue at this time is not appropriate. This is a program already in existence, though obviously, not working well. The program is within the Elementary and Secondary Education Act. I am dedicated to working closely with the Senator from New Mexico to find out how and what we should do to amend existing programs in order to have better dropout programs. So I hope he would understand that, and that by opposing this amendment, which I will move to table eventually, I am not doing anything other than saying wait—wait until we go through the reauthorization of the ESEA this year. We are going to hold hearings and make sure we do the best thing possible to solve the dropout problem.

Right now, I cannot accept this amendment. I retain the remainder of my time.

Mr. BINGAMAN. Mr. President, is there additional time?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute. The Senator from New Mexico has no more time.

Mr. JEFFORDS. That is all the time that is available?

Mr. President, for the reasons that I have stated, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Mexico, Mr. BINGAMAN. 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 Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 63) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, let me explain what we intend to do on this side of the aisle. I intend to arrange for a voice vote on the next two amendments. They are Lott amendments. They are very similar to the ones that we had before. I do not believe it is worthy of time to get votes on those, because that dye is well cast by the previous vote.

AMENDMENT NO. 67

Mr. JEFFORDS. The amendment we have now is Lott No. 67. Fulfilling a

promise is not as exciting as raising new expectations with new programs. We don't get much press coverage, presumably, for doing the right thing, but if we fulfill our obligation to fund IDEA, State and local agencies will be able to target their own resources toward their own, very real needs. These may be needs for afterschool activities, or for dropouts, or for any number of the pressing needs facing our Nation. All of this is going to be discussed in the reauthorization of the Elementary and Secondary Education Act.

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

The PRESIDING OFFICER (Mr. GORTON). Are there further remarks on amendment No. 67?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Just a point of information, is this the Boxer amendment that the Senator has just spoken against?

Mr. JEFFORDS. This is the Lott amendment.

Mrs. BOXER. Fine, I will withhold.

Mr. JEFFORDS. Mr. President, I ask to vitiate the yeas and nays.

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

The question is on agreeing to amendment No. 67.

The amendment (No. 67) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. 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 California.

AMENDMENT NO. 65

Mrs. BOXER. Thank you, Mr. President. In 2½ minutes I hope to convince my colleagues to support this afterschool amendment.

The Senator from Vermont said it is not so exciting to fund new programs. This is not a new program. This is a tried and true program. This is a program that works. This is a program that we all agreed we would spend $200 million on last year. The response in the community has been overwhelmingly positive and we need to fund it at a greater level.

What we do in this amendment is authorize the same amount of funding that the President has put in his budget; $600 million would accommodate over 1 million children. Look at these children, look at their faces, look at how they are involved with a mentor after school. After school programs keep children like them from getting into trouble by involving them in positive activities. We can see here, if we look at this chart, that the time when juvenile offenders commit violent crimes is during the after school hours. You do not need a degree in criminology or sociology or psychology to understand that youth offenders are more likely to commit crime or become involved in criminal activity when they are home alone or unsupervised. We see criminal activity among youth peaking here at 3 p.m., when schools let out. Gradually, as the hours move into the early evening and parents come home, the peak drops. Additionally, law enforcement supports afterschool programs. We call this particular amendment an anticrime amendment. It has been endorsed by police athletic leagues from across the Nation. Members have been calling in favor of this amendment. Here is the list of the many law enforcement groups, just a handful of them, to show you how popular this program is.

Who supports afterschool programs in America? In a recent poll, August of 1998, 92 percent of Americans support afterschool programs. After school programs are anticrime, pro-education, pro-community, and make common sense. Again, I hope Senators will vote in favor of afterschool programs. This is not a new program. I thank my colleagues for their attention.

Mr. LEVIN. Mr. President, I am pleased to cosponsor this legislation to provide quality after school programs for our nation's youth. There are 23.5 million school-age children who have working parents, and of these children, 5 to 7 million are considered ''latchkey'' kids, or children who are alone at some point in the day.

Mr. President, law enforcement statistics show that from the hours of 3:00 p.m. to 6:00 p.m., students between the ages 12 to 17, are more likely to commit violent acts or be the victims of violent activity. We know that they are more likely to engage in these activities if young people are without adult supervision. According to a report published by the U.S. Departments of Education and U.S. Department of Justice in June of 1998, entitled Safe and Smart: Making After School Hours Work for Kids, ''first and foremost, after school programs keep children of all ages safe and out of trouble.''

There is no question that afterschool programs keep most kids out of trouble, unfortunately, there are not enough of them to keep all kids on the right track. According to findings of Mr. Herbert Moyer of the Michigan State Board of Education, which were published in the March 10, 1999 Oakland Press:

> More than 80 percent of parents want their children to attend an after-school program, but only 30 percent of elementary and middle schools offer such programs. After-school hours are when juvenile crime rates triple and youth without positive alternatives may do drugs, smoke, drink or engage in sexual activity . . . eighth-graders who are left unsupervised for 11 hours or more a week are twice as likely to abuse drugs or alcohol as those under adult supervision.

Mr. President, this amendment would make a substantial effort to resolve that problem. By increasing the appropriations for the 21st Century Learning Centers program to $600 million, a three fold increase over last year's funding, public schools will be able to develop after school centers for children that provide educational, recreational, cultural, health and social services. Specifically, activities and services may include: Literacy programs, telecommunications and technology education programs, mentoring, academic assistance, job skills assistance, expanded library services, nutrition and health programs, summer and weekend school programs, services to individuals with disabilities, drug, alcohol, and gang prevention.

Last year, 21st Century Community Learning Centers grants were awarded to four school districts in my State. Schools in Armada, Benton Harbor, Grant Rapids and the Highland Park School have received these grants. I would like to share with you some of the possibilities that these grants can provide to local school districts around my state and nationwide.

In the Armada Area Schools, the district planned a virtual network of middle school computer centers (called ''clubhouse''). The centers are meant to increase student engagement in learning through computer use; foster collaboration among students, schools and communities; and develop a model of statewide collaboration through the sharing of resources.

The Benton Harbor Area Schools planned to partner up with local community groups and Western Michigan University to provide Community Learning Centers, which are established to assist middle school students in developing literacy and technology skills and they plan, produce, and present constructive projects that deal with community-wide issues such as poverty, violence, drug use, and teen pregnancy.

The Grand Rapids Public Schools planned to create four local Learning Centers in its middle schools. The program is designed to operate on afternoons, one evening per week, and several hours on Saturdays and provide enrichment activities, recreational activities, parent and child activities and community support activities.

The Highland Park School District, which collaborated with government, nonprofit groups, and local universities, planned to create two Learning Centers in their area. At these centers, students and community members can participate in academic programs, sports and recreational activities, literacy and family recreational activities.

I would like to applaud the innovative ways in which Michigan educators have provided students with after school programs. These school districts were selected for the 21st Century Learning Centers grants because of their innovative projects in addressing their after-school needs. And, let me say, Mr. President, that Michigan students and parents are lucky to have people like Kathleen Strauss, Vice President of the Michigan Board of

Education, who has championed the cause of after-school programs for our youth for many years. We are also lucky to have such dedicated educators, especially in Armada, Benton Harbor, Grand Rapids and Highland Park, who have helped students gain access to computers and new technologies, and to encourage student involvement in the community.

I am pleased that Michigan schools are benefiting from these grants, and am hopeful that the model set by these school districts will encourage the establishment of similar initiatives in communities throughout my state and the nation. I urge my colleagues to support this amendment.

Ms. MIKULSKI. I rise today as an original cosponsor of Senator BOXER's After School Education and Anti Crime Amendment. I am very pleased to support this important legislation with Senator BOXER. One of my highest priorities as Senator is to promote structured, community-based after school activities to help kids stay safe. I will support this amendment for three reasons. First, there is a desperate need in this country for constructive after school programs for our youth. Second, it authorizes increased funding for after school programs. Third, this amendment specifically includes Police Athletic Leagues as part of the after school effort.

Mr. President, America's youth needs our help. Kids need constructive after school activities to keep their young minds healthy and active. In many families today, both parents have to work. And that's if they are lucky enough to have two parents. Many kids are raised by single moms who hold down one or more often, even two jobs just to make ends meet. I talk to single moms in my state of Maryland who can barely get by. Many of them hold down steady jobs while trying to go to school. They are trying to improve themselves so they can get better jobs and take care of their families. These parents can't always be there after school to supervise their children. They cannot leave their jobs at 3:30 when school lets out. They cannot quit their jobs because even if there are two parents working, they still need every dime.

So what do we tell these people to do with their kids after school? What if they aren't lucky enough to have grandparents or aunts and uncles to take care of the kids after school? Most of these parents can't afford the high costs of day care. Do we just blame the parents when their kids get in trouble? No. This is a responsibility for us all. This situation presents a problem for us all. Gangs, drugs, and violent crimes has become an epidemic among our children. These kids are the future of our country. One day, they will be our leaders. Here in Congress we have the ability and the duty to save our youth. And this amendment helps communities build after school programs for our youth.

I also support this amendment because it authorizes $600 million for after school programs. This money will allow 1.1 million kids each year to go to an after school program. In the budget last year, we put $200 million in after school programs. Last year, we made the downpayment. This year, the President has tripled that amount to $600 million. And what will this funding mean? It means that after school programs could get more space. They could hire more staff and add programs and services. It means that these program can serve more young people.

Mr. President, I will also support this amendment because it specifically includes Police Athletic Leagues as part of the after school effort. I have made it a priority to do all I can to help the PAL programs in Maryland. We have 27 PAL centers in Baltimore, Maryland. The first PAL center in Maryland was in 1995, in northeastern Baltimore, located in a transformed convenience store. Our PAL centers were not started with the help of the federal government. The success of this program is due to the hard work of the Baltimore Police Department and the support and involvement of members of the community. But now it's time for the federal government to help fund the PAL centers and the excellent work that they do.

The PAL centers provide adult role models for our kids. They promote character & responsibility. The people there help kids with their homework. They teach them about art, cultural activities and sports. This is all part of our effort to get behind our kids and combat juvenile crime. PAL centers help to make our streets safe and give kids the tools for success. These programs recognize that we need to give kids alternatives to the streets.

Mr. President, after school programs must be a priority. We don't have the luxury of funding after school programs just because we want to do something extra for our kids. After school is not an extra anymore. After school programs are now a necessary fact of life. We need to give kids a fighting chance. I will be fighting to enact this bill into law and I encourage all of my colleagues here to get behind our kids and vote for this amendment.

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

Mr. JEFFORDS. Mr. President, I will likely oppose this amendment because, again, this will be reauthorizing the Elementary and Secondary Education Act. Actually, this program is already part of the law in a way. It is the 21st Century Schools program I got in in 1994. The administration has, by regulation, kind of changed it into an afterschool program. I do not mind that, but I think the 21st Century Schools was much broader and a better program. We can argue this out, and we will have hearings on it and evidence presented during the next few weeks and months. At this point, I would have to oppose the Boxer amendment, and eventually, after time runs out, I will move to table it.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California has 58 seconds remaining.

Mrs. BOXER. Thank you, Mr. President. I will take that time, if I might. I knew I could speak fast, but I did not realize I had left all that time.

Again, I say to my friend, this is a moment, an opportunity for us. We have an education bill before the U.S. Senate. Why would we wait to put more teachers in the classroom? Why would we wait on afterschool programs when, in fact, it is so necessary? Throughout America, people are asking us to act. If you go to the community and say, well, we are waiting for a different vehicle to come before the Senate before we address after school programs, they will look at you and say, wait a minute, we need these funds now. Our kids are getting into trouble after school. We have an opportunity, with a good bill that Senator WYDEN has brought to us and Senator FRIST, to make it even better. I urge my colleagues, please vote in favor of this amendment for afterschool programs.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, again, I just reiterate, this is not the time to be arguing about this. The time is with reauthorization of the Elementary and Secondary Education Act. Therefore, I would strongly urge Members of both sides to vote against this amendment.

Mr. President, I move to table the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. JEFFORDS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment of the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Abraham	Cochran	Gorton
Allard	Collins	Gramm
Ashcroft	Coverdell	Grams
Bennett	Craig	Grassley
Bond	Crapo	Gregg
Brownback	DeWine	Hagel
Bunning	Domenici	Hatch
Burns	Enzi	Helms
Campbell	Fitzgerald	Hutchinson
Chafee	Frist	Hutchison

Inhofe	Nickles	Specter
Jeffords	Roberts	Stevens
Kyl	Roth	Thomas
Lott	Santorum	Thompson
Lugar	Sessions	Thurmond
Mack	Shelby	Voinovich
McCain	Smith (NH)	Warner
McConnell	Smith (OR)	
Murkowski	Snowe	

NAYS—44

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 65) was agreed to.

Mr. JEFFORDS. 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.

AMENDMENT NO. 68

Mr. JEFFORDS. Mr. President, I am going to now ask for a voice vote on Lott amendment numbered 68. This is basically the same amendment we have been voting on. I think I talked to the other side of the aisle and they have no reason not to have a voice vote.

At this point, I ask unanimous consent to vitiate the yeas and nays on Lott amendment No. 68.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. JEFFORDS. Mr. President, let me explain this amendment. Like the previous Lott amendment, this would amend the class size reduction provisions of the fiscal year 1999 Department of Education Appropriations Act to expand the choices available to local school officials. They would have the opportunity to determine whether hiring teachers or educating children with disabilities is a greater need in the schools and spend the additional funds accordingly.

I am sure that many areas will choose to hire teachers, although I strongly suspect that most communities in my home State would choose to use their funds for IDEA, special education. If a locality has a plentiful supply of unemployed qualified teachers and lacks only the funds to hire them, that locale will use the $1.2 billion to hire teachers. If that is not the case, those funds will be put to better use by supporting existing efforts to educate special education students.

I urge my colleagues support this amendment. I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I want to make it crystal clear that I am not in favor of amending IDEA in any significant way, now or in the near future. In the last Congress, members of both the House and the Senate worked hard to bring all sides together to reauthorize IDEA. Now, Congress owes children and families across the country the most effective possible implementation of this legislation.

The amendments enacted in 1997 were the product of comprehensive, bipartisan negotiations involving Congress and the Administration, with extensive public input. The final product involved compromises on many sensitive and complex issues, and it has been widely recognized as a significant improvement of this landmark legislation, to protect the rights of 6 million children to a free, appropriate public education. The Department of Education moved quickly to propose regulations, and the final regulations are expected this Friday.

In many communities, schools are only just beginning to use the tools that are available to them under current law in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral intervention plans for children with disabilities, and to use early intervention in ways that can avoid the need for disciplinary actions at all.

The 1997 changes in the law and the implementation of the regulations under it must be given a chance to work. At this point, it is clearly premature to make substantive changes in the statute. The goal of this Congress should be to give all children the educational opportunity to pursue their goals and dreams. We should not prematurely undermine the implementation of this landmark legislation.

Mr. President, for the reasons outlined earlier, we were prepared to move towards a voice vote.

There is one change in terms of the IDEA regulations. There will be some IDEA regulations with regard to discipline that have been included in this amendment that are generally not objectionable. However, since it does effectively undermine the previous agreement, I hope it would not be accepted.

Mr. President, I have three letters—one from the National Parent Network on Disabilities, the Disability Rights Education and Defense Fund, and the National Organization on Mental Retardation—from organizations that are opposed to this amendment, and I ask unanimous consent they be printed in the RECORD.

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

NATIONAL PARENT NETWORK
ON DISABILITIES,
Washington, DC, March 11, 1999.

Senator EDWARD M. KENNEDY,
Russell Senate Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the board and members of the National Parent Network on Disabilities (NPND) we are opposed to any amendments to the Individuals with Disabilities Education Act (IDEA) now or in the near future. In the last Congress, members of both the House and Senate worked hard to bring all sides together to pass the rauthorization of IDEA. The vote in both Houses was near unanimous in favor of reauthorization.

Tomorrow the regulations to implement this law will be promulgated. With these regulations there is an opportunity to move forward with full implementation of the law. Congress owes the children and families across the country the most effective possible implementation of this legislation.

The amendments which were enacted on June 4, 1997 were the product of comprehensive, bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input. The final product, which involved compromises on many sensitive and complex issues, has been widely recognized as a significant improvement of this landmark legislation, which protects the rights of 6 million children to a free, appropriate public education.

In many communities, schools are only just beginning to use the tools that are available to them under current law in cases where disciplinary action is warranted for a disabled student. Schools have broad power to develop and implement behavioral interventions plans for children with disabilities, and to use early intervention in ways that can avoid the need for disciplinary actions at all.

The NPND represents 147 organizations nationwide that serve parents and families of students with disabilities. NPND provides a voice and a presence at the national level to influence public policy on behalf of its constituents. NPND is opposed to any amendments to IDEA.

Sincerely,

PATRICIA M. SMITH,
Executive Director.

DISABILITY RIGHTS EDUCATION
AND DEFENSE FUND, INC.,
March 11, 1999.

Senator EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY, the Disability Rights and Education Fund (DREDF), is an organization which specializes in disability, civil rights and education law. We are strongly opposed to any amendments to the Individuals with Disabilities Education Act (IDEA).

In the last Congress, the House and Senate worked hard in a bipartisan manner to bring all sides together to pass the reauthorization of IDEA. The amendments which were enacted on June 4, 1997 were the product of intense negotiations involving both chambers of Congress and the Administration, with extensive public input. Parents, family members, educators, administrators and legal scholars came together week after week prior to passage to provide input to assist in crafting this landmark legislation which protects the rights of 6 million children to a free, appropriate public education.

The final regulations for IDEA are going to be promulgated tomorrow. With these regulations, we expect full implementation and enforcement of the law. We believe that it is imperative that Congress allow this law to be implemented on behalf of these students nationwide.

One of the major points of contention in the reauthorization was the subject of discipline. Section 615 of IDEA reflected very carefully crafted language dealing with discipline. In many communities, schools are only beginning to use the tools that are available to them under Section 615 in cases where disciplinary action is warranted for a disabled student. Schools have broad power

to develop and implement behavioral intervention plans for children with disabilities.

Please, as you have done so many times before, continue to fight to protect the rights of children with disabilities and their families.

Sincerely,

PATRISHA WRIGHT,
Director of Governmental Affairs.

THE ARC OF THE UNITED STATES,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, March 11, 1999.

Hon. EDWARD M. KENNEDY,
Ranking Minority Leader, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY, it has come to the attention of The Arc that the Senate intends to vote on the Ed-Flex legislation, S. 280, today. Much to our chagrin, a last second amendment which would amend the discipline provisions of the Individuals with Disabilities Education Act has been added to S. 280. While we know that IDEA funding has been heavily debated during consideration of this bill, there has been no debate on the IDEA discipline provisions. Amending IDEA at this time and under this circumstance is absolutely unacceptable to the disability community and The Arc. The last Congress, after more than 2 years of intense negotiation, made major changes to the IDEA discipline provisions. These provisions have not had a chance to be fully understood and implemented since we still do not have the final regulations to implement these complicated provisions. Further amending IDEA this way is fraught with danger and will lead to considerable more confusion in the education and special education communities. It is simply not the time and the Ed-Flex bill is not the place to amend IDEA. Thus, we reluctantly recommend you oppose final passage of the Ed-Flex bill.

We thank you for your consideration of our views.

Sincerely,

LORRAINE SHEEHAN,
Chairman.

Mr. LOTT. Mr. President, I would like to yield to the Senator from Missouri, Senator ASHCROFT, so that he can explain a provision that he drafted for Amendment No. 68, an amendment that he and I have offered to the Ed-Flex bill.

Mr. ASHCROFT. I thank the Majority Leader for this opportunity to give an explanation of the provision.

Mr. LOTT. It is my understanding that the Senator from Missouri's provision makes an important clarification to a discipline provision within the Individuals with Disabilities Education Act.

Mr. ASHCROFT. Yes, that is correct. I am proposing this provision in response to specific concerns I have heard from Missourians.

Mr. President, a message that I am hearing from parents and teachers and students is the issue of school discipline. For the past few months my staff and I have been looking into this issue to see if there are changes that can and should be made to the Individuals with Disabilities Act Reauthorization legislation, in order to give local schools the flexibility they need to apply disciplinary measures in a fair, uniform, and logical manner. I will have more to say on this issue when the Senate takes up the reauthorization of the Elementary and Secondary Education Act.

But one issue has come to my attention that I believe Congress should address right now, and it involves the issue of a school's ability to discipline IDEA students who carry or possess weapons to or at schools.

Mr. President, I have proposed a provision within Amendment No. 68 which makes an important addition to a provision in the Individuals with Disabilities Education Act. The revision I propose will ensure that the IDEA legislation accurately reflects the intent of Congress that schools should have the ability to place a child with a disability in an alternative setting for discipline situations involving weapons.

Specifically, this provision revises the law to explicitly allow a school to place a child with a disability in an appropriate interim alternative educational setting for up to 45 days if the child carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function. Currently, the law says that a school could take such action only if the child carries a weapon to school or to a school function.

The problem with the current statutory language is that it creates an unintended loophole which could prevent a school from placing a child in an alternative placement if the child at question is in possession of a weapon.

Some school boards in my state have expressed concerns about the language in the IDEA reauthorization allowing a 45 day change in placement of a child who ''carries'' a weapon to school. Schools want to know whether that language means they can change the placement of a child whom they found to be in ''possession'' of a weapon, as well as a child found to be simply ''carrying'' the weapon to school. They are afraid that the language of the statute sets up a distinction that is going to create a big loophole which kids can jump through to avoid the 45 day change in placement.

Right now, there is a situation in a school district in my state involving two students, both with individualized education programs (IEPs). I have been asked not to name the specific school district at issue because proceedings are still pending on this matter. But here are the facts: Student A carried a weapon into the school and gave it to Student B, who then put the weapon into his (Student B's) locker. The school knew that it could put Student A into an alternative placement, since Student A literally ''carried '' the weapon into school. But could the school also change Student B's placement, since technically he didn't ''carry'' the weapon into school, but instead was simply ''possessing'' it?

The school went ahead and also placed Student B in an alternative placement as well. However, the school is now worried that at the pending proceeding, Student B will raise the issue of ''carrying'' as opposed to ''possessing'' the weapon. The school says that it doesn't know how it will be able to get around an argument from the child or his parent that the child did not literally carry the weapon to school.

Surely Congress did not intend to set up such a situation in the 1997 IDEA reauthorization. Surely we intended that schools have the ability to place a child in an alternative setting for up to 45 days if the child possessed a weapon on school premises, as well as carried a weapon to the school. And this is why we should pass this amendment: to ensure that schools have the ability to take the appropriate measures against students when weapons are involved.

I would like to point out that even the Department of Education has acknowledged that the current statutory language ''carries a weapon to school or to a school function'' is ambiguous, and that it was the clear intent of Congress to cover instances in which the child is found to be in possession of a weapon at school.

Now this amendment, if passed, would not apply to the school district in Missouri that is facing this dilemma, since that is a pending case. But we would be addressing this problem for any future situations, providing the clarity that schools, parents, and children need.

Mr. President, schools, teachers, principals, and administrators want and need to be able to treat all students on a uniform basis when weapons are involved. We need to be sure that our laws allow a school to remove any student from the regular classroom if that student is found with a weapon at school. We need to close up any loopholes in the law that would prevent a school from taking this immediate action to maintain a safe learning environment for our students.

Mr. President, I hope that my colleagues will join with me in making this vital addition to the IDEA law, so that schools will be able to exercise the authority we intended to give them to maintain a safe school environment for all our children.

Mr. JEFFORDS. Mr. President, this is an amendment which I think everyone would agree is an appropriate amendment regarding the rules with respect to discipline and carrying a weapon into a school. A decision was made, that the law only applied to those individuals who carried a weapon to the school. But, if the weapon was in the possession of someone within the school, the law did not apply. This would make sure that possession, as well as carrying it in, is a violation. That is why I will obviously support the amendment.

Mr. KENNEDY. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

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 Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—78

Abraham	Edwards	Mack
Allard	Enzi	McCain
Ashcroft	Feinstein	McConnell
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Nickles
Bennett	Gorton	Reid
Bond	Gramm	Robb
Boxer	Grams	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Roth
Bryan	Hagel	Santorum
Bunning	Hatch	Schumer
Burns	Helms	Sessions
Byrd	Hollings	Shelby
Campbell	Hutchinson	Smith NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
DeWine	Lieberman	Torricelli
Domenici	Lincoln	Voinovich
Dorgan	Lott	Warner
Durbin	Lugar	Wyden

NAYS—21

Akaka	Graham	Leahy
Biden	Harkin	Levin
Bingaman	Inouye	Mikulski
Cleland	Kennedy	Moynihan
Daschle	Kerry	Reed
Dodd	Kohl	Sarbanes
Feingold	Lautenberg	Wellstone

NOT VOTING—1

Murray

The amendment (No. 68) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 61

The PRESIDING OFFICER (Mr. SMITH of Oregon). There are now 5 minutes evenly divided on amendment No. 61.

Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to share my 2½ minutes with Senator DORGAN. The amendment before the body right now is a combined amendment. My amendment is on social promotion and provides funding for—

Mr. WELLSTONE. Mr. President, may we have order the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, the amendment before the body is a combination amendment with Senator DORGAN. It is remedial education and a report card amendment. He will speak on the report card provisions. My amendment is on social promotion and remedial education. I hope this is one area this body can agree on; that is, the practice, formal or informal, of promoting youngsters from grade to grade when they sometimes don't even attend school and often fail classes. That is not the way to educate young people in the United States of America.

Increasingly, States are doing away with the practice of social promotion and providing standards and enabling school districts to implement those standards in the basic core curriculum—reading, writing, math, and social sciences.

This amendment tries to provide Federal incentives and Federal help for the remedial education that is necessary to make the abolition of the policy of social promotion a realistic possibility.

So it would authorize $500 million to school districts for remedial education for afterschool, summer school, intensive intervention for students who are failing or at risk of failing. As a condition of receiving the funds, the school districts would have to adopt a policy that prohibits social promotion. District would have to require students to meet academic standards. And they would test students for achievement.

Now, I think the problem is clear. This course of least resistance, of simply promoting youngsters, has really led to declining test scores, failure, frustration, and certainly the inability of many to even fill out an employment application to be able to get a job after graduation.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

So I feel very strongly that the linchpin of reform of the public education system is the elimination of social promotion. But if you eliminate it and you do not provide any help for failing students, it will not work. So this is a small authorization, $500 million to help those students and not just leave them languishing. I very much hope that both sides of the aisle will vote for it.

I yield the remainder of my time to the Senator from North Dakota.

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

Mrs. FEINSTEIN. I am sorry.

Mr. DORGAN. Mr. President, let me ask unanimous consent for 1 minute.

Mr. JEFFORDS. Mr. President, I yield 1 minute to my good friend.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

The second half of this amendment would allow for the opportunity to have a standardized report card on schools—not students, schools. What does it mean if your child gets the best grades in the worst school in the school district? We know about our children. Our children bring home report cards every 6 weeks or 9 weeks. We don't know about our schools.

Do you get a report card on your school? You sure don't. Oh, there are some 30 States that call for a certain kind of report card. Most parents have never seen one. This would suggest that parents ought to be able to understand what they have received from that school with the investment they have made. How does that school compare to other schools? How does your State compare to other States?

That is what this report card proposal would do. It would say, let's do for schools what we do for students, and let's allow parents the opportunity to understand how well their school does in educating children.

I have been joined by Senator BINGAMAN in offering this amendment. We have added it to the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I reluctantly rise in opposition and also will move to table after I finish. But I oppose it only because it should be in the reauthorization act which we are doing for elementary and secondary education. I promise my colleagues that I will work with them to improve programs that make sure that we do a better job in ending the problems we have with so-called social promotion.

How much time do I have?

The PRESIDING OFFICER. Fifty seconds.

Mr. JEFFORDS. I will yield it back. I move to table the amendment.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

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

[Rollcall Vote No. 46 Leg.]

YEAS—59

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

NAYS—40

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 61) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 62

The PRESIDING OFFICER. There are now 5 minutes evenly divided on the Wellstone amendment. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, following is a list of requirements this amendment will make unwaivable under Ed-Flex: providing opportunities for all children to meet challenging achievement levels; using learning approaches that meet the needs of historical underserved populations, including girls and women; provide instruction by highly qualified professional staff; provide professional development for teachers and aides to enable all children in the school to meet the State's student performance standards.

I am for flexibility, but we ought to also have, in addition, accountability. These are the core requirements of the title I program as a part of ESEA passed in 1965. There is a reason for these core requirements. We want to make sure that there will be no loophole so that we give protection to poor children in this country. Right now, this ed flexibility bill, unless this amendment is agreed to, creates a loophole whereby a State could allow a school district to be exempt from these basic core requirements, which is our effort as a national community to make sure that poor children have educational opportunities.

The Ed-Flex bill, if this amendment is not agreed to, could take away opportunities for poor children. I ask for your support in relation to title I, in relation to the vocational education program. This is the right thing to do. If this amendment is not agreed to, this piece of legislation will not be a step forward for low-income children in America. It will be a great leap backward.

Please support this amendment, colleagues.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am sorry that I must disagree with the words of my colleague and member of my committee.

Ed-Flex, as it currently operates, demands accountability of participating States. It is important to keep in mind that accountability has been a part of Ed-Flex since its inception, and the manager's package builds upon those strong accountability provisions. The manager's package, adopted last week, adds the following accountability features: State Ed-Flex applications must be coordinated with the title I plan or with the State's comprehensive reform plan; emphasis on school and student performance; requires additional reporting by the Secretary regarding rationale for approving waiver authority.

It is very important to keep in mind that the Department of Education, the Secretary, is the entity that determines whether or not a State qualifies as an Ed-Flex State. That is retained.

The September 1998 GAO report stated:

> The recent flexibility initiatives increase the amount of information districts need, rather than simplifying or streamlining information on Federal requirements. Federal flexibility efforts neither reduce districts' financial obligations nor provide additional dollars.

For those reasons, I ask my colleagues to oppose the Wellstone amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back the balance of his time?

Mr. WELLSTONE. I do.

Mr. JEFFORDS. Mr. President, I move to table the Wellstone amendment, and I ask for the yeas and nays.

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 62.

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 Washington (Mrs. MURRAY) is absent because of a death in the family.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—57

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

NAYS—42

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

NOT VOTING—1

Murray

The motion to lay on the table the amendment (No. 62) was agreed to.

Mr. LOTT. Mr. President, I believe we are through with the list of amendments and we will be ready to go to final passage.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, the Senate after this vote will be finished for the day. We will not have any recorded votes on Friday, and because we have been able to work out an agreement on how to proceed on the national missile defense issue, we will not have any recorded votes on Monday either. We will be on the bill. We worked it out where we would not have to have a cloture vote on the motion to proceed. I think this is a positive. I want to commend the Democratic leader for working with us on that.

Also, before we vote, I want to say how pleased I am that we have completed this Education Flexibility Act. The managers of the bill have done a good job. We have been through all these votes today and we are going to complete this legislation, and the story will be that the Senate passed a bipartisan education bill that is going to help the children at the local level.

I commend all who have been involved with it, and I am pleased that, as a result of that, we will not have to have recorded votes on Friday or Monday.

I yield the floor.

Mr. KENNEDY. Mr. President, I intend to vote for the Jeffords substitute to the Ed-Flex bill today because it is a small step forward in improving the federal, state, and local partnerships in education. It helps to guarantee that accountability goes hand in hand with flexibility, and that increased flexibility will in fact lead to improved student achievement.

But I'm concerned that we are not fulfilling the 7-year commitment we made only a few months ago to help communities reduce class size. It makes no sense to take a small step forward by passing Ed-Flex, and a giant step backward by breaking the class size commitment.

The National Parents and Teachers Association, the American Federation of Teachers, the Council of Chief State School Officers, and the National Education Association strongly oppose the Lott Amendment, because it undermines the commitment to class size reduction that was approved with broad bipartisan support only a few months ago, and because it pits class size reduction against helping disabled children.

Congress made a specific promise last fall to help schools hire 100,000 new teachers over the next seven years to reduce class size. We should keep that promise, not undermine it, and not put it in competition with IDEA.

School districts can't choose to do what is right for some children and not for others. They must—and do—serve all children. They need a federal helping hand to make sure all children get a good education. We should not force communities to choose between smaller classes and students with special needs. Pitting one child against another is wrong. We should meet our commitment to improving education for all children.

Nothing is more important on the calendar of schools right now than their budgets. Over the next few weeks, schools across the country will be making major decisions on their budgets for the next school year. And in many of these communities, the budgets are due by early April. In Memphis, school budgets are due on March 22. In Fayette County, Kentucky, school budgets are due on March 31. In Boston, Savannah, Las Vegas, and Houston, school budgets are due in the first week of April. In San Francisco, they are due by April 1. In Council Bluffs, Iowa, school budgets are due April 15th. In Altoona, Pennsylvania, school budgets are due in April.

Communities can't do it alone. They want the federal government to be a strong partner in improving their schools—not sit on the sidelines—and certainly not break its promises to help.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We need to act now, so that communities can plan effectively for the full seven years. No school can hire teachers one year at a time. That makes no sense. Communities want to reduce class size—and they need to be sure that Congress will do its part to help them over the long term, as we promised.

I intend to vote for the final Ed-Flex bill to move this defective legislation to the next stage, where I hope we can reach a satisfactory compromise.

Clearly we should not break promises to communities. We should make commitments and keep them. And I will oppose a conference report that includes any provisions to undermine our commitment to reducing class size.

I will continue to work to make sure that we meet our commitments to helping communities give all children a good education. The nation's future depends on it.

I want to thank the leaders, Senator LOTT and Senator DASCHLE, for their courtesy and I want to congratulate my friend and colleague, the chairman of the committee, on his work, too.

I want to thank Danica Petroshius, my education advisor, for her able assistance on this legislation and tireless work, along with Jane Oates, Dana Fiordaliso, Connie Garner, and Mark Taylor, along with my committee staff director Michael Myers.

I also thank Greg Williamson of Senator MURRAY's staff, Suzanne Day of Senator DODD's staff, Elyse Wasch of Senator REED's staff, Bev Schroeder of Senator HARKIN's staff, Roger Wolfson of Senator WELLSTONE's staff, and Lindsay Rosenberg of Senator WYDEN's staff.

And I also thank Sherry Kaiman, Jenny Smulson, and Susan Hattan of Senator JEFFORDS' staff, and Meredith Medley of Senator FRIST's staff.

Mr. LOTT. Mr. President, across our Nation, courageous teachers and school administrators, parents and Governors, are working to find creative ways to ensure that our children receive a world class education. The United States Senate is prepared to promote and support these efforts. Nothing is more important to the future of our Nation that the education of our children.

The ideas we propose today are confident reform, rooted in tested principles, parents, teachers and principals, the ones who know our children best, should have the greatest influence on their classrooms. The needs of America's schools differ from community to community, and we help them most when we empower them to make wise choices for the children in their care. Our money, manpower and energy should be primarily devoted to teaching children, not to filing paperwork and fueling bureaucracies.

These commonsense proposals have broad appeal. They have received strong bipartisan support. Every Democratic Governor in the country supports this bill. Last year, the President promised he would expand the program we are considering today to all fifty States. The bill passed out of committee by a vote of 17–1 last July, and Secretary Riley strongly supported its enactment at that time. There is no reason why the Senate should not quickly pass the bill sponsored by Senators FRIST and WYDEN.

So the question before the Senate is really quite simple. It is not whether we will pass the Ed-Flex bill, for in the end the overwhelming majority of the Senate will support it. Rather, the question is whether the Senate will keep faith with the American people, by working together in a bipartisan fashion, to help America's school children. Republicans stand ready to do just that. The evidence of our commitment is the fact that we offer a bipartisan bill as one of the very first we bring to the Senate floor.

Republicans and Democrats have honest disagreements on many education initiatives. Democrats believe that new Federal categorical grant programs that distribute money to States and counties based on complex formulas are the best way to hire more teachers. Republicans believe that Federal dollars should be sent directly to the classroom so that parents, teachers, and principals can address the unique educational needs of their particular students, whether it be to hire more teachers, to provide special tutors, to buy new books or to teach computer skills. These differing philosophies will be debated, and ought to be debated, fully by the Senate. We will have ample opportunity throughout this Congress to do just that.

However, there is simply no need to have divisive debates on a bipartisan bill. So I urge my colleagues from across the aisle to choose constructive progress over political posturing for the sake of improving America's schools.

Ed-Flex works for America's children. It proposes a simple exchange. States will hold schools accountable for their performance in return for granting each school the freedom to determine how best to achieve those results. This is not an untested premise. Currently, twelve States have this authority. The results have been promising.

In Texas, Ed-Flex schools outperformed those without waivers by several percentage points on student achievement scores. An elementary school in Maryland now provides individual tutors for its students who lag behind in reading. The same school has dramatically reduced class size in math and reading, providing one teacher for every twelve students.

The bill before us today simply expands the right to become an Ed-Flex State to all fifty States. It is strongly supported by our Nation's Governors, both Democrats and Republicans. Last month, the National Governors Association stated, ''The expansion of the Ed-Flex program is a high priority for Governors. . . . We strongly support this legislation as well as your decision to move forward at this time.'' The Nation's Democratic Governors joined together unanimously saying, ''S. 280 is commonsense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.''

Governors across America are united. There is simply no reason why the Senate should not be as well. I urge my good friends and colleagues on the other side of aisle to listen to their Governors. Join us in supporting the prompt enactment of a simple bill that will provide meaningful reform to schools throughout our Nation. Let's not squander an opportunity to work together to demonstrate our common commitment to America's schoolchildren.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of the House companion measure, Calendar No. 37, H.R. 800, and, further, after the

enacting clause be stricken and the text of S. 280, as amended, be inserted in lieu thereof. I further ask unanimous consent the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended. Finally, I ask consent that immediately following that vote, the Senate insist on its amendment, request a conference with the House, and S. 280 be placed back on the Calendar.

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

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Washington (Ms. MURRAY) is absent because of a death in the family.

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

[Rollcall Vote No. 48 Leg.]

YEAS—98

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
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	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NAYS—1

Wellstone

NOT VOTING—1

Murray

The bill (H.R. 800), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 800) entitled ''An Act to provide for education flexibility partnerships.'', 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 ''Education Flexibility Partnership Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ''local educational agency'' and ''State educational agency'' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) OUTLYING AREA.—The term ''outlying area'' means Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(4) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an ''Ed-Flex Partnership State''.

(2) ELIGIBLE STATE.—For the purpose of this subsection the term ''eligible State'' means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, including the requirements of that section relating to disaggregation of data, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) made substantial progress, as determined by the Secretary, toward developing and implementing the standards and assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting educational goals and for engaging in the technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b) of that Act; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

(iv) a description of how the State educational agency will meet the requirements of paragraph (8); and

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, and educational goals for each local educational agency or school affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance.

(5) MONITORING AND PERFORMANCE REVIEW.—

(A) MONITORING.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE REVIEW.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and opportunity for hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(B) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans and to continue to meet the accountability requirement described in subsection (a)(2)(B), and has improved student performance.

(B) PERFORMANCE REVIEW.—The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 2000 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver, shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—Each State educational agency that is granted waiver authority under the provisions of law described in paragraph (2) shall be eligible to continue the waiver authority under the terms and conditions of the provisions of law as the provisions of law are in effect on the date of enactment of this Act.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

*(B) The proviso referring to such section 311(e) under the heading ''**EDUCATION REFORM**'' in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).*

(e) ACCOUNTABILITY.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State education agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results and goals described in the application submitted pursuant to clauses (ii) and (iii) of subsection (a)(4)(A), respectively.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 5. PROGRESS REPORTS.

The Secretary, not later than 1 year after the date of enactment of this Act and biennially thereafter, shall submit to Congress a report that describes—

(1) the Federal statutory and regulatory requirements for which waiver authority is granted to State educational agencies under this Act;

(2) the State statutory and regulatory requirements that are waived by State educational agencies under this Act;

(3) the effect of the waivers upon implementation of State and local educational reforms; and

(4) the performance of students affected by the waivers.

SEC. 6. FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION PROGRAMS.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to design class size reduction programs, or any other programs deemed appropriate by the local educational agencies and schools that best address their unique community needs and improve student performance.

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

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

SEC. 7. FLEXIBILITY TO DEVELOP DROPOUT PREVENTION PROGRAMS.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may

use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

SEC. 9. FLEXIBILITY TO DEVELOP AFTERSCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop afterschool programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. 10. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

SEC. 11. FLEXIBILITY TO DEVELOP PROGRAMS TO REDUCE SOCIAL PROMOTION AND ESTABLISH SCHOOL ACCOUNTABILITY PROCEDURES.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. 12. ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

''(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

SEC. 13. FURTHER AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

Mr. JEFFORDS. 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.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, as an Oregonian, I am especially proud this evening that a program that began in my home State—we were the first to get an Ed-Flex waiver—on the basis of this vote in the U.S. Senate, this program that began in my State is going to be expanded across the country.

I would like to spend just a couple of minutes of the Senate's time this evening, and first begin by thanking my colleagues who put so much effort into this.

Senator FRIST is here this evening. He and I have been living and breathing this legislation for well over a year.

I think it is worth noting that this began in the Senate Budget Committee. Senator DOMENICI worked on a bipartisan basis with a number of us. And this legislation began with hearings in the Senate Budget Committee.

I thank the Senator from Tennessee for the opportunity to work with him.

I also see Senator JEFFORDS here. He was especially gracious to me this afternoon. He pointed out that from time to time it felt a little lonely on their side. But I want to assure him that I think that this is truly bipartisan.

Senator DASCHLE every step of the way was enormously supportive in this legislation. I thank Senator KENNEDY. He had to leave this evening. But he worked very closely with us, especially on the accountability provision.

Now, shortly after dealing with the impeachment matter, the Senate can show that we have dealt with the premier domestic issue of our day—the premier domestic issue of our day—education, in a bipartisan fashion. It is always possible in the Senate and just about anywhere else to find something on which to disagree. The Senate ultimately resisted that proposition, and we went forward with something we could agree on, which is the principle that you ought to squeeze every dollar of value out of the Federal budget for education in order to help the kids, to help them raise their scholastic performance, to deal with the issues that were debated on the floor of the U.S. Senate.

I think my only regret is that to some extent in the last hours of this discussion it became a debate about whether you are for more resources for education or whether you are for more efficiently allocating the dollars that are currently obligated. I think that is a false choice.

I happen to believe that we are going to need some additional resources for the key education areas. We want our young people to get a good quality education so they will be ready for the high-skill, high-wage jobs of tomorrow.

But the single best way to go to the taxpayers when additional resources are needed is to show the taxpayers that you are efficiently spending the dollars that are currently obligated.

That is why Ed-Flex is so important. All across the country we saw that without Ed-Flex what you have is sort of a ''one-size-fits-all'' approach to education. Folks inside the beltway will say, ''Well, what works in Coos Bay, OR, is what we ought to do in the Bronx, and what works in the Bronx ought to be done in the State of the majority leader, the State of Mississippi.'' That doesn't make sense.

We ought to hold school districts accountable. But we also ought to give them the freedom to be innovative and creative and make those dollars stretch so that we can serve more poor schoolchildren.

The fact of the matter is that there is a school very close to the U.S. Capitol that has cut class size in half with Ed-Flex using existing dollars. They didn't spend $1 more, not one, and they cut class size in half.

In my home State of Oregon, in one rural district, the poor kids weren't able to get advanced computing, because their school district didn't have the technology and they didn't have the instructors. There was a community college close by with Ed-Flex. Without any additional expenses to the taxpayers, those kids could go to the community college and get the skills they needed. Again, we see a concrete example of how with just a little bit of flexibility we can better serve the poor kids of this country.

We were on the floor of the U.S. Senate, I guess, for the better part of 2 weeks dealing with Ed-Flex, and not one single example of abuse was ever shown on the floor of the Senate—not one. But there were plenty of examples of how this program worked. I just cited one close by the Capitol that cut class size in half. In Texas, the scores went up with better use of technology. From one end of the country to the other, we see how this program has worked.

I know that my colleagues wish to speak tonight on this issue. But I just wanted to take a minute or two to talk about why I think this is a particularly good day for the U.S. Senate. There is no issue more important than this.

I see the majority leader is here. I want to express my thanks to him, and to TOM DASCHLE.

The fact is that this important legislation could have blown up 15 or 20 times in the last few days. And Tom DASCHLE and TRENT LOTT said that this was too important to let that happen.

Senator KENNEDY and Senator JEFFORDS hung in there as well, with Senator FRIST, who constantly came to the floor and just appealed to let this bipartisan idea, which every Governor in the country wants, to go forward. We were able to get it done.

I suspect the conference on this legislation will not be for the fainthearted. There are certainly differences of opinion on a number of the issues.

But this is a very good day for the U.S. Senate, and a good day for American families, because we have shown that we could tackle important issues.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to say thank you to the Senator from Oregon, because without him we would have had a much more difficult time. It was bipartisan from the start, and it ended up very bipartisan. We ended up, I think, with a 98 to 1 vote.

Also, Mr. FRIST, I am going to use 30 seconds, and then allow those who wish to speak longer to do so.

I want to express my particular gratitude to all the members of the Health, Education, Labor, and Pensions Committee, who have worked especially hard on this legislation. I very much value the time, effort, and commitment they have brought to this task.

I would also like to acknowledge the two sponsors of the Ed-Flex bill, Senators FRIST and WYDEN. It is in large part due to their dedication and commitment that we were able to pass this bill with such overwhelming bipartisan support.

Finally, I would like to extend my sincerest thanks to the many staff people who contributed to the passage of this important Ed-Flex legislation:

Sherry Kaiman, Mark Powden, Jenny Smulson, Heidi Scheuermann and Susan Hattan of my staff;

Townsend Lange and Denzel McGuire with Senator GREGG;

Lori Meyer, Meredith Medley, and Gus Puryear with Senator FRIST;

Paul Palagyi with Senator DEWINE; Chad Calvert with Senator ENZI: Holly Kuzmich with Senator HUTCHINSON; Julian Hayes with Senator COLLINS; Cherie Harder with Senator BROWNBACK; Jim Brown with Senator HAGEL; and Jim Hirni with Senator SESSIONS.

I also want to acknowledge the extraordinary assistance offered by Mark Sigurski with Senate Legislative Counsel, and Wayne Riddle with the Congressional Research Service.

Mr. President, I also thank all of the staff here who have worked so many hours to expeditiously pass this legislation.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I, too, will be very brief.

I believe that today has been almost a momentous day, and a very important day to set the stage, I believe, for the way, the manner, and the spirit in which I hope to see a lot of legislation be addressed over the coming months in the remainder of this Congress.

We started off with a bill that originated out of really a town meeting format where we have had people come and testify on the task force, and listen very carefully. People came forward, and said, ''We have a program that works.''

To be honest with you, 2 years ago I didn't know what Ed-Flex was. But somebody came forward, and said in a community, as my colleague has just pointed out, that this program works.

We fulfilled exactly what the Federal mandate was, and what the Federal intention was. We took the appropriate funding—the Federal dollars that came down. But what the Federal Government allowed us to do through a waiver was to participate through Ed-Flex to accomplish that stated goal of fulfilling the intent of Congress, but in a way that we knew was best for us based on our local circumstances.

Not everybody needs a computer, not everybody needs tutoring, not everybody needs kindergarten, not everybody needs an extra teacher, but that varies from community to community, and the beauty of that is we took that idea, we discussed it, we developed legislation, we passed it through the committee last year, but we ran out of time last year. It was brought to the floor. It was one of the first major bills brought to this body, and after 7 days of intense debate, a lot of negotiation, we passed the bill here 10 minutes ago.

It is a momentous day also because the House passed a very similar bill, almost an identical bill, about 6 hours ago. And that means, because in a bipartisan way, in a bicameral way, meaning both the House and Senate, in a Federal, State and local way, meaning we worked very closely with the Governors, together we were able to pass legislation which, once it is signed by the President, can inure to the benefit of millions of children within 6 months or 8 months—millions of children. And that is nice. That is what people expect Government to do; produce in a spirit, in an environment where you can work together to accomplish the goals that we all care about.

A lot of people should be thanked, and again most of those names will be made a part of the RECORD, but I do want to recognize the coauthor and cosponsor of this particular bill, Senator WYDEN, who just had the floor.

Again, this is a bipartisan bill. Both of us knew what our goals were. We worked very hard on both sides. I appreciate his support, his collegiality as we addressed these issues.

As is so often the case, what we have accomplished in large part is as a result of the work of many staff members, and I do want to take this opportunity to thank the staff who were most immediately involved over the last year and a half. My own staff of Meredith Medley, Lori Meyer and Gus Puryear have literally been here with other staff members until early hours of the morning each night.

Again, most everybody has been recognized already, but I am going to take the liberty of going ahead and verbally mentioning them. Lindsay Rosenberg of Senator WYDEN's staff has been somebody whom my staff has enjoyed and I personally have enjoyed working with in this process as we have gone through it.

Senator JEFFORDS, the chairman, who has literally been in the Chamber every day for the last 7 days, does have the patience of Job going through this, looking at every bill and every word that comes forward with a response. And I just want to express my appreciation because he ushered this thing through in a very direct way and really put in both the time and the effort. He is the leader on our side in education. We cited again and again the number of bills passed last year under his leadership as chairman of the former Labor, Health and Education Committee. Currently, he is examining all public education, K through 12, through the Elementary and Secondary Education Act. I have the privilege of working on that committee with him and his wonderful staff who have been at his side. Mark Powden, Susan Hattan and Sherry Kaiman really all deserve our gratitude for their tremendous work over the last several days.

I am not going to list all the staff, but Senator GREGG, again, from whom we have heard so much about special education; Senator LOTT, who needs to be thanked because it would have been very easy after 3 or 4 days, when it looked as if gridlock—it was gridlock, but he, with the Democratic leader, agreed to keep this bill in the Chamber so we could address those issues, and that is what the American people expect. We addressed it with very good, very strong debate, sometimes too strong maybe, but we were able to work it out. And that bipartisanship in coming together, again, is what the American people expect. I thank the majority leader for allowing us to bring this to a resolution, to completion, to a product that we know will benefit, as I said, millions of children in the short term as well as the longer term.

I have to just briefly mention the Governors because it has been a fantastic relationship for me over the last month in that at least every day we, a Federal body, the Congress, the Senate, were in touch with all of our Governors, Democrat and Republican. I have talked to as many Democrat Governors as I have Republican, and America doesn't see that sort of interaction, but I think it is important for people to hear because so many problems, whether they be welfare, health care, or education, demand that constant dialog and discussion about what we do here at the Federal level, at the State level, as well as the local level.

Senator VOINOVICH, who is new to this body but a former Governor, spearheaded much of that. Governors Carper of Delaware, Ridge of Pennsylvania, Leavitt of Utah, O'Bannon of Indiana, and House Members Castle and Roemer

all played a major role and were significant participants in what we have accomplished today.

With that, I think I will stop. I am very excited about this particular bill. It accomplishes much in a way that I think will really set that track for the next several months as we consider other legislation. We do have a fresh start for education. It is a first step. It does not address all the problems, all the challenges in education, but it is a major first step.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 595 are located in today's record under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LOTT. Mr. President, I see the Senator from Pennsylvania may wish to make a statement in a moment also, but if I could just do a couple of things here.

First, before the Senators leave the Chamber, the Senator from Tennessee and the Senator from Oregon, I want to again thank them for their effort. It was bipartisan because the Senator from Oregon, Mr WYDEN, made it so, stayed in there, worked with us, but I particularly wish to thank the Senator from Tennessee, Mr. FRIST, the doctor, who gave us an education. He took us to school. He used apples and information and examples. He acted like a good teacher should. I congratulate him for that. He even showed us how you could use a scalpel to cut the redtape, and that is what this Ed-Flex bill will do.

So to the two Senators, I thank them for their leadership, for their work, for their persistence because they both have been heckling me about this bill for a year, and I am glad it is done. I congratulate them for their effort.

NATIONAL MISSILE DEFENSE ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to S. 257, the Missile Defense Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will be able to have the initial statement by Senator COCHRAN, the manager, tonight. We will resume the missile defense bill on Monday, and it is our hope that an agreement can be reached on a time agreement and that amendments will be offered during Monday's session.

I urge that Members be present on Monday to make their statements on this legislation and to offer amendments, if they have them. This is a very important defense initiative. I am pleased that we are going to be able to go straight to the bill, and I hope that within short order next week we will be able to get to the conclusion of this very important national defense issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank the distinguished majority leader for calling up the national missile defense bill and also compliment the Democratic leader for refraining from objecting to proceeding to consider this bill at this time.

Senators may remember that this is the bill that was brought up on two occasions during the last session of the Senate and objections were made to considering the bill, a motion to proceed to consider the bill was filed, and then it was necessary to file a cloture motion to shut off debate to get to the bill. On both of those occasions we fell one vote short of invoking cloture on the motion to proceed to consider the bill. So this Senate has agreed to take up this legislation without objection. This is progress, and we are very proud to see this momentum to address this issue that is so important for the national security interests of the United States.

For the information of Senators, the operative part of this legislation is simply a statement of policy as follows:

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

I look forward to discussing questions that Senators might pose about this bill when we reconvene on Monday. The Armed Services Committee has considered it and reported it out without amendment, and we are ready to proceed to consider the bill. We look forward to discussing this important issue.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now have 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.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. SPECTER. Mr. President, I have sought recognition to comment on the important education bill which we passed on its substantive merits, and also to speak briefly on the politics, where the bill might have appeared at some points to be partisan, with three votes on amendments being cast along party lines. I am convinced that we had a very strong bipartisan vote on final passage. At the same time that the Senate will pass this Education Flexibility Partnership Act, the House of Representatives is working on similar legislation, so it will be presented to the President for his signature, which we are optimistic of obtaining.

I think it is important to note that there were important provisions in amendments offered by Members on the other side of the aisle, where there were good programs which can be taken up in due course. The program for new teachers I think is a good idea. The program for dropout prevention is another good idea. The program for afterschool provisions I think, again, is sound and can be taken up at a later time. But had they been pressed on this bill, we would have had gridlock and this bill would not have been enacted.

Last year, the President proposed $1.2 billion as a starter for 100,000 new teachers. That was accepted by the Congress. Before the President came forward with that proposal, in the subcommittee of Labor, Health, Human Services, and Education which I have the privilege to chair, we had put provisions in for some $300 million which would have provided for as many new teachers as could have been hired during fiscal year 1999. The President came in with a bigger figure at a later date. That was ultimately accepted by the Congress.

But I do think the idea for new teachers is a good idea. The question of how to fund it is always the tough issue. Similarly, the proposals for dropout prevention and afterschool programs again are sound and it is a question of finding the adequate funding for these kinds of important programs.

I believe the Senate spoke very loudly and very emphatically on the question of giving local school districts the choice as to whether to use the money for special education, or whether to use the money for new teachers, or what to use the money for. The local education agencies were given that discretion on a vote of 61 to 38, where 6 Democrats voted with 55 Republicans on that choice issue. Funding special education is a very major problem in America today. The Federal Government has imposed a mandate on the States, and the Supreme Court in a recent decision has broadened the terms of that mandate.

In the subcommittee that I chair, which funds education, we have provided very substantial increases for special education, but the Federal Government has made a commitment for 40 percent funding and we are nowhere near that. So when you talk about the priorities of more new teachers or money for special education, that matter was put to the Senate for a vote and, not strictly along party lines, the Senate voted to have the option with

the local education agencies; with the vote being 61 to 38, some 6 Democrats joined the 55 Republicans.

When the choice issue was articulated along a slightly different line, the vote was 78 to 21, with some 23 Democrats joining 55 Republicans. That amendment also had provisions to keep the guns out of schools, which was doubtless an incentive to make that a stronger bipartisan vote than on some of the others.

Two of the other amendments were 59 to 40, with 4 Democrats joining the Republicans and, 57 to 42, 2 Democrats joining—and although we did have 3 votes along party lines, 55 to 44, there was a very definite bipartisan flavor to the votes on this matter.

It is always difficult when we have votes which are 55 to 44, strictly along party lines, with the question being raised: Isn't there any independence among 55 Republicans or the 44 Democrats? But the party line was adhered to in order to get the bill passed, even though, as I say, in voting against new teachers, against dropout prevention programs, and against afterschool programs—those are good ideas, and on another day we will be able to take them up. But if we were to maintain these programs, I think this bill could not have been passed; if we had not drawn the line to focus on Ed-Flex in this bill.

The flexibility I think is a very good idea. The Federal Government funds some 7 to 8 percent of the total funding. Last year, again in the subcommittee, we increased the funding by about $3.5 billion, about 10 percent, bringing the total Federal share to about $34.5 billion. But the principle of federalism continues to be sound, and that is that we ought to leave as much to the States as we can and we ought to leave as much to the local education agencies as we can, with the people at the local level knowing best what their needs are. So if there is a limited amount of funding, let them make the choice among special education or new teachers or dropout prevention programs or afterschool programs; leave it to the people who are closest to the problems.

So, all in all, there was a bit of partisanship here but I think it was justified to get the bill passed—not too much, with only three votes being along party lines—and deferring to another day the important programs which were not enacted today, but maintaining a very important point of flexibility to allow local education agencies to have the dominant voice in meeting their needs as they see them, being closest to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ASSAULT ON WASHINGTON STATE'S CROWN JEWELS

Mr. GORTON. Mr. President, over the past few years, Vice President AL GORE has made a series of trips to my home State of Washington. His goals on these trips are simple: to raise money for his political campaigns; to recruit supporters for his Presidential endeavors; and to distract Washington State voters from the administration's true agenda for the Pacific Northwest.

The Vice President's visits to Washington State are nothing new, but recently the administration, of which he is a vital leader, has chosen to adopt policies that pose a threat to the continued vitality of our economy. Those policies are aimed at the destruction of two of Washington State's economic crown jewels: our hydropower system and Microsoft.

During the past year, I have welcomed the Vice President to Washington State by repeatedly asking him two questions: The first, Will you commit to the preservation of each of the dams on the Columbia and Snake Rivers unless Congress or the people of the Northwest agree to the removal of each or all of them? The second question: Mr. Vice President, if you are elected President, will you end the Justice Department's suit against Microsoft?

At first, these questions were answered with silence. Now the Vice President answers them with personal attacks. Whether it is silence or personal attacks, the Vice President makes clear that he does not intend to answer these two questions so fundamental to every family and community in the Northwest. These questions deserve and should receive straight answers from the Vice President, and I will continue to ask them until the Vice President does so.

His silence, of course, is eloquent. Vice President GORE's administration is responsible for the Microsoft lawsuit and for a flatout refusal to subject dam removal either to congressional authority or to the consent of the people of the Northwest. What is most illuminating is that the Vice President's silence and personal attacks in response to these questions about dams and Microsoft run counter to positions taken by top Democratic officeholders in Washington State. When it comes to protecting dams on the Columbia River, our Democratic Governor and Democratic U.S. Senator, two of the most powerful Democrats in Washington State, have already publicly opposed efforts by national environmental organizations to take out dams. But the Vice President is silent.

Last week I suggested that he had a political motive. That is my opinion, but, frankly, it doesn't matter why he pursues policies to dismantle our hydro system without being willing to say so openly. What matters is whether he will make his position clear. So who loses out on the equation? The people of Washington State, of course. And then there is Microsoft.

The good news is that most Democrats in Washington State have come forward to defend Microsoft's freedom to innovate, but the Vice President won't stand with his fellow Democrats in Washington State in support of the company. When he answers this one, he is either silent or he attacks and then attempts to evade the question.

Here is a recent example of the Vice President's verbal dance when it comes to the issue of protecting Microsoft: Last week, I admonished the administration for its assault on that company. In responding to my statement, the Vice President's spokeswoman said that I am ''suffering from a Y2K bug'' and have forgotten all the wonderful things AL GORE has done for Washington State. Specifically, the spokeswoman cited hundreds of thousands of new jobs, higher home ownership rates and lower welfare rolls, as if he were responsible for them.

There was no answer to the central question—will you work to end the suit against Microsoft?

There was another troubling side to this statement. The Vice President, of course, was attempting to take credit for the booming economy in the State that I represent. He should understand that that success comes from the hundreds of thousands of hard-working Washingtonians, plus Microsoft and the amazing group of entrepreneurs who have developed new and better systems, plus our natural resources, not the least of which is our low-cost electricity, or all of the smaller high-tech companies that have sprung up overnight. This success does not come from the Vice President.

As to the specifics of the Justice Department's case against Microsoft, the so-called high-tech Vice President says he will not comment on or involve himself in the Justice Department's case against the company. Can we believe that as the administration's point man on high-tech issues, he has no opinion whatsoever on the highest profile high-tech issue before his administration—the future of Microsoft? I do not believe it, nor does anyone else.

To claim that he is not involved in an action spearheaded by his own administration is unbelievable. When the Vice President continually refuses to answer the question of whether or not he supports this attack, he has not been straight with the people of the State of Washington.

There is a simple answer to the Microsoft question. The answer is for the Vice President to tell us that if he is elected President, he will stop the Justice Department's pursuit of Microsoft. We Washingtonians are 3,000 miles away from the center of AL GORE's universe, but we know only too well that the actions of this administration can have a long and detrimental impact on our economy, our way of life and on our future. We deserve more from the Vice President than silence, distraction and personal attacks.

We will remember his silence on what are perhaps the most important Federal public policy questions to face our State in years. We will remember his evasive comments. We will remember

his refusal to denounce or even comment on the antitrust case against Microsoft and his unwillingness to make clear his position on protecting Columbia and Snake River dams. I challenge the Vice President again today to tell us plainly whether he supports this administration's assault on two of Washington State's economic crown jewels.

Do you, Mr. Vice President, support the Justice Department's antitrust action against Microsoft or not? And do you, Mr. Vice President, support the efforts by national environmental groups to destroy dams on the Columbia and Snake Rivers or not?

We in the Northwest await the Vice President's answers, and you can be sure that so long as silence and evasiveness carry the day, I will continue to ask these questions.

RETIREMENT OF WILLIAM D. LACKEY, JR.

Mr. LOTT. Mr. President, on February 28, 1999, the Senate said farewell to a valuable employee. William D. ''Bill'' Lackey, Jr., Journal Clerk of the Senate, retired after 34½ years of service to the Senate.

Bill arrived at the Senate's doorstep on September 1, 1964, from North Carolina. He served the Senate in a number of important capacities, including Assistant Executive Clerk, Bill Clerk, Assistant Parliamentarian, Assistant Journal Clerk, and from 1987 to 1999, as Senate Journal Clerk. During the last 12 years, Bill was responsible for the production of the Senate Journal. This role required that he sit at the dias here on the Senate floor to record the minutes of the Senate's legislative proceedings. His became a very familiar face to us all.

Bill Lackey has been the source of wise and good counsel to many over the years. We commend him for his outstanding service to the Senate and the Nation, and wish him Godspeed as he returns to the beloved foothills of his native Shelby, NC.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 10, 1999, the federal debt stood at $5,652,343,384,711.69 (Five trillion, six hundred fifty-two billion, three hundred forty-three million, three hundred eighty-four thousand, seven hundred eleven dollars and sixty-nine cents).

One year ago, March 10, 1998, the federal debt stood at $5,525,631,000,000 (Five trillion, five hundred twenty-five billion, six hundred thirty-one million).

Five years ago, March 10, 1994, the federal debt stood at $4,546,801,000,000 (Four trillion, five hundred forty-six billion, eight hundred one million).

Ten years ago, March 10, 1989, the federal debt stood at $2,737,909,000,000 (Two trillion, seven hundred thirty-seven billion, nine hundred nine million) which reflects a debt increase of almost $3 trillion—$2,914,434,384,711.69 (Two trillion, nine hundred fourteen billion, four hundred thirty-four million, three hundred eighty-four thousand, seven hundred eleven dollars and sixty-nine cents) during the past 10 years.

MESSAGES FROM THE HOUSE

At 12:41 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, 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. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

H.R. 800. An act to provide for education flexibility partnerships.

The message also announced that the House had passed the following bill, without amendment:

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson Districts for certain Impact Aid payments for fiscal year 1999.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified begging farmers or ranchers, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

H.R. 800. An act to provide for education flexibility partnerships.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 585. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself and Mr. SESSIONS):

S. 586. A bill to amend title 11, United States Code, to limit the value of certain real property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 587. A bill to provide for the mandatory suspension of Federal benefits to convicted drug traffickers, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING:

S. 588. A bill to amend title II of the Social Security Act to provide for retirement security amounts funded by employee social security payroll deductions, to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 589. A bill to require the National Park Service to undertake a study of the Loess Hills area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 590. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 591. A bill to authorize a feasibility study for the preservation of the Loess Hills in western Iowa; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 592. A bill to improve the health of children; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ABRAHAM):

S. 593. A bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 594. A bill to ban the importation of large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. INHOFE):

S. 595. A bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. DODD, and Mr. GRAMM):

S. 596. A bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes; to the Committee on Foreign Relations.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. BURNS, Mr. ENZI, and Mr. MURKOWSKI):

S. 597. A bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the

United States; to the Committee on the Judiciary.

By Mr. SANTORUM;

S, 598. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. HATCH, Mr. COCHRAN, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER, and Ms. COLLINS):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 600. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on Foreign Relations.

By Mr. COCHRAN:

S. 601. A bill to improve the foreign language assistance program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY (for himself, Mr. BOND, Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. ASHCROFT, Mr. THOMAS, Mr. ABRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. INHOFE, Mr. SESSIONS, Mr. GRAMS, Mr. COCHRAN, Mr. HUTCHINSON, and Ms. SNOWE):

S. 602. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal Revenue, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 603. A bill to promote competition and greater efficiency of airlines to ensure the rights of airline passengers, to provide for full disclosure to those passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. LOTT, Mr. HELMS, Mr. THOMAS, Mr. BURNS, Mr. KYL, and Mr. ROCKEFELLER):

S. Con. Res. 17. A concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 585. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Health, Education, Labor, and Pensions.

RECONSTRUCTIVE SURGERY ACT OF 1999

● Mrs. FEINSTEIN. Mr. President, today, I am introducing a bill to require health insurance plans to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, trauma, infection, tumors, or disease.

This bill is modeled on a new California law and responds to the growing incidence of denials of coverage by insurance, often managed care. Despite physicians' judgment that surgery is often medically necessary, too many plans are labeling it ''cosmetic surgery.'' The American Medical News calls the HMO's response that these surgeries are cosmetic as, ''a classic health plan word game. . . .''

Testifying before the California Assembly Committee on Insurance, Dr. Henry Kawamoto put it well. He said:

It used to be that if you were born with something deforming, or were in an accident and had bad scars, the surgery performed to fix the problem was considered reconstructive surgery. Now, insurers of many kinds are calling it cosmetic surgery and refusing to pay for it.

The Los Angeles Times reported on July 9, 1997, ''There has been a virtual wipeout of coverage to repair the appearance of children whose looks are affected by illness, congenital abnormalities or trauma.''

Similarly, the New York University Physician reported in their spring 1998 issue:

Before the advent of managed care, repairing abnormalites was considered reconstructive surgery and insurance companies reimbursed for the medical, hospital and surgical costs of their rehabilitation. But in today's reconfigured medical reimbursement system, many insurance companies and managed care organizations will not pay for reconstruction of facial deformities because it is deemed a ''cosmetic'' and not a ''functional'' repair.

This bill is endorsed by the March of Dimes, the American Academy of Pediatrics, the National Organization for Rare Disorders, the American Society of Plastic and Reconstructive Surgeons, the American College of Surgeons, the American Association of Pediatric Plastic Surgeons, the American Society of Craniofacial Surgery, the American Society of Maxillofacial Surgeons, the American Society of Plastic and Reconstructive Surgeons and the National Foundation for Facial Reconstruction.

The children who face refusals to pay for surgery are the true evidence that this bill is needed.

Hanna Gremp, a 6-year old from my own state of California, was born with a congenital birth defect, called bilateral microtia, the absence of an inner ear. Once the first stage of the surgery was complete, the Gremp's HMO denied the next surgery for Hanna. They called the other surgeries ''cosmetic'' and not medically necessary.

Michael Hatfield, a 19-year old from Texas, who has gone through similar struggles. He was born with a congenital birth defect, that is known as a midline facial cleft. The self-insured plan his parents had only paid for a small portion of the surgery which reconstructed his nose. The HMO also refused to pay any part of the surgery that reconstructed his cheekbones and eye sockets. The HMO considered some of these surgeries to be ''cosmetic.''

Cigna Health Care denied coverage for surgery to construct an ear for a little California girl born without an ear and only after adverse press coverage reversed its position saying that, ''It was determined that studies have show some functional improvement following surgery.''

Qual-Med, another California HMO, denied coverage for reconstructive surgery for a little boy without an ear, a condition called microtia, and after only many appeals and two years delay, authorized it.

The bill uses medically-recognized terms to distinguish between medically necessary surgery and cosmetic surgery. It defines medically necessary reconstructive surgery as surgery ''performed to correct or repair abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease to (1) improve functions; or (2) give the patient a normal appearance, to the extent possible, in the judgment of the physician performing the surgery.'' The bill specifically excludes cosmetic surgery, defined as ''surgery that is performed to alter or reshape normal structures of the body in order to improve appearance.''

Examples of conditions for which surgery might be medically necessary are the following: cleft lips and palates, burns, skull deformities, benign tumors, vascular lesions, missing pectoral muscles that cause chest deformities, Crouson's syndrome (failure of the mid-face to develop normally), and injuries from accidents.

The American Society of Plastic and Reconstructive Surgeons has released a survey on reconstructive surgery, concluding that 53.5 percent of surgeons surveyed have had pediatric patients who in the last two years were denied coverage for reconstructive surgery. Of those same surgeons surveyed whose pediatric patients were totally or partially denied coverage, 74 percent had patients denied for initial procedures and 53 percent denied for subsequent procedures.

Another reason for this bill is that only 17 out of 50 states have state legislation which requires insurance coverage for children's deformities and congenital defects. My own state, California, passed legislation in 1998 requiring insurance plans to cover medically necessary reconstructive surgery, and on September 23, 1998 it was signed by former Governor Pete Wilson. This bill was enacted after many sad personal stories, and hours of testimony were presented to the state legislators.

This bill is an effort to address yet one more development in the health insurance industry that almost daily is creating new hassles when people try to get coverage for the plan they pay for every month.

We need our body parts to function and fortunately modern medicine today often make that happen. We can restore, repair and make whole parts which by fate, accident, genes, or whatever, do not perform as they should. I hope this bill can make that happen.●

By Mr. KOHL (for himself, and Mr. SESSIONS):

S. 586. A bill to amend title 11, United States Code, to limit the value of certain real property that a debtor may elect to exempt under State or local law, and for other purposes to the Committee on the Judiciary.

BANKRUPTCY ABUSE REFORM ACT OF 1999

Mr. KOHL. Mr. President, I rise today, with Senator SESSIONS, to introduce the bipartisan Bankruptcy Abuse Reform Act of 1999, legislation which addresses a serious problem that threatens Americans' confidence in our bankruptcy laws. The measure would cap at $100,000 the State homestead exemption that an individual filing for personal bankruptcy can claim. It passed the Senate last year when it was included in the Consumer Bankruptcy Reform Act of 1998 (H.R. 3150), and I hope that we can all support this measure again this year. The goal of our measure is simple but vitally important: to make sure that our Bankruptcy Code is more than just a beachball for crooked millionaires who want to hide their assets.

Let me tell you why this legislation is critically needed. In chapter 7 Federal personal bankruptcy proceedings, the debtor is allowed to exempt certain possessions and interests from being used to satisfy his outstanding debts. One of the chief things that a debtor seeks to protect is his home, and I agree with that in principle. Few question that debtors should be able to keep a roof over their heads. But, in practice, this homestead exemption has become a source of great abuse.

Under section 522 of the Code, a debtor may opt to exempt his home according to local, State, or Federal bankruptcy provisions. The Federal exemption allows the debtor to shield up to $15,000 of value in his house. The State exemptions vary tremendously: some States do not allow the debtor to exempt any of his home's value, while a handful of states set no ceiling and allow an unlimited exemption. The vast majority of states have exemptions under $40,000.

Our proposal would amend Section 522 to cap State exemptions so that no debtor could ever exempt more than $100,000 of the value of his home.

Mr. President, in the past few years, the ability of debtors to use State homestead exemptions has led to flagrant abuses of the Bankruptcy Code. Multimillionaire debtors have moved to one of the states with unlimited exemptions—most often Florida or Texas—bought multi-million-dollar houses, and continued to live like kings even after declaring bankruptcy. This shameless manipulation of the Bankruptcy Code cheats honest creditors out of compensation and rewards only those who can ''game'' the system. Oftentimes, the creditor who is robbed is the American taxpayer. In recent years, S&L swindlers, convicted insider trader convicts, and others have managed to protect their ill-gotten gains through this loophole.

The owner of a failed Ohio S&L, who was convicted of securities fraud, wrote off most of $300 million in bankruptcy claims, but still held on to the multi-million dollar ranch he bought in Florida. A convicted Wall Street financier filed bankruptcy while owing at least $50 million in debts and fines, but still kept his $5 million Florida mansion with 11 bedrooms and 21 bathrooms. And just last year, movie star Burt Reynolds wrote off over $8 million in debt through bankruptcy, but still held onto his $2.5 million Florida estate. These deadbeats stay wealthy while legitimate creditors—including the U.S. Government—get the short end of the stick.

Simply put, the current practice is grossly unfair and contravenes the intent of our laws: People are supposed to get a fresh start, not a head start, under the Bankruptcy Code.

Mr. President, the legislation that I have introduced today is simple, effective and straightforward. It caps the homestead exemption at $100,000, which is far more than estimated median home equity of people in bankruptcy. It is endorsed by the National Bankruptcy Review Commission. And it will protect middle class Americans while preventing the abuses that are making the middle class question the integrity of our laws—the abuses the average American taxpayer is paying for out of pocket.

Indeed, it is even generous to debtors. Less than ten states have a homestead exemption that exceeds $100,000. More than two-thirds of states cap the exemption at $40,000 or less. My own home state of Wisconsin has a $40,000 exemption and that, in my opinion, is more than sufficient.

Mr. President, this proposal is an effort to make our bankruptcy laws more equitable. I urge my colleagues to support this important measure.

By Mr. ASHCROFT:

S. 587. A bill to provide for the mandatory suspension of Federal benefits to convicted drug traffickers, and for other purposes; to the Committee on the Judiciary.

NO FEDERAL BENEFITS FOR DRUG TRAFFICKERS ACT OF 1999

Mr. ASHCROFT. Mr. President, the time for mixed messages in our war against drugs has passed. There was a time when our message on illegal drugs was crystal clear. ''Just say no.'' The results of that simple message were also clear: The decade of the 1980's saw substantial and persistent decreases in the level of drug use, and in the level of teenage drug use in particular. Sadly, however, the current Administration has offered America and its children a mixed message on drugs.

The President himself has shifted the message from ''just say no'' to ''just don't inhale.'' Even the head of the Drug Enforcement Agency candidly has admitted that in the current climate we lack the will to win the war against drugs. This is intolerable. We must return to a clear message in the war against drugs—a message of zero tolerance for those who would attempt to ruin our children's lives through the scourge of illegal drugs. The government must speak clearly and unequivocally. Trafficking in illegal drugs will not be tolerated.

However, we will not succeed in convincing either drug dealers or our children that we are serious about the war on drugs if we send them mixed messages. One mixed message sent by current law is that convicted drug dealers remain eligible for federal government benefits. We need to change that practice.

Mr. President, the bill I introduce today, the ''No Federal Benefits for Drug Traffickers Act'' requires the suspension of federal benefits to convicted drug traffickers. This bill will send a clear message that we mean what we say in the war against drugs. Current federal law provides for the denial of federal benefits (excluding certain programs like food stamps, aid to families with dependent children, and approved drug treatment programs) for individuals convicted of drug trafficking offenses. Unfortunately, however, the law gives judges unlimited discretion to decide whether or not to suspend a convicted drug trafficker's federal benefits. For example, under current law a repeat offender could retain his full federal benefits.

The ''No Federal Benefits for Drug Traffickers Act'' addresses this loophole in the current law by mandating the suspension of a convicted drug trafficker's federal benefits for at least a minimum period of time. Specifically, the bill requires the suspension of a convicted drug offender's federal benefits for a minimum of one year. The bill also mandates suspension of benefits for at least three years upon a second conviction.

In addition, the bill closes a loophole that allowed drug trafficker who were supposed to be barred from receiving federal benefits for life because of three separate drug trafficking convictions to regain their eligibility for federal benefits. Once again we need to make our message clear and unmistakable. Under the bill I introduce today, life means life and it is truly three strikes and you're out.

This is what we need in the war against drugs—a clear message. Those who choose to traffic in drugs have no legitimate claim to federal benefits. This is common sense. There is no need for exceptions or discretion. There is a need for clarity, and this bill provides that clarity.

By Mr. HARKIN:

S. 589. A bill to require the National Park Service to undertake a study of the Loess Hills area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; to the Committee on Energy and Natural Resources.

LOESS HILLS PRESERVATION ACT OF 1999

Mr. HARKIN. Mr. President, today, I am introducing legislation calling

upon the National Park Service to conduct a study of the Loess Hills in western Iowa. This study would be the first official step towards possible national protection for the Loess Hills.

Specifically, this legislation would require the National Park Service to monitor the area between Waubansie State Park and Stone Park to study the possibility of a portion of this area to receive National Park status.

Loess Hills is a unique national treasure that was formed by ancient glaciers and hundreds of centuries of westerly winds. Only the loess soil in China has accumulated as high as Iowa's. Although these hills have survived for hundreds of centuries, today they are beginning to crumble. Urban sprawl is unfortunately beginning to take its toll on Loess Hills. Protecting this area must be given a high priority.

In 1986, the Loess Hills area was designated as a National Natural Landmark by the National Park Service. This gives recognition to this area as an area of national significance. Although this designation encourages landowners to use conservation practices in use of the area, this designation does nothing to control land ownership or to restrict land use.

The only thing holding the loess in place is the roots of the vegetation. Today, however, as the human exploitation of the hills continues to increase the destruction of the vegetation, loess is left once again blowing in the winds as the fragile hills begins to flatten.

This is of great concern to me. This area which marks one of the only remaining natural ecosystems in the state is one of the few areas where Iowans can experience nature. Iowa presently ranks 49th among the 50 states in National Park and Forest space. Iowa is also 400 miles away from a sizable national recreation area (the Boundary Waters Canoe Area). The Loess Hills, however, is an area of national significance and has the potential to be a much needed National Park for the Plains States.

Mr. President, since 1992, I have secured funding through the United States Department of Agriculture to design better bridges and other structures in the Loess Hills area to reduce soil erosion. But more needs to be done.

One thing I would like to make clear—this study can only be successfully implemented with the participation of local governments in western Iowa and private property owners.

The Loess Hills are an Iowa treasure. This legislation would begin the process of making Loess Hills a national treasure.

I invite my colleagues to join me as co-sponsors of this much needed legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 589

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 ''Loess Hills Preservation Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) The Loess Hills area in western Iowa, formed by ancient glaciers and hundreds of centuries of westerly winds blowing across the Missouri River, has resulted in the largest loess formation in the United States, and one of the two largest in the world;

(2) portions of the Loess Hills remain undeveloped and provide an important opportunity to protect an historic and unique natural resource;

(3) a program to study the Loess Hills can only be successfully implemented with the cooperation and participation of affected local governments and landowners;

(4) in 1986, the Loess Hills area was designated as a National Natural Landmark in recognition of the area's nationally significant natural resources;

(5) although significant natural resources remain in the area, increasing development in the area has threatened the future stability and integrity of the Loess Hills area; and

(6) the Loess Hills area merits further study by the National Park Service, in cooperation with the State of Iowa, local governments, and affected landowners, to determine appropriate means to better protect, preserve, and interpret the significant resources in the area;

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Loess Hills'' means the area in the State of Iowa located between Waubansie State Park and Stone Park, and which includes Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont counties.

(2) the term ''Secretary'' means the Secretary of the Interior.

(3) the term ''State'' means the State of Iowa.

SEC. 4. LOESS HILLS STUDY.

(a) The Secretary shall undertake a study of the Loess Hills area to review options for the protection and interpretation of the area's natural, cultural, and historical resources. The study shall include, but need not be limited to an analysis of the suitability and feasibility of designating the area as—

(1) a unit of the National Park System;

(2) a National Heritage Area or Heritage Corridor; or

(3) such other designation as may be appropriate.

(b) The study shall examine the appropriateness and feasibility of cooperative protection and interpretive efforts between the United States, the State, and its political subdivisions.

(c) The Secretary shall consult in the preparation of the study with State and local governmental entities, affected landowners, and other interested public and private organizations and individuals.

(d) The study shall be completed within one year after the date funds are made available. Upon its completion, the Secretary shall transmit a report of the study, along with any recommendations, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 590. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

ELIMINATION OF DOUBLE SUBSIDIES FOR THE HARDROCK MINING INDUSTRY ACT OF 1999

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to eliminate from the federal tax code percentage depletion allowances for hardrock minerals mined on federal public lands. I am joined in introducing this legislation by my colleague from Vermont, Mr. LEAHY.

The President proposes the elimination of the percentage depletion allowance on public lands in his FY 2000 budget. The President's FY 2000 budget estimates that, under this legislation, income to the federal treasury from the elimination of percentage depletion allowances for hardrock mining on public lands would total $478 million over five years, more than $95 million in this year alone. These savings are calculated as the excess amount of federal revenues above what would be collected if depletion allowances were limited to ''sunk costs'' in capital investments. Percentage depletion allowances are contained in the tax code for extracted fuel, minerals, metal and other mined commodities. These allowances have a combined value, according to 1994 estimates by the Joint Committee on Taxation, of $4.8 billion.

Mr. President, these percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, 1909. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the tax code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration and output. However, percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of their capital investment: cost depletion, and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period during which the reserve produces income. Using

cost depletion, a company would deduct a portion of its original capital investment minus any previous deductions, in an amount that is equal to the fraction of the remaining recoverable reserves. Under this method, the total deductions cannot exceed the original capital investment.

However, under percentage depletion, the deduction for recovery of a company's investment is a fixed percentage of ''gross income''—namely, sales revenue—from the sale of the mineral. Under this method, total deductions typically exceed, let me be clear on that point, Mr. President, exceed the capital that the company invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 percent to 22 percent.

In addition to repealing the percentage depletion allowances for minerals mined on public lands, Mr. President, my bill also creates a new fund, called the Abandoned Mine Reclamation Fund. One fourth of the revenue raised by the bill, or approximately $120 million dollars, will be deposited into an interest bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. Mineral Policy Center estimates that there are 557,650 hardrock abandoned mine sites nationwide and the cost of cleaning them up will range from $32.7 billion to $71.5 billion.

There are currently no comprehensive federal or state programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

Mr. President, in today's budget climate we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: all taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, yet these subsidies remain a persistent tax expenditure that raise the deficit for all citizens or shift a greater tax burden to other taxpayers to compensate for the special tax breaks provided to the mining industry.

Mr. President, the measure I am introducing is fairly straightforward. It eliminates the percentage depletion allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with those given to other businesses.

Mr. President, the time has come for the Federal Government to get out of the business of subsidizing business. We can no longer afford its costs in dollars or its cost to the health of our citizens. This legislation is one step toward the goal of ending these corporate welfare subsidies.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 590

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 ''Elimination of Double Subsidies for the Hardrock Mining Industry Act of 1999''.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting ''(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)'' after ''In the case of the mines''.

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''

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

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

''SEC. 9511. ABANDONED MINE RECLAMATION FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 1999.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

''(A) the reclamation and restoration of lands and water resources described in paragraph (2) adversely affected by mineral (other than coal and fluid minerals) and mineral material mining, including—

''(i) reclamation and restoration of abandoned surface mine areas and abandoned milling and processing areas,

''(ii) sealing, filling, and grading abandoned deep mine entries,

''(iii) planting on lands adversely affected by mining to prevent erosion and sedimentation,

''(iv) prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage, and

''(v) control of surface subsidence due to abandoned deep mines, and

''(B) the expenses necessary to accomplish the purposes of this section.

''(2) LANDS AND WATER RESOURCES.—

''(A) IN GENERAL.—The lands and water resources described in this paragraph are lands within States that have land and water resources subject to the general mining laws or lands patented under the general mining laws—

''(i) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status before the date of the enactment of this section,

''(ii) for which the Secretary of the Interior makes a determination that there is no continuing reclamation responsibility under State or Federal law, and

''(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

''(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9511. Abandoned Mine Reclamation Trust Fund.''

By Mr. BOND:

S. 592. A bill to improve the health of children; to the Committee on Finance.

HEALTHY KIDS 2000 ACT

Mr. BOND. Mr. President, one year ago today, the Birth Defects Prevention Act passed the House of Representatives, clearing its way for the President's signature.

With this new funding, the Centers for Disease Control has implemented a national strategy, in conjunction with the States and local organizations such as the March of Dimes, to prevent the devastating incidence of birth defects.

Building upon that success, today I rise to introduce the Healthy Kids 2000 Act—comprehensive approach which addresses the broad spectrum of health issues affecting our nation's children.

And I want to thank the March of Dimes and the National Association of Children's Hospitals for supporting me in this effort to improve the health of our nation's children and pregnant women as we move into the new millennium.

I also want to thank my colleague from Ohio, MIKE DEWINE, for his work on children's health issues, and for allowing me to adopt some of his ideas for inclusion in this bill. Senator DEWINE has been a dedicated leader on children's health, and has been essential to the development of the sections of this bill that focus on poison control centers and pediatric research within the National Institutes of Health.

I am struck, every time I go into the neonatal wards across my home state of Missouri, at the tiny one and two pound babies, hooked up to monitors and tubes and looking so helpless. Many of them will survive; a few may not. My first thought is always one of thanks that I have been blessed with a very healthy son.

The good news is that we are making progress in preventing diseases and in making sick and injured children well. Healing never thought possible a few years ago for those who are burn victims, or born with birth defects, or trauma victims, or even cancer patients, now occurs on a daily basis around our country.

The question about how to finance health care and how to improve access to and the quality of health care, however, are the hottest challenges we face as a nation.

There are some things we can all agree on: that the care and well-being of our children should come first, particularly those who are ill. Prenatal care is also paramount, because a great deal of child health is determined in the womb.

Thus as a nation, we must stand up and speak for those who cannot speak for themselves.

That is why I am introducing the ''Healthy Kids 2000 Act.'' The idea behind it is simple: we want pregnant women to be healthy, and we want children to be healthy. So we are going to remove some of the barriers they encounter in receiving good, appropriate health care.

This bill will give States the flexibility to enroll eligible pregnant women in the State Children's Health Insurance Program (CHIP) and to coordinate essential outreach efforts to enroll qualified children. This program has already been funded by Congress to assist 10 million children whose families lack health insurance. These children are eligible to receive basic health care services like immunizations and antibiotics for ear infections, but pregnant women are not now eligible. Since so much of a child's health is determined in the womb, it is imperative that low-income pregnant women receive quality prenatal care.

Similarly, we need to ensure that the National Institutes of Health research machine is focusing on diseases and conditions which afflict our nation's children, such as birth defects, SIDS, cystic fibrosis, juvenile diabetes, and arthritis, just to name a few. A simple statistic will highlight this need: 80% of prescription medications marketed in the U.S. today are not approved by the FDA for use by children under 12 because studies have not been conducted to document their safety or whether or not they work for children. That is a terrible disservice to the young people of our country who may need the relief of a particular prescription drug.

This bill will also consolidate programs and provide more funds for local initiatives to prevent birth defects and maternal mortality.

150,000 infants are born each year with a serious birth defect, and birth defects are still the leading cause of infant death. During the 1990s we have witnessed an increase in maternal death during pregnancy and childbirth. There is no question that we need better approaches to ensure that women have healthier, safe pregnancies, and healthier babies. And my bill will help fund these vital prevention strategies.

This bill will also ensure direct access to obstetric care, and direct access to pediatric care. Children have health needs that are very different than those of the adult population. Diseases and medications behave differently than in adults, and when children are treated, it should be by those who understand those differences.

Finally, this initiative will assist children's hospitals in educating the next generation of pediatricians. Even with strapped budgets, teaching children's hospitals offer the more egalitarian health care in this country. These hospitals turn no one away. And it is essential that we support this noble mission by equipping children's hospitals with the tools to continue their educational and research efforts.

So much of the most important work in our society goes unnoticed, and unrewarded. Saving the lives of our children, improving the health of our children, even caring for our children on a daily basis is not glamorous work, or sometimes even all that much fun. Doctors, nurses, mothers, fathers, child-care workers and teachers are performing the most difficult, and the most important, work of our society: raising up the next generation to be happy, healthy, and productive citizens.

We must assist them in their efforts, and we can take a positive step by debating and enacting Healthy Kids 2000.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

NATIONAL ASSOCIATION OF
CHILDREN'S HOSPITALS,
Alexandria, VA, March 9, 1999.

Hon. CHRISTOPHER ''KIT'' BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: The National Association of Children's Hospitals (N.A.C.H.), which represents more than 100 children's hospitals across the country, strongly supports your efforts to address the full spectrum of children's health care needs through your new ''Healthy Kids 200 Act,'' legislation that knits together several important individual initiatives to improve the health and well-being of our nation's children.

This legislation takes a comprehensive approach to addressing barriers and obstacles, both health system and governmental, that families and pediatric providers encounter in improving the health care of children. Its focus on strengthening health coverage, graduate medical education, research, and public health protections for children clearly reflects the children's hospitals' own fourfold missions of clinical care, education, research, and public health advocacy for child health. Together, they are essential to the ability of communities to meet the unique health care needs of their children.

CHILDREN'S HEALTH COVERAGE

This legislation recognizes that the prescription for good, comprehensive health care for children is not only health insurance coverage but also quality and access to care. The ''Healthy Kids 200 Act'' would provide important health care protections for children as well as enable providers, professionals, systems, and workers to assure improved quality of health care for children.

By providing families access to providers that specialize in pediatrics for the care delivered to their children, the legislation takes the important step of ensuring that children receive health care in the most appropriate setting and condition possible.

The legislation recognizes that, as the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry writes, ''[c]hildren have health and development needs that are markedly different from adults and require age-appropriate care. Developmental changes, dependency on others, and different patterns of illness, disability and injury require that attention be paid to the unique needs of children in the health system.''

In addition, the legislation improves upon the State Children's Health Insurance Program (SCHIP) by allowing states the option to use SCHIP to provide health insurance coverage for pregnant women. The linkages between prenatal care and healthy children have long been understood in American social policy, including Medicaid, the Maternal and Child Health Block Grant and WIC. As the GAO found in its report Health Insurance; Coverage Leads to Increased Health Care Access for Children, Medicaid coverage of maternal and child health improves health care access but also decreases infant and child mortality.

For these reasons, N.A.C.H. supports giving states the option of covering low income, uninsured pregnant women through SCHIP, as well as the bill's provision to establish automatic enrollment of their infants upon birth through that critical first year of life.

PEDIATRIC EDUCATION

N.A.C.H. applauds you for including in the ''Healthy Kids 2000 Act'' the commitment to commensurate federal graduate medical education support for independent children's hospitals proposed by the ''Children's Hospitals Education and Research Act,'' which you have twice co-sponsored with Senator Bob Kerrey (D–MO). Through the establishment of a capped time-limited fund, the legislation would go a long way toward providing a more equitable competitive playing field for independent children's hospitals.

Like all teaching hospitals, children's hospitals receive less and less support for their graduate medical education (GME) programs from most insurers. Unlike other teaching hospitals, independent children's hospitals receive virtually no support for GME from the one remaining, stable source of GME support—the Medicare program—because

they serve children, not the elderly. Yet, these hospitals play a critical role in training the next generation of health care providers for children. Although they represent less than one percent of all hospitals, they train nearly 30 percent of all pediatricians and nearly half of all pediatric subspecialists.

PEDIATRIC RESEARCH

As centers of research devoted to improving the prevention, diagnosis, treatment, and evaluation of children's illnesses and conditions, children's hospitals very much appreciate your efforts to bring new visibility the need for increased NIH investment in pediatric biomedical research overall and in pediatric research training in particular. While there are a variety of ways to structure this increased investment in NIH, we know that you share our conviction that in the end, the result must be a real increase in total support for pediatric research. Its purpose should be to stimulate significant additional pediatric research investment and growth in the number of researchers focusing on children's health, not to cause a shift in funding that comes at the expense of any current NIH research efforts for children.

PEDIATRIC PUBLIC HEALTH PROMOTION

With so many children's hospitals serving as their states' or regions' poison control centers, N.A.C.H. especially appreciates the provisions of your legislation to stabilize and improve our nation's poison control system. Over half of the two million poisonings reported in 1996 were by parents of children under age 6. Almost 2 out of 3 poison calls are on behalf of children under age 18. Legislation that serves to improve and stabilize this critical system will undoubtedly improve the lives and health of children as well.

N.A.C.H. also supports the bill's provisions to improve prenatal care and birth defects research through the Centers for Disease Control and Prevention, which are important to reduce morbidity and mortality from birth, improving health, and preventing lifelong health care costs for children and adults.

In conclusion, Senator Bond, we commend you for the breadth and depth that this bill undertakes to improve the health of our nation's children. This legislation certainly sets the standard for what the 106th Congress should consider and pass with respect to child health.

If you have any questions or need additional information, call Peters Willson or Bruce Lesley at 703–684–1355.

Sincerely,

LAWRENCE A. MCANDREWS.

MARCH OF DIMES,
BIRTH DEFECTS FOUNDATION,
Washington, DC, March 8, 1999.

Hon. CHRISTOPHER BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: On behalf of more than 3 million volunteers and 1500 staff members of the March of Dimes, I want to commend you for introducing the ''Healthy Kids 2000 Act.'' We are particularly pleased that you have included in this legislation three specific initiatives important to the Foundation and to the health of mothers, infants and children.

The first section of the bill, ''Health Care Accessibility and Accountability for Mothers and Newborns,'' includes a much needed initiative to improve access to health care for pregnant women. Numerous studies have shown that prenatal care improves the likelihood that a child will be born healthy. Your proposal that states be given the flexibility to cover prenatal care for income-eligible pregnant women through the new State Children's Health Insurance Program (S–CHIP) is an important step to take. If enacted, this provision would help provide women the prenatal and maternity care they need to have healthy, full term babies. The March of Dimes strongly supports access to prenatal care. Because of the Foundation's concern that more than 350,000 women do not have access to these needed services, the Foundation has identified the expansion of S–CHIP to cover pregnant women as one of its highest federal legislative priorities for 1999.

The Foundation is also pleased to support the ''Pediatric Public Health Promotion'' provision that would establish a National Center for Birth Defects Research and Prevention at the Centers for Disease Control and Prevention. This change in law would elevate the visibility of the birth defects activities of the CDC, authorized by the Birth Defects Prevention Act (P.L. 105–168), which you guided to enactment in 1998. As you know, for many years the March of Dimes has been a strong supporter of federal birth defects research and prevention activities. We applaud you for proposing to integrate the activities of various programs to further promote the prevention of birth defects.

In addition, the March of Dimes commends you on including the ''Pediatric Research Initiative'' in the ''Healthy Kids 2000 Act.'' If enacted, this initiative would establish the authorization needed to obtain additional funding for pediatric biomedical research within the National Institutes of Health. The Foundation believes that a partnership between the public and private sectors is the more effective way to raise the level of investment in clinical research pertaining to children. The March of Dimes urges Congress to strengthen the national commitment to all children.

We thank you for your leadership and are eager to work with you on this and other legislative initiatives important to the health of the nation's mothers, infants and children.

Sincerely,

DR. JENNIFER L. HOWSE,
President.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ABRAHAM):

S. 593. A bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes; to the Committee on Finance.

THE SMALL SAVERS ACT

Mr. COVERDELL. Mr. President, I rise today, joined by my good friends Senator TORRICELLI and Senator ABRAHAM, to introduce legislation whose time I believe has clearly come. We are faced with a real crisis. That crisis is the state of personal savings, savings by families that let them prepare for the bumps in the road.

Families are not saving, and I believe it is not happening because our government takes too much from them. A recent report by the Congressional Budget Office showed that taxes on the American public are at their highest level since World War II. Too many middle-class families have been squeezed to the point where they live paycheck to paycheck without the option of saving for the future.

Today, the Nation's economy remains the envy of the world. The United States has the first federal budget surplus in thirty years, unemployment is down and the stock market is up, but there are troubling signs on the horizon. Manufacturing activity slowed in December for the seventh straight month, dropping to its lowest level in almost eight years as global economic problems continued to hinder exports. At the same time, personal savings are at Depression-era lows.

In 1982, families saved nine percent of their personal income. In 1992, it was between five and six percent. Last year, it was one-half of one percent and headed into the red. Personal savings is so important because it helps prepare families for any crisis that could occur, such as a health emergency or job loss.

Having said that, I believe we would all do well to remember the lessons from the biblical parable of Joseph. Recall that Joseph warned Pharaoh his kingdom would experience seven years of plenty followed by seven years of famine. His message to Pharaoh was to build reserves during the years of plenty in preparation for the years of famine, so that his people would not suffer. To ensure the longevity of our recent economic gains, it is important to remember the lessons of Joseph and heed the words of President Kennedy who, in his second State of the Union address said: ''Pleasant as it is to bask in the warmth of recovery . . . the time to repair the roof is when the sun is shining.''

One-third of Americans have no savings at all, and the next third have less than $3,000 in savings. Although the baby-boom generation has contributed to the explosion of people investing in the equities, only two in five baby boomers will have enough savings to maintain their current standard of living when they begin to retire in 2011.

The Small Savers Act would help to reverse these troubling trends. First, our proposal returns middle class taxpayers to the lowest Federal income tax bracket. Under our legislation, 7 million taxpayers would no longer find themselves taxed at 28%. Instead, they would be taxed at the 15% bracket.

Second, it would encourage modest savings and investment. We propose to enable savers to earn $500, or $250 for singles, in interest and dividends without paying a tax. According to the Joint Economic Committee, 30 million low and middle income taxpayers would be able to save tax free. Our proposal also would wipe out capital gains taxes for 10 million low and middle income investors by exempting the first $5,000 of long-term capital gains. For those committed to ending the taxation of capital gains, this would be an opportunity to take that first step while encouraging lower and middle class workers to invest for their future.

Finally, we provide for a modest $1,000 increase in the contribution limit for deductible IRA contributions, from $2,000 to $3,000, and index for inflation after 2009. These contribution limits have not been raised since 1981.

The Nation faces many challenges in the years ahead. None is more important than sustaining economic growth and ensuring our retirement security. The Small Savers Act is a modest and progressive step to begin shoring up personal savings and to keep the Nation on the path to long-term economic health.

By Mrs. FEINSTEIN:

S. 594. A bill to ban the importation of large capacity ammunition feeding devices; to the Committee on the Judiciary.

LARGE-CAPACITY AMMUNITION MAGAZINE IMPORT BAN OF 1999

Mr. FEINSTEIN. Mr. President, I rise today to introduce legislation that will plug a gaping loophole in our gun laws and protect us all from the deadly, tragic violence of assault weapons.

This bill is not about gun control. This bill is not about politics. And this bill is not about partisanship. But this bill is about stopping foreign manufacturers from skirting the laws that already apply to companies within our borders.

The bill we introduce today will address, finally, the loophole in the law that allows foreign manufacturers to flood our shores with high capacity ammunition clips, while domestic manufacturers are prohibited from selling those very clips.

Our bill bans future importation of all ammunition clips with a capacity of greater than 10 rounds.

Mr. President, this legislation would not ban the sale or possession of clips already in circulation. And the domestic manufacture of these clips is already illegal for most purposes. Under current law, U.S. manufacturers are already prohibited from manufacturing large capacity clips for sale to the general public, but foreign companies continue to do so.

As the author of the 1994 provision, I can assure you that this was not our intent. We intended to ban the future manufacture of all high capacity clips, leaving only a narrow clause allowing for the importation of clips already on their way to this country. Instead, the Bureau of Alcohol, Tobacco and Firearms has allowed millions of foreign clips into this country, with no true method of determining date of manufacture.

In fact, between March and August of last year alone, BATF approved more than 8 million large-capacity clips for importation into America.

Many of these clips were surely manufactured after 1994, but ATF has no way to determining whether or not this is true. As a result, they simply must take the word of the exporting company or country.

The clips come from at least 20 different countries, from Austria to Zimbabwe.

The clips approved during this one short period accounted for almost 128 million rounds of ammunition—and every round represents the potential for taking one human life.

These clips come in sizes ranging from 15 rounds per clip to 30, 75, 90, or even 250 rounds per clip.

Twenty thousand clips of 250-rounds came from England;

Two million 15-round magazines came from Italy;

Five thousand clips of 70-rounds came from the Czech Republic.

And the list goes on, and on.

Mr. President, 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling. It is time to plug this loophole and close our borders to these tools of death and destruction. Our domestic manufacturers are complying with the law, and we must now force foreign manufacturers to comply as well.

In April of last year, President Clinton and Treasury Secretary Rubin closed one loophole in the 1994 ban on assault weapons by blocking further imports of modified semiautomatic assault weapons. However, the Department of Justice advises me that the President lacks the legal authority to take the same action regarding large-capacity clips. As a result, we must take legislative action to stop further imports of these killer clips.

In closing our borders to these high capacity clips, we will not put an end to all incidents of gun violence. But we will limit the destructive power of that violence. We will not stop every troubled child who decides to commit an act of violence from doing so, but we can limit the tools that a child can find to carry out the act.

Each of us has been touched in some way by the devastating effects of gun violence. Each of our states has faced unnecessary tragedy and senseless destruction as a result of the high-powered, high-capacity weapons falling into the hands of gangs, drive-by shooters, cop killers, grievance killers, and yes, even children. My own state of California has too often been the subject of national attention due to incidents of gun violence.

Just a few short months ago in Oakland, California, officer James Williams became yet another example of what can happen when a troubled teenager gets hold of a high-capacity weapon. Soon after midnight on a Sunday early this New Year, Officer Williams and two colleagues found themselves searching the side of the road for a gun that had reportedly been thrown by suspects involved in a recent chase. Officer Williams had been out of the police academy for only eleven weeks, and was undoubtedly looking forward to getting home to see his three children.

But tragically, James Williams never made it home that night. While Williams searched for the lost gun, a 19-year-old man stood on the freeway overpass above and fired the shots that would change Williams' family forever. Using a Hungarian made AK–47 with a Chinese made high-capacity ammunition clip, the teenager fired many shots—too many.

One Telfon-coated bullet from this high capacity clip fatally wounded officer Williams, tearing through his bulletproof vest and leaving his three children without a father. And that lone bullet tore through more than just James Williams' body armor. It tore through the very fabric of his entire family, and its damage cannot be repaired.

To many, Officer Williams has now become just another statistic in the fight against gun violence. But he is more than that to his family, and he must mean more than that to us, as well. We must fight to end the tragedies faced by so many families across this nation. We must fight to give meaning to the countless lives that have been extinguished before their time.

One phenomenon which has most tragically revealed the problems presented by these high capacity clips has been the use of these clips by youngsters to kill other youngsters.

In Springfield, Oregon, a 15-year-old boy used a 30-round clip to kill two of his fellow students and wound 22 others.

In Jonesboro, Arkansas, one of two boys carried a Universal carbine equipped with a 15-round killer clip. Firing every one of those 15 bullets, the boy helped his partner kill five people and wound 10 more.

And just last December in Los Angeles, 27 year old LAPD officer Bryan Brown was shot and killed by an assailant with a rifle and double magazine. Following the tragic shooting, Officer Brown's 7 year old son asked, ''Why did my daddy have to die?''

Mr. President, Officer Brown and Officer Williams gave their lives to protect the lives of so many others, and their children have now been left without a father. We must do what we can to make the lives of our law enforcement officers more safe.

And we must also do what we can to bring foreign companies into compliance with the same laws we impose on companies here at home. The only way we can accomplish these goals is to pass this simple bill.

In 1994, we fired a first shot in the fight against assault weapons and killer clips by banning the assault weapons most commonly used in crime and to kill police officers. I am proud to have authored that legislation, and many of my colleagues who joined me in that fight remember how hard we worked to make a difference. Our opponents told

us our efforts would accomplish nothing—but they were wrong. They told us our efforts would infringe upon the rights of innocent gun owners—again, they were wrong.

In fact, recent statistics prove that the assault weapons ban is working to reduce crime and to save the lives of law enforcement officers and countless others.

A recent study by the Bureau of Alcohol, Tobacco and Firearms showed that compared to other guns, the use of assault weapons in crimes is rapidly falling. In fact, while assault weapons accounted for more than 6% of the guns traced in crimes before the 1994 crime bill went into effect, these guns now account for less than 2.4% of those traces.

But it has now become apparent that the 1994 ban on assault weapons left open certain loopholes. Through those loopholes fall the lives of courageous police officers like Officer James Williams.

There is no convincing reason to allow foreign manufacturers to circumvent the ban on assault weapons while domestic manufacturers comply. And there is no convincing reason to keep an unlimited supply of these clips flowing onto our shores and into the hands of American criminals.

The ban on assault weapons is working to save lives and to keep us safe. But we must act to fix those loopholes which still remain. Last year we came close—we offered this bill as an amendment on short notice and lost by only a few votes. I am confident that once my colleagues understand what this bill does—and more importantly what it does not do—we will win our fight.

I urge my colleagues to support this bill, and I look forward to voting on this issue in the near future.

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. 594

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 ''Large Capacity Ammunition Magazine Import Ban Act of 1999''.

SEC. 2. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following:

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 3. CONFORMING AMENDMENT.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

By Mr. DOMENICI (for himself and Mr. INHOFE):

S. 595. A bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes; to the Committee on Finance.

THE DOMESTIC OIL AND GAS CRISIS TAX RELIEF AND FOREIGN OIL RELIANCE REVERSAL ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today to introduce the Domestic Oil and Gas Crisis Tax Relief and Foreign Oil Reliance Reversal Act of 1999.

It is a comprehensive, graduated approach to ensure that the United States retains control of its foreign policy and its economic destiny.

I believe that oil is essential to our way of life. Oil is power.

It has been pointed out by numerous commentators that major oil reserves and political volatility go together. The Middle East has the world's most abundant and cheapest oil, unfortunately, the U.S. does not.

Saudi Arabia, United Arab Emirates and Kuwait are our current allies, but Iran and Iraq are not. Russia is a major natural gas producer, but reliable Russia is not.

Our dependence on foreign oil is reaching 57 percent, projected to reach 68 percent by 2010 if current prices prevail.

This isn't the usual boom and bust that the oil and gas industry goes through. The price has dropped by half in the past two years. In real terms, oil now costs roughly what it did before 1973. And prices could stay low or drop lower according to the March 6th, Economist magazine.

Chairman Greenspan, thus, far has been more cautious.

At a Budget Committee hearing recently, I asked Chairman Greenspan about the oil and gas depressed prices. For the first time that I can remember, Greenspan blessed Independent Petroleum Association of America (IPAA) numbers.

Greenspan said, ''In the short term, profits for the oil and gas industry are likely to come under pressure. According to industry surveys, exploration and production spending in the U.S. is projected to decline 21 percent this year to $22.6 billion from $28.2 billion in 1998. A recent survey by the Independent Petroleum Association of America (IPAA) estimates that over 36 thousand crude oil wells and more than 56 thousand natural gas wells have been shut down since November 1997. During the same period, the IPAA estimates that 24 thousand jobs in the industry have been eliminated * * * The financial pressures are most serious among small producers in the United States.''

Let me describe the financial pressures facing New Mexico.

One of the city officials told me that oil and gas revenues were so low that the town of Eunice has to decide which it will keep open—the school or the hospital. There isn't enough tax revenue in the coffers to do both! In New Mexico, the oil and gas industry is a major source of revenue. For some communities it is the only significant source.

The bill I am introducing today is a comprehensive, graduated response to the problem of the shrinking domestic oil and gas industry. It builds upon, and includes all of the provisions included in S. 325 introduced by Senator KAY BAILEY HUTCHISON and cosponsored by Senators NICKLES, MURKOWSKI, BREAUX and LANDREU and myself.

The Hutchison bill focuses on helping our independent producers and maintaining marginal wells. These are wells that produce less than 15 barrels a day by IRS definition, but in reality, on average produce about 2.2 barrels of oil a day. There are a lot of marginal wells in the United States, and together they produce as much oil as the United States imports from Saudi Arabia.

I am also told if prices stay where they are the state could lose half of those wells by the end of the year.

Title I of the bill I am introducing today is part of S. 325. It includes a marginal well tax credit designed to prolong marginal domestic oil and gas well production. The credit is equal to $3.00 a barrel.

The bill also provides a Federal income tax exclusion for income earned from inactive wells. It is an incentive for producers to keep pumping and not to plug the wells because low prices make them uneconomic. Once a well is plugged, the oil from that well is lost for ever.

The bill expands the Enhanced Oil Recovery credit (EOR) that was enacted in 1990.

Enhanced oil recovery techniques can recover the other seventy-five percent of the oil left behind when regular techniques have pumped as much oil as they can from a well. The EOR credit is expanded to cover additional techniques and to be used by AMT taxpayers.

The oil and gas industry is a capital intensive industry.

When the price of oil drops, the cash flow for small producers dries up. There are countless producers who haven't been able to make an interest payment on their operating loans in months and as loans come due, the banks haven't been willing to renew them.

The world is feasting on cheap oil, and yet the oil patch is starving for capital. This credit crunch is made all the more painful because producers know that they have accumulated tax

benefits and credits that they have not been able to use, first, because they were Alternative Minimum Tax (AMT) taxpayers, and more recently, because low prices have devastated their bottomline.

The AMT was intended to make sure that profitable companies paid their fair share of taxes. It has not worked as it was intended. In practice, the AMT imposes four penalties on investments made by U.S.-based taxpayers who explore for and produce oil and natural gas. Penalties are imposed on drilling investment and asset depreciation. These penalties significantly increase the after-tax costs and the business risks of drilling new wells. This is a very imprudent policy at a time when the U.S. is experiencing historically low drilling activity and growing import dependency.

The AMT increases the cost of capital of AMT taxpayers by approximately 15 to 20 percent over what it would be under the regular corporate income tax according to testimony given before the Senate Finance Committee.

TITLE II of the bill tries to correct the past imprudence of the AMT and other tax cod provisions by providing domestic oil and gas industry crisis tax relief triggered when the price of oil is below $15 a barrel.

This title of the bill creates what I call a ''credits to cash'' program.

The purpose is to transform earned tax credits and other accumulated tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies.

This is accomplished by creating a ten year carry-back for unused AMT credits, and unused percentage depletion for oil and gas producers. The bill would also eliminate one of the most restrictive limitations on an oil and gas producer's ability to claim his intangible drilling costs—the so-called 65 percent net income limitation. The bill repeals it so that producers can finally recover their out of pocket costs.

The bill also includes a provision similar to a bill introduced by Congressman THOMAS. My bill allows both producers and the oil and gas service industry to go back ten years and use up their Net operating losses (NOL)s.

HARD TIMES TAX RELIEF WHEN PRICE OF OIL IS LESS THAN $14 A BARREL

The National Energy Policy Act partially eliminated Intangible Drilling Costs as a preference item under the AMT. This bill finishes the job for any year when the price of oil is less than $14 a barrel (phased out when oil prices hit $17)

IDCs are up front, out of pocket costs that have to be paid before a producer even knows whether there will be any oil produced.

IDCs are one of the principal ordinary and necessary business costs of the oil and gas industry. IDCs can comprise up to 80 percent of the total costs incurred in developing a well.

IDCs are comparable to research and development costs because they are incurred before a capital asset is known to exist. Examples of IDCs include amounts paid to negotiate and finalize drilling contracts; costs to prepare the drill site, costs of transporting and setting up the rigs and costs of cementing casing in place; costs for wages, fuel, repairs, supplies, and other costs in the drilling, shooting and cleaning of wells, onsite preparation for the drilling of wells, and the construction of the physical structures that are necessary for the drilling of wells. IDCs are funded with cold, hard cash and typically cannot be financed by a bank or financial institution, and must be paid through an operator's internal cash flow or outside equity money supplied by an investor.

Under the regular corporate tax, IDCs are generally allowed to be expensed.

If they were the expenses of any other business they would not be included as add-back preference items for purposes of the AMT. We took the first step to correcting this injustice in the National Energy Policy Act. It is time to finish the job now.

Percentage depletion is also an ordinary and necessary business cost. It recognizes that the economic profit from successful wells must compensate for economic losses from dry holes and marginal wells that do not recover their investment. Percentage depletion also recognizes that oil and gas properties are wasting assets with no residual value. These expenses correspond to ordinary business expenses that are deductible for every other business without limitations.

The bill would also eliminate the depreciation adjustment under the AMT for oil and gas assets so that the depreciation schedules for the regular tax are also used for AMT.

The oil and gas industry must spend significant amounts of capital to acquire, find, develop and produce oil and gas resources The regular tax system's modified accelerated cost recovery system (MACRS) is designed to encourage such investments. The incentive of accelerated tax depreciation is especially important in periods when oil is cheap and companies are under economic pressure to reduce capital investment and jobs. Yet, the depreciation adjustment required under the AMT results in removing much of the regular tax incentive precisely when it is needed most. This occurs because companies in the industry are more likely to be subject to AMT in periods of low commodity prices.

While the AMT is the second tax system imbedded in our Internal Revenue code, the Accumulated Current Earnings (ACE) effectively acts as a third system of taxation, in addition to the regular tax system and the AMT. ACE generally acts to measure income in the same manner ''earnings and profits'' which is a measure of income used by ''C'' corporations to determine whether their dividends will be taxable. Under ACE, a corporate taxpayer must compute the deductions for equipment depreciation (pre-1994), and intangible drilling cost recovery in a third manner in addition to that mandated under the regular tax system and the AMT.

Congress has nibbled at fixing the ACE several times in the 1990's. It is time to get rid of it and its complexity. The bill eliminates the Adjusted Current Earnings adjustment (ACE) as it applies to IDCs.

The bill would also permit the EOR credit and the Section 29 credit to reduce the Alternative Minimum Tax.

The Alternative Minimum Tax (AMT) imposes tax penalties on the oil and gas industry. It taxes investment, not income, and it is more punitive the less profitable a company is. The longer prices are low and profits thin, the harsher is the AMT's impact.

The bill recognizes that the Oil for Food program is contributing to the depressed oil and gas prices and is causing economic hardship for our domestic oil and gas producers. To compensate our domestic industry for the economic loss that is being caused by this UN policy, the bill would restore percentage depletion to 27.5 percent. It also would include the remaining tax provisions included in S. 325 e.g., Allows expensing geological and geophysical expenditures Allows producers to make an election to Expense Delay Rentals payments; and provides an Extension of Spudding rule

Title III of the bill would be triggered whenever foreign oil reliance exceeds 50 percent. The purpose of this title is to reverse the trend of increased foreign dependence of oil and gas by encouraging exploration and development of oil and gas reserves here at home in the U.S. Our goal should be to double current domestic oil and gas production.

The bill provides a 20 percent exploration and development credit.

Title IV recognizes that 60 percent foreign oil dependence is a national security risk and provides for an emergency procedure. When foreign imports exceed 60 percent the President is required to implement an energy security strategic plan designed to prevent crude oil and product imports from exceeding 60 percent. I will remind my colleagues that when we experienced the economic disruption of the 1973 oil embargo our dependence on foreign oil was only 36 percent.

Mr. President, we need a comprehensive response to foreign oil dependence. We need to have a healthy domestic oil and gas industry. This bill along with measures to help the industry through the current credit crunch are essential. I ask that my colleagues join me in developing a comprehensive plan to insure our energy and foreign policy independence.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Domestic Oil and Gas Crisis Tax Relief and Foreign Oil Reliance Reversal Act of 1999.''

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports;

(2) to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic oil and gas production of the United States;

(3) to transform earned tax credits and other tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies;

(4) to reverse the trend of increased dependence on foreign oil and gas by encouraging exploration and development of oil and gas reserves in the United States to achieve the goal of doubling current domestic oil and gas production; and

(5) to provide an emergency procedure for times when foreign imports exceed 60 percent of the total United States crude and oil product consumption, thereby recognizing that when imports exceed a statutory level a national security threat exists that demands Presidential action.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Foreign oil consumption in the United States is estimated to be equal to 56 percent of total oil consumption and could reach 68 percent by the year 2010 if current prices prevail.

(2) The number of oil and gas rigs operating in the United States is at the lowest count since 1944, when records of this number began to be recorded.

(3) If oil prices do not increase soon, the United States could lose at least half of its marginal wells which, in the aggregate, produce as much oil as the amount of oil the United States imports from Saudi Arabia.

(4) Oil and gas prices are unlikely to increase for the next several years.

(5) Declining production, well abandonment, and the lack of exploration and development are shrinking the domestic oil and gas industry.

(6) It is essential in order for the United States to have a vibrant economy to have a healthy domestic oil and gas industry.

(7) The world's richest oil producing regions in the Middle East are experiencing great political stability.

(8) The policy of the United Nations may make Iraq the swing oil producing nation, thereby granting an enemy of the United States a tremendous amount of power.

(9) Reliance on foreign oil for more than 60 percent of the daily oil and gas consumption in the United States is a national security threat.

(10) The United States is the leader of the free world and has a worldwide responsibility to promote economic and political security.

(11) The exercise of traditional responsibilities in the United States and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of gas and oil shortages.

(12) The level of the United States security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas.

(13) A national energy policy should be developed which ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

SEC. 4. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—DOMESTIC OIL AND GAS PRODUCTION PRESERVATION PROVISIONS

SEC. 101. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) PURPOSE.—The purpose of this section is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States.

(b) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

''(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

''(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which

the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

''(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.''.

''(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following new paragraph:

''(13) the marginal oil and gas well production credit determined under section 45D(a).''.

(d) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

''(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

''(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the marginal oil and gas well production credit'' after ''employment credit''.

(e) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

''(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

''(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.''

(f) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking ''There'' and inserting ''At the election of the taxpayer, there''.

(g) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

''45D. Credit for producing oil and gas from marginal wells.''

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 102. EXCLUSION OF CERTAIN AMOUNTS RECEIVED FROM RECOVERED INACTIVE WELLS.

(a) PURPOSE.—The purpose of this section is to encourage producers to reopen wells that have not been producing oil and gas because the wells have been plugged or abandoned.

(b) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

''SEC. 139. OIL OR GAS PRODUCED FROM A RECOVERED INACTIVE WELL.

''(a) IN GENERAL.—Gross income does not include income attributable to independent producer oil from a recovered inactive well.

''(b) DEFINITIONS.—For purposes of this section—

''(1) INDEPENDENT PRODUCER OIL.—The term 'independent producer oil' means crude oil or natural gas in which the economic interest of the independent producer is attributable to an operating mineral interest (within the meaning of section 614(d)), overriding royalty interest, production payment, net profits interest, or similar interest.

''(2) CRUDE OIL AND NATURAL GAS.—The terms 'crude oil' and 'natural gas' have the meanings given such terms by section 613A(e).

''(3) RECOVERED INACTIVE WELL.—The term 'recovered inactive well' means a well if—

''(A) throughout the time period beginning any time prior to January 15, 1999, and ending on such date, such well is inactive or has been plugged and abandoned, as determined by the agency of the State in which such well is located that is responsible for regulating such wells, and

''(B) during the 5-year period beginning on the date of the enactment of this section, such well resumes producing crude oil or natural gas.

''(4) INDEPENDENT PRODUCER.—The term 'independent producer' means a producer of crude oil or natural gas whose allowance for depletion is determined under section 613A(c).

''(c) DEDUCTIONS.—No deductions directly connected with amounts excluded from gross income by subsection (a) shall be allowed.

''(d) ELECTION.—

''(1) IN GENERAL.—This section shall apply for any taxable year only at the election of the taxpayer.

''(2) MANNER.—Such election shall be made, in accordance with regulations prescribed by the Secretary, not later than the time prescribed for filing the return (including extensions thereof) and shall be made annually on a property-by-property basis.''

(c) MINIMUM TAX.—Section 56(g)(4)(B) is amended by adding at the end the following new clause:

''(iii) INACTIVE WELLS.—In the case of income attributable to independent producers of oil recovered from an inactive well, clause (i) shall not apply to any amount allowable as an exclusion under section 139.''

(d) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following:

''Sec. 139. Oil or gas produced from a recovered inactive well.

''Sec. 140. Cross references to other Acts.;;

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

SEC. 103. ENHANCED OIL RECOVERY CREDIT EXTENDED TO CERTAIN NONTERTIARY RECOVERY METHODS.

(A) PURPOSE.—The propose of section is to extend the productive lives of existing domestic oil and gas wells in order to recover the 75 percent of the oil and gas that is not recoverable using primary oil and gas recovery techniques.

(b) IN GENERAL.—Clause (i) of section 43(c)(2)(A) (defining qualified enhanced oil recovery project) is amended to read as follows:

''(i) which involves the application (in accordance with sound engineering principles) of—

''(I) one or more tertiary recovery methods (as defined in section 193(b)(3)) which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered, or

''(II) one or more qualified nontertiary recovery methods which are required to recover oil with traditionally immobile characteristics or from formations which have proven to be uneconomical or noncommercial under conventional recovery methods,''

(c) QUALIFIED NONTERTIARY RECOVERY METHODS.—Section 43(c)(2) is amended by adding at the end the following new subparagraphs:

''(C) QUALIFIED NONTERTIARY RECOVERY METHOD.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified nontertiary recovery method' means any recovery method described in clause (ii), (iii), or (iv), or any combination there of.

''(ii) ENHANCED GRAVITY DRAINAGE (EGD) METHODS.—The methods described in this clause are as follows:

''(I) HORIZONTAL DRILLING.—The drilling of horizontal, rather than vertical, wells to penetrate any hydrocarbon-bearing formation which has an average in situ calculated permeability to fluid flow of less than or equal to 12 or less millidarcies and which has been demonstrated by use of a vertical wellbore to be uneconomical unless drilled with lateral horizontal lengths in excess of 1,000 feet.

''(II) GRAVITY DRAINAGE.—The production of oil by gravity flow from drainholes that are drilled from a shaft or tunnel dug within or below the oil-bearing zone.

''(iii) MARGINALLY ECONOMIC RESERVOIR REPRESSURIZATION (MERR) METHODS.—The methods described in this clause are as follows, except that this clause shall only apply to the first 1,000,000 barrels produced in any project:

''(I) CYCLIC GAS INJECTION.—The increase or maintenance of pressure by injection of hydrocarbon gas into the reservoir from which it was originally produced.

''(II) FLOODING.—The injection of water into an oil reservoir to displace oil from the reservoir rock and into the bore of a producing well.

''(iv) OTHER METHODS.—Any method used to recover oil having an average laboratory measured air permeability less than or equal to 100 millidarcies when averaged over the productive interval being completed, or an in situ calculated permeability to fluid flow less than or equal to 12 millidarcies or oil defined by the Department of Energy as being immobile.

''(D) AUTHORITY TO ADD OTHER NONTERTIARY RECOVERY METHODS.—The Secretary shall provide procedures under which—

''(i) the Secretary may treat methods not described in clause (ii), (iii), or (iv) of subparagraph (C) as qualified nontertiary recovery methods, and

''(ii) a taxpayer may request the Secretary to treat any method not so described as a qualified nontertiary recovery method.

The Secretary may only specify methods as qualified nontertiary recovery methods under this subparagraph if the Secretary determines that such specification is consistent with the purposes of subparagraph (C) and will result in greater production of oil and natural gas.''

(d) CONFORMING AMENDMENT.—Clause (iii) of section 43(c)(2)(A) is amended to read as follows:

''(iii) with respect to which—

''(I) in the case of a tertiary recovery method, the first injection of liquids, gases, or other matter commences after December 31, 1990, and

''(II) in the case of a qualified nontertiary recovery method, the implementation of the method begins after December 31, 1998.''

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

TITLE II—DOMESTIC OIL AND GAS INDUSTRY CRISIS TAX RELIEF

SEC. 200. PURPOSE.

The purpose of this title is to transform earned tax credits and other accumulated tax benefits into working capital for the cash-strapped domestic oil and gas producers and service companies.

Subtitle A—Credits to Cash Provisions

SEC. 201. 10-YEAR CARRYBACK FOR UNUSED MINIMUM TAX CREDIT.

(a) IN GENERAL.—Section 53(c) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new paragraph:

''(2) SPECIAL RULE FOR TAXPAYERS WITH UNUSED ENERGY MINIMUM TAX CREDITS.—

''(A) IN GENERAL.—If, during the 10-taxable year period ending with the current taxable year, a taxpayer has an unused energy minimum tax credit for any taxable year in such period (determined without regard to the application of this paragraph to the current taxable year)—

''(i) paragraph (1) shall not apply to each of the taxable years in such period for which the taxpayer has an unused energy minimum tax credit (as so determined), and

''(ii) the credit allowable under subsection (a) for each of such taxable years shall be equal to the excess (if any) of—

''(II) the sum of the regular tax liability and the net minimum tax for such taxable year, over

''(II) the sum of the credits allowable under subparts A, B, D, E, and F of this part.

''(B) ENERGY MINIMUM TAX CREDIT.—For purposes of this paragraph, the term 'energy minimum tax credit' means the minimum tax credit which would be computed with respect to any taxable year if the adjusted net minimum tax were computed by only taking into account items attributable to—

''(i) the taxpayer's mineral interests in oil and gas property, and

''(ii) the taxpayer's active conduct of a trade or business of providing tools, products, personnel, and technical solutions on a contractual basis to persons engaged in oil and gas exploration and production.''

(b) CONFORMING AMENDMENTS.—Section 53(c) of such Code (as in effect before the amendment made by subsection (a)) is amended—

(1) by striking ''The'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), the '', and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998, and to any taxable year beginning on or before such date to the extent necessary to apply section 53(c)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)).

SEC. 202. 10-YEAR CARRYBACK FOR PERCENTAGE DEPLETION FOR OIL AND GAS PROPERTY.

(a) IN GENERAL.—Subsection (d)(1) of section 613A (relating to limitations on percentage depletion in case of oil and gas wells) is amended to read as follows:

''(1) LIMITATION BASED ON TAXABLE INCOME.—

''(A) IN GENERAL.—The deduction for the taxable year attributable to the application of subsection (c) shall not exceed the taxpayer's taxable income for the year computed without regard to—

''(i) any depletion on production from an oil or gas property which is subject to the provisions of subsection (c),

''(ii) any net operating loss carryback to the taxable year under section 172,

''(iii) any capital loss carryback to the taxable year under section 1212, and

''(iv) in the case of a trust, any distributions to its beneficiary, except in the case of any trust where any beneficiary of such trust is a member of the family (as defined in section 267(c)(4)) of a settlor who created inter vivos and testamentary trusts for members of the family and such settlor died within the last six days of the fifth month in 1970, and the law in the jurisdiction in which such trust was created requires all or a portion of the gross or net proceeds of any royalty or other interest in oil, gas, or other mineral representing any percentage depletion allowance to be allocated to the principal of the trust.

''(B) CARRYBACKS AND CARRYFORWARDS.—

''(i) IN GENERAL.—If any amount is disallowed as a deduction for the taxable year (in this subparagraph referred to as the 'unused depletion year') by reason of application of subparagraph (A), the disallowed amount shall be treated as an amount allowable as a deduction under subsection (c) for—

''(I) each of the 10 taxable years preceding the unused depletion year, and

''(II) the taxable year following the unused depletion year,

subject to the application of subparagraph (A) to such taxable year.

''(ii) APPLICABLE RULES.—Rules similar to the rules of section 39 shall apply for purposes of this subparagraph.

''(C) ALLOCATION OF DISALLOWED AMOUNTS.—For purposes of basis adjustments and determining whether cost depletion exceeds percentage depletion with respect to the production from a property, any amount disallowed as a deduction on the application of this paragraph shall be allocated to the respective properties from which the oil or gas was produced in proportion to the percentage depletion otherwise allowable to such properties under subsection (c).''

''(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998, and to any taxable year beginning on or before such date to the extent necessary to apply section 613A(d)(1)(B) of the Internal Revenue Code of 1986 (as added by subsection (a)).

SEC. 203. 10-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OIL SERVICING COMPANIES AND MINERAL INTERESTS OF OIL AND GAS PRODUCERS.

''(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

''(H) LOSSES ON OPERATING MINERAL INTERESTS OF OIL AND GAS PRODUCERS AND OILFIELD SERVICING COMPANIES.—In the case of a taxpayer which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, such eligible oil and gas loss shall be a net operating loss carryback to each of the 10 taxable years preceding the taxable year of such loss.''

(b) ELIGIBLE OIL AND GAS LOSS.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) ELIGIBLE OIL AND GAS LOSS.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible oil and gas loss' means the lesser of—

''(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to—

''(i) mineral interests in oil and gas wells, and

''(ii) the active conduct of a trade or business of providing tools, products, personnel, and technical solutions on a contractual basis to persons engaged in oil and gas exploration and production,

are taken into account, and

''(B) the amount of the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 10-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1998, and to any taxable year beginning on or before such date to the extent necessary to apply section 172(b)(1)(H) of the Internal Revenue Code of 1986 (as added by subsection (a)).

SEC. 204. WAIVER OF LIMITATIONS.

If refund or credit of any overpayment of tax resulting from the application of the

amendments made by this subtitle is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

Subtitle B—Hard Times Tax Relief

SEC. 211. PHASE-OUT OF CERTAIN MINIMUM TAX PREFERENCES RELATING TO ENERGY PRODUCTION.

(a) ENERGY PREFERENCES FOR INTEGRATED OIL COMPANIES.—Section 56 (relating to alternative minimum taxable income) is amended by adding at the end the following new subsection:

''(h) ADJUSTMENT BASED ON ENERGY PREFERENCE.—

''(1) IN GENERAL.—In computing the alternative minimum taxable income of any taxpayer which is an integrated oil company (as defined in section 291(b)(4)) for any taxable year beginning after 1998, there shall be allowed as a deduction an amount equal to the alternative tax energy preference deduction.

''(2) PHASE-OUT OF DEDUCTION AS OIL PRICES INCREASES.—The amount of the deduction under paragraph (1) (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such amount as—

''(A) the amount by which the reference price for the calendar year preceding the calendar year in which the taxable year begins exceeds $14, bears to

''(B) $3.

For purposes of this paragraph, the reference price for any calendar year shall be determined under section 29(d)(2)(C) and the $14 amount under subparagraph (A) shall be adjusted at the same time and in the same manner as under section 43(b)(3).

''(3) ALTERNATIVE TAX ENERGY PREFERENCE DEDUCTION.—For purposes of paragraph (1), the term 'alternative tax energy preference deduction' means an amount equal to the sum of—

''(A) the intangible drilling cost preference, and

''(B) the depletion preference.

''(4) INTANGIBLE DRILLING COST PREFERENCE.—For purposes of this subsection, the term 'intangible drilling cost preference' means the amount by which alternative minimum taxable income would be reduced if it were computed without regard to section 57(a)(2).

''(5) DEPLETION PREFERENCE.—For purposes of this subsection, the term 'depletion preference' means the amount by which alternative minimum taxable income would be reduced if it were computed without regard to section 57(a)(1).

''(6) ALTERNATIVE MINIMUM TAXABLE INCOME.—For purposes of paragraphs (1), (4), and (5), alternative minimum taxable income shall be determined without regard to the deduction allowable under this subsection and the alternative tax net operating loss deduction under subsection (a)(4).

''(7) REGULATIONS.—The Secretary may by regulation provide for appropriate adjustments in computing alternative minimum taxable income or adjusted current earnings for any taxable year following a taxable year for which a deduction was allowed under this subsection to ensure that no double benefit is allowed by reason of such deduction.''

(b) REPEAL OF LIMIT ON REDUCTION FOR INDEPENDENT PRODUCERS.—Subparagraphs (E) of section 57(a)(2) (relating to exception for independent producers) is amended to read as follows:

''(E) EXCEPTION FOR INDEPENDENT PRODUCERS.—In the case of any oil or gas well, this paragraph shall not apply to any taxpayer which is not an integrated oil company (as defined in section 291(b)(4)).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after, and amounts paid or incurred in taxable years after, December 31, 1998.

SEC. 212. DEPRECIATION ADJUSTMENT NOT TO APPLY TO OIL AND GAS ASSETS.

(a) IN GENERAL.—Subparagraph (B) of section 56(a)(1) (relating to depreciation adjustments) is amended to read as follows:

''(B) EXCEPTIONS.—This paragraph shall not apply to—

''(i) property described in paragraph (1), (2), (3), or (4) of section 168(f), or

''(ii) property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas.''

(b) CONFORMING AMENDMENT.—Paragraph (4)(A) of section 56(g) (relating to adjustments based on adjusted current earnings) is amended by adding at the end the following new clause:

''(vi) OIL AND GAS PROPERTY.—In the case of property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas, the amount allowable as depreciation or amortization with respect to such property shall be determined in the same manner as for purposes of computing the regular tax.''

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service in taxable years beginning after December 31, 1998.

SEC. 213. REPEAL CERTAIN ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS RELATING TO OIL AND GAS ASSETS.

(a) DEPRECIATION.—Clause (vi) of section 56(g)(4)(A), as added by section 212(b), is amended to read as follows:

''(vi) OIL AND GAS PROPERTY.—This subparagraph shall not apply to property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas.''

(b) INTANGIBLE DRILLING COSTS.—Clause (i) of section 56(g)(4)(D) is amended by striking the second sentence and inserting ''In the case of any oil or gas well, this clause shall not apply in the case of amounts paid or incurred in taxable years beginning after December 31, 1998.''.

(c) DEPLETION.—Clause (ii) of section 56(g)(4)(F) is amended to read as follows:

''(ii) EXCEPTION FOR OIL AND GAS WELLS.—In the case of any taxable year beginning after December 31, 1998, clause (i) (and subparagraph (C)(i)) shall not apply to any deduction for depletion computed in accordance with section 613A.''

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

SEC. 214. ENHANCED OIL RECOVERY CREDIT AND CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE ALLOWED AGAINST MINIMUM TAX.

(a) ENHANCED OIL RECOVERY CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) ALLOWING CREDIT AGAINST MINIMUM TAX.—Subsection (c) of section 38 (relating to limitation based on amount of tax), as amended by section 101(d), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) SPECIAL RULES FOR ENHANCED OIL RECOVERY CREDIT.—

''(A) IN GENERAL.—In the case of the enhanced oil recovery credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the enhanced oil recovery credit).

''(B) ENHANCED OIL RECOVERY CREDIT.—For purposes of this subsection, the term 'enhanced oil recovery credit' means the credit allowable under subsection (a) by reason of section 43(a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subclause (II) of section 38(c)(2)(A)(ii), as amended by section 101(d), is amended by striking ''or the marginal oil and gas well production credit'' and inserting '', the marginal oil and gas well production credit, or the enhanced oil recovery credit''.

(B) Subclause (II) of section 38(c)(3)(A)(ii), as added by section 101(d), is amended by inserting ''or the enhanced oil recovery credit'' after ''recovery credit''.

(b) CREDIT FOR PRODUCING FUEL FROM A NON-CONVENTIONAL SOURCE.—

(1) ALLOWING CREDIT AGAINST MINIMUM TAX.—Section 29(b)(6) is amended to read as follows:

''(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed—

''(A) the regular tax for the taxable year and the tax imposed by section 55, reduced by

''(B) the sum of the credits allowable under subpart A and section 27.''

(2) CONFORMING AMENDMENTS.—

(A) Section 53(d)(1)(B)(iii) is amended by inserting ''as in effect on the date of the enactment of the Domestic Oil and Gas Crisis Tax Reliance Reversal Act of 1999,'' after ''29(b)(6)(B),''.

(B) Section 55(c)(2) is amended by striking ''29(b)(6),''.

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

Subtitle C—Oil-for-Food Program Compensating Tax Benefits

SEC. 220. PURPOSE.

The purpose of this subtitle is to provide compensation to the domestic oil and gas industry in the form of tax benefits to offset the depressing impact that the Oil-for-Food Program is having on the world market.

SEC. 221. INCREASE IN PERCENTAGE DEPLETION FOR STRIPPER WELLS.

(a) IN GENERAL.—Subparagraph (C) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended—

(1) by striking ''25 percent'' and inserting ''27.5 percent'' in the matter preceding clause (i); and

(2) by striking ''$20'' and inserting ''$28'' in clause (ii).

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

SEC. 222. NET INCOME LIMITATION ON PERCENTAGE DEPLETION REPEALED FOR OIL AND GAS PROPERTIES.

(a) IN GENERAL.—Section 613(a) (relating to percentage depletion) is amended by striking the second sentence and inserting: ''Except in the case of oil and gas properties, such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowances for depletion).''

(b) CONFORMING AMENDMENTS.—

(1) Section 613A(c)(7) (relating to special rules) is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(2) Section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended by striking subparagraph (H).

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

SEC. 223. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) PURPOSE.—The purpose of this section is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(b) ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—

(1) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

''(j) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR DOMESTIC OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.''

(2) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting by inserting ''263(j),'' after ''263(i),''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to expenses paid or incurred after the date of the enactment of this Act.

(B) TRANSITION RULE.—In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by this subsection, which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the unamortized portion of any expense is the amount remaining unamortized as of the first day of the 36-month period.

(c) ELECTION TO EXPENSE DELAY RENTAL PAYMENTS.—

(1) IN GENERAL.—Section 263 (relating to capital expenditures), as amended by subsection (b)(1), is amended by adding at the end the following new subsection:

''(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

''(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.''

(2) CONFORMING AMENDMENT.—Section 263A(c)(3), as amended by subsection (b)(2), is amended by inserting ''263(k),'' after ''263(j),''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to payments made or incurred after the date of the enactment of this Act.

(B) TRANSITION RULE.—In the case of any payments described in section 263(k) of the Internal Revenue Code of 1986, as added by this subsection, which were made or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such payments over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this subparagraph, the unamortized portion of any payment is the amount remaining unamortized as of the first day of the 36-month period.

SEC. 224. EXTENSION OF SPUDDING RULE.

(a) IN GENERAL.—Section 461(i)(2)(A) (relating to special rule for spudding of oil or gas wells) is amended by striking ''90th day'' and inserting ''180th day''.

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

TITLE III—FOREIGN OIL RELIANCE REVERSAL PROVISIONS

SEC. 300. PURPOSE.

The purpose of this title is to reverse the trend of increased foreign dependence of oil and gas by encouraging exploration and development of oil and gas reserves in the United States to achieve the goal of doubling current domestic oil and gas production.

"SEC. 301. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

(a) CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

''(a) GENERAL RULE.—The crude oil and natural gas exploration and development credit determined under this section for any applicable taxable year shall be an amount equal to the sum of—

''(1) 20 percent of so much of the taxpayer's qualified investment for the taxable year as does not exceed $1,000,000, plus

''(2) 10 percent of so much of such qualified investment for the taxable year as exceeds $1,000,000.

''(b) APPLICALE TAXABLE YEAR.—For purposes of subsection (a)—

''(1) IN GENERAL.—The term 'applicable taxable year' means any taxable year beginning in a calendar year during which the imports of foreign crude and oil product are determined by the Secretary of Energy to exceed 50 percent of the amount of United States crude and oil product consumption for such year.

''(2) DETERMINATION.—A determination under paragraph (1) shall be made not later than March 1 of each year with respect to the preceding calendar year.

''(c) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means amounts paid or incurred by a taxpayer—

''(1) for the purpose of ascertaining the existence, location, extent, or quality of any crude oil or natural gas deposit, including core testing and drilling test wells located in the United States or in a possession of the United States as defined in section 638, or

''(2) for the purpose of developing a property (located in the United States or in a possession of the United States as defined in section 638) on which there is a reservoir capable of commercial production and such amounts are paid or incurred in connection with activities which are intended to result in the recovery of crude oil or natural gas on such property.

''(d) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the sum of—

''(i) the taxpayer's tentative minimum tax liability under section 55(b) for such taxable year determined without regard to this section, plus

''(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

''(B) the sum of the credits allowable against the taxpayer's regular tax liability under part IV (other than section 43 of this section).

''(2) APPLICATION OF THE CREDIT.—Each of the following amounts shall be reduced by the full amount of the credit determined under paragraph (1):

''(A) the taxpayer's tentative minimum tax under section 55(b) for the taxable year, and

''(B) the taxpayer's regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under part IV (other than section 43 of this section).

If the amount of the credit determined under paragraph (1) exceeds the amount described in subparagraph (B) of paragraph (2), then the excess shall be deemed to be the adjusted net minimum tax for such taxable year for purposes of section 53.

''(3) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

''(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

''(i) an oil and gas exploration and development credit carryback to each of the 3 taxable years preceding the unused credit year, and

''(ii) an oil and gas exploration and development credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years, except that no portion of the unused oil and gas exploration and development credit for any taxable year may be carried to a taxable year ending before the date of the enactment of this section.

''(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

''(i) the credit allowable under subsection (a) for such taxable year, and

''(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION OF QUALIFIED INVESTMENT EXPENSES.—

''(A) CONTROLLED GROUPS; COMMON CONTROL.—In determining the amount of the credit under this section, all members of the same controlled group of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) shall be treated as a single taxpayer for purposes of this section.

''(B) APPORTIONMENT OF CREDIT.—The credit (if any) allowable by this section to members of any group (or to any person) described in subparagraph (A) shall be such member's or person's proportionate share of

the qualified investment expenses giving rise to the credit determined under regulations prescribed by the Secretary.

''(2) PARTNERSHIPS, S CORPORATIONS, ESTATES AND TRUSTS.—

''(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership, the credit shall be allocated among partners under regulations prescribed by the Secretary. A similar rule shall apply in the case of an S corporation and its shareholders.

''(B) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ADJUSTMENTS FOR CERTAIN ACQUISITIONS AND DISPOSITIONS.—Under regulations prescribed by the Secretary, rules similar to the rules contained in section 41(f)(3) shall apply with respect to the acquisition or disposition of a taxpayer.

''(4) SHORT TAXABLE YEARS.—In the case of any short taxable year, qualified investment expenses shall be annualized in such circumstances and under such methods as the Secretary may prescribe by regulation.

''(5) DENIAL OF DOUBLE BENEFIT.—

''(A) DISALLOWANCE OF DEDUCTION.—Any deduction allowable under this chapter for any costs taken into account in computing the amount of the credit determined under subsection (a) shall be reduced by the amount of such credit attributable to such costs.

''(B) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed.''

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

''Sec. 30B. Crude oil and natural gas exploration and development credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after December 31, 1998.

TITLE IV—NATIONAL SECURITY EMERGENCY PROVISIONS

SEC. 400. PURPOSE.

The purpose of this title is to recognize that a national security threat exists when foreign crude oil, oil product, and natural gas imports exceed 60 percent of United States oil and gas consumption and to create an emergency procedure to address that threat.

SEC. 401. DUTIES OF THE PRESIDENT.

(a) ESTABLISHMENT OF CEILING.—The President shall establish a National Security Energy Independence Ceiling (Referred to in this title as the ''ceiling level'') which shall represent a ceiling level beyond which foreign crude oil, oil product, and natural gas imports as a share of United States crude and oil product consumption shall not rise.

(b) LEVEL OF CEILING.—The ceiling level established under subsection (a) shall not exceed 60 percent of United States crude oil, oil product, and natural gas consumption for any annual period.

(c) REPORT.—

(1) CONTENTS.—

(A) IN GENERAL.—The President shall prepare and submit an annual report to Congress containing a national security projection for energy independence (in this title referred to as the ''projection''), which shall contain a forecast of domestic oil and liquid natural gas (commonly known as ''NGL'') demand and production, and imports of crude oil, oil product, and natural gas, for the subsequent 3 years.

(B) REQUIRED ADJUSTMENTS.—The projection shall contain appropriate adjustments for expected price and production changes.

(2) PRESENTATION.—The projection prepared under paragraph (1) shall be presented to Congress with the Budget.

(3) CERTIFICATION.—The President shall certify in the report whether foreign crude oil, oil product, and natural gas imports will exceed the ceiling level for any year during the 3 years succeeding the date of the report.

SEC. 402. CONGRESSIONAL REVIEW.

(a) REVIEW.—Congress shall have 10 continuous session days after submission of each projection under section 401 to review the projection and make a determination whether the ceiling level will be violated within 3 years.

(b) CERTIFICATION BINDING.—Unless disapproved or modified by joint resolution, the Presidential certification shall be binding 10 session days after submitted to Congress.

SEC. 403. NATIONAL SECURITY AND OIL AND GAS PRODUCTION ACTIONS.

(a) NATIONAL SECURITY AND OIL AND GAS PRODUCTION POLICY.—

(1) SUBMISSION.—Upon certification under section 401(c)(3) that the ceiling level will be exceeded, the President shall, within 90 days, submit a National Security and Oil and Gas Production Policy (in this section referred to as the ''policy'') to Congress. The policy shall prevent crude oil, oil product, and natural gas imports from exceeding the ceiling level.

(2) APPROVAL.—Unless disapproved or modified by joint resolution, the policy shall be effective 90 session days after submitted to Congress.

(b) CONTENTS OF POLICY.—The National Security and Oil Production Policy may include—

(1) energy conservation actions, including improved fuel efficiency for automobiles;

(2) expansion of the Strategic Petroleum Reserves to maintain a larger cushion against projected oil import blockages;

(3) additional production incentives for domestic oil and gas, including tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques;

(4) regulatory burden relief; and

(5) other policy initiatives designed to lower foreign import reliance.

DOMESTIC OIL AND GAS CRISIS TAX RELIEF AND FOREIGN OIL RELIANCE REVERSAL ACT OF 1999

SEC. 2. PURPOSES.

To establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports;

To prevent the abandonment of marginal oil and gas wells responsible for half of U.S. domestic production;

To transform earned tax credits and other benefits into working capital for the cash-strapped domestic oil and gas producers and service companies;

To compensate U.S. producers for the hardship the Oil for Food program is causing them;

To reverse the trend of increased foreign oil and gas dependence by encouraging exploration and development of oil and gas reserves in the U.S. to achieve the goal of doubling current domestic oil and gas production;

To provide an emergency procedure when foreign imports exceed 60 percent, thereby recognizing that when imports exceed a Congressionally legislated peril point, a national security threat exists that demands Presidential action.

SEC. 3. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) U.S. foreign oil consumption is estimated at 56 percent and could reach 68 percent by 2010 if current prices prevail.

(2) The number of oil and gas rigs operating in the United States is at the lowest count since 1944, when records of this tally began.

(3) If prices do not increase soon, the U.S. could lose at least half of its marginal wells which in aggregate produce as much oil as we import from Saudi Arabia;

(4) Oil and gas prices are unlikely to increase for at least several years;

(5) Declining production, well abandonment and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) The world's richest oil producing regions in the Middle East are experiencing greater political instability;

(7) U.N. policy may make Iraq the swing oil producing nation, thereby granting Saddem Hussein a tremendous amount of power;

(8) Reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of the United States energy security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed which ensures that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts.

SEC. 4. TABLE OF CONTENTS.

(214) Permit EOR credit and Section 29 credit to reduce the Alternative Minimum Tax.

C. Tax benefits to offset the depressing impact on oil prices that the Food for Oil Program is having

(221) Restore percentage depletion to 27.5 percent.

(222) Repeal net income limitation on percentage depletion.

(223) Allow Expensing geological and geophysical expenditures.

(223) Allow Election to Expense Delay Rentals payments.

(224) Extension of Spudding rule.

TITLE III—FOREIGN OIL RELIANCE REVERSAL PROVISIONS TRIGGERED WHEN IMPORTS EXCEED 50 PERCENT

(300) Purpose: To reverse the trend of increased foreign dependence of oil and gas by encouraging exploration and development of oil and gas reserves in the U.S. to achieve the goal of doubling current domestic oil and gas production.

(301) 20 percent exploration and development credit when imports exceed 50 percent.

TITLE IV—NATIONAL SECURITY EMERGENCY WHEN IMPORTS EXCEED 60 PERCENT

(400) Purpose: To provide an emergency procedure when foreign imports exceed 60 percent to require the President to implement an energy security strategic plan to designed to prevent crude and product imports from exceeding 60 percent.

(401) Duties of the President.

(402) Congressional Review of the Strategic plan proposed by the President.

(403) Energy Security strategic plan and course of action.

By Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. BURNS, Mr. ENZI, and Mr. MURKOWSKI):

S. 597. A bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

SECOND AMENDMENT RIGHTS PROTECTION ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce the ''Second Anendment Rights Protection Act of 1999.'' I am pleased and honored that Senators INHOFE, BURNS, ENZI, and MURKOWSKI are joining me as original cosponsors.

Mr. President, the Second Amendment Rights Protection Act of 1999 encompasses all of the provisions of the Smith Amendment, which passed the Senate by a vote of 69–31 on July 21, 1998, during consideration of the Commerce, Justice, State appropriations bill for fiscal year 1999. Only a substantially modified version of the Smith amendment was included in the final omnibus appropriations measure.

The National Instant Criminal Background Check System (NICS) went into effect on December 1, 1998. My bill would require the immediate destruction of all information submitted by any person who has been cleared by the NICS to purchase a firearm. There is no reason why such private information on law-abiding gun owners should be retained. I continue to be troubled by the Clinton administration's insistence upon doing so.

In addition, Mr. President, my bill would prohibit the imposition of any tax or fee in connection with the NICS. Once again, in his budget submission for fiscal year 2000, President Clinton is seeking to fund NICS with a gun tax.

With the Smith amendment last year, we told President Clinton ''no'' to the gun tax. Let us tell him ''no'' again, once and for all, by enacting the Second Amendment Rights Protection Act.

Finally, Mr. President, my bill would create a private cause of action for any individual who is aggrieved by a violation of its provisions.

Mr. President, I ask unanimous consent for the printing of the text of my bill, the Second Amendment Rights Protection Act of 1999, in the RECORD.

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

S. 597

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 ''Second Amendment Rights Protection Act of 1999.''

SEC. 2. PROTECTION OF SECOND AMENDMENT RIGHTS.

Subsection (t) of section 922 of chapter 44 of Title 18, United States Code, is amended by inserting at the end thereof the following new paragraph:

''(7) None of the funds appropriated pursuant to any provision of law may be used for (1) any system to implement this subsection that does not require and result in the immediate destruction of all information, in any form whatsoever, submitted by or on behalf of any person who has been determined not be prohibited from owning a firearm; (2) the implementation or collection of any tax or fee by any officer, agent, or employee of the United States, or by any state or local officer or agent acting on behalf of the United States, in connection with the implementation of this subsection, provided, that any person aggrieved by a violation of this provision may bring an action in the Federal district court for the district in which the person resides; provided further, that any person who is successful with respect to any such action shall receive damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.''

By Mr. SANTORUM:

S. 598. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

FARMLAND PROTECTION ACT OF 1999

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that would reauthorize the Farmland Protection Program that was originally authorized with passage of the 1996 Farm Bill.

Every year more than one million acres of our nation's most productive farmland is lost to urbanization. This is land that produces three-quarters of America's fruits and vegetables, and more than half of our dairy products. While state and local governments have taken the lead in preservation efforts, the demand for assistance continues to grow.

Considering the importance of agriculture to our nation, and to generations of families throughout our country, I was proud to take a lead role in the United States Senate to assist farmers and communities in confronting the obstacle of growing pressure on the use of farmland. As such, I, with the support of many Senate colleagues, established the Federal Farmland Protection Program to stem the loss of valuable farmland, and to provide states with adequate tools to accomplish that goal. Those efforts resulted in a $35 million authorization in the 1996 Farm Bill.

This money has been used to help states leverage dollars in order to purchase development rights, and keep productive farmland in use—all through voluntary efforts. In just three short years, the funds were exhausted due to the overwhelming response by farmers and state governments. In fact, by the end of fiscal year 1997 the original $35 million authorization had been spent, and the demand outstripped funding availability by 900 percent.

The legislation that I'm introducing today, the Farmland Protection Act of 1999, would provide a $50 million per year authorization for the much-needed funds to carry out the important work of farmland preservation. In addition, my bill would allow non-profit organizations to participate in the program—where there is no established government program—as they are currently precluded from doing so in certain states.

Mr. President, I am proud to introduce this legislation that will enable us to take another giant step forward in protecting a valuable resource to many Americans. To date, nineteen states have capitalized on this opportunity to augment their preservation efforts, and hopefully, the Farmland Protection Act of 1999 will give more states the tools to assist their local farming community.

Mr. President, I ask unanimous consent that a copy 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. 598

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 ''Farmland Protection Act of 1999''.

SEC. 2. FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104–127) is amended to read as follows:

"SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) any agency of any State or local government, or federally recognized Indian tribe; and

"(2) any organization that—

"(A) is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(B) is an organization described in section 501(c)(3) of the Code that is exempt from taxation under section 501(a) of the Code; and

"(C)(i) is described in section 509(a)(2) of the Code; or

"(ii) is described in section 509(a)(3) of the Code and is controlled by an organization described in section 509(a)(2) of the Code.

"(b) AUTHORITY.—The Secretary of Agriculture shall establish and carry out a farmland protection program under which the Secretary shall provide grants to eligible entities, to provide the Federal share of the cost of purchasing conservation easements or other interests in land with prime, unique, or other productive soil for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

"(c) ELIGIBLE ENTITIES.—The Secretary may provide a grant to an eligible entity described in subsection (a)(2) for the purchase of a conservation easement or other interest in land within the jurisdiction of a State or local government or federally recognized Indian tribe only if the appropriate agency of the State or local government or the federally recognized Indian tribe does not operate a farmland protection program.

"(d) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement or other interest described in subsection (b) shall be not more than 50 percent.

"(e) CONSERVATION PLAN.—Any land for which a conservation easement or other interest is purchased under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the land to less intensive uses.

"(f) RANKING CRITERIA.—The Secretary shall consult with appropriate agencies of States and local governments and federally recognized Indian tribes in developing criteria for ranking applications for grants under this section.

"(g) FUNDING.—For each fiscal year, the Secretary shall use not more than $50,000,000 of the funds of the Commodity Credit Corporation to carry out this section.".

By Mr. CHAFEE (for himself, Mr. HATCH, Mr. COCHRAN, Ms. SNOWE, Mr. ROBERTS, Mr. SPECTER, and Ms. COLLINS):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes; to the Committee on Finance.

THE CARING FOR CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased today to introduce the Caring for Children Act, legislation to help all families with their child care needs.

I want to thank my colleagues who have worked so hard to put this bill together. Senator HATCH, who was a leader in the development of the child care block grant, and is always a stalwart supporter of children. Senator SNOWE, who has worked on this issue for many years. Senator ROBERTS, who has taken an active interest in this issue. Senator SPECTER, who made an enormous contribution to the development of this bill. And Senators SUSAN COLLINS and THAD COCHRAN, who we are very fortunate to have on our child care proposal.

Our proposal is straightforward and far-reaching. It makes the current child care credit more equitable for lower and middle income families. And, for the first time, makes the credit available to families where one parent stays at home to care for the children. That is a critical step and an important change for families across America.

Raising children in today's world is a true challenge. In many families, both parents must work in order to support the family. Often, the child care expenses consume all or most of one parent's income. How often do we hear the refrain, particularly from women, that after they pay for day care, there is little or nothing left of their wages.

Another common complaint is from parents who desperately want to stay home and raise their children themselves—especially in those very critical, early years of childhood—but who simply cannot afford to forgo that second income.

The legislation we are introducing today responds to both of these concerns. We believe that parents should make their own decisions about who is going to care for their children. The government and the Tax Code should not be promoting one choice over another.

By making more of the existing child care tax credit available to lower and middle income families, and making it available also to families where one parent stays at home, we are sending the message that the choice is yours, and we support your choice.

Our bill makes several changes to the existing dependent care tax credit. First, the maximum credit percentage is increased from 30 percent to 50 percent to provide more benefits to those most in need. Second, the income level at which the maximum credit begins to be reduced is moved from $10,000 to $30,000, so that more lower-income families will qualify for the maximum amount of assistance. Third, we propose to completely phase out the credit for wealthier families. Finally, families where one spouse stays at home to care for the children will be eligible for a credit similar to the one they would receive if both parents were working outside the home and the child was in daycare.

We also acknowledge that we cannot solve the entire child care problem through the Tax Code alone. Many low-income families do not have taxable income, and therefore cannot benefit from a tax credit. The Child Care and Development Block Grant (CCDBG) provides critical funding to help these lower-income families—and I have been a strong supporter of the program. Recognizing the critical role CCDBG plays in subsidizing daycare for low-income families in the states, our proposal doubles the block grant over a five-year period.

Of course, the problem with child care is not limited to just affordability. Many parents cannot find an available child care slot. Our proposal addresses this issue of accessibility by providing a tax credit to businesses to build or renovate on or near-site child care centers for their employees.

Finally, there is the issue of quality daycare. Parents cannot be productive in the workplace if they are constantly worrying about the health and safety of their children in daycare. We have all read the horrifying stories in the newspapers about daycare facilities that are unsafe or unsanitary, about the poor record of enforcement of standards in many states.

While we acknowledge that the federal government should not be setting standards for daycare providers, we do believe the states should set at least minimum health and safety standards and enforce them rigorously. Our legislation beefs up this enforcement by rewarding states with a good enforcement record and penalizing those with poor records.

I am very proud of this legislation, and proud that this group was able to come together and produce this initiative. Child care is a problem that must be solved, and we are committed to doing that. I look forward to working with my colleagues in the Congress to find workable, affordable solutions for all families. I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Caring for Children Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—TAX RELIEF TO INCREASE CHILD CARE AFFORDABILITY

SEC. 101. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY TAXPAYER STATUS.—Section 21(a)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below zero) by 1 percentage point for each $1,500, or fraction thereof, by which the taxpayers's adjusted gross income for the taxable year exceeds $30,000.''.

(b) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

''(11) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with one or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

''(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

''(B) $150 for each month in such taxable year during which such qualifying individual is under the age of 4.''.

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

SEC. 102. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program under paragraph (1) $1,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

SEC. 103. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 20 percent of the qualified child care expenditures of the taxpayer for such taxable year.

''(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $100,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED CHILD CARE EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

''(i) to acquire, construct, rehabilitate, or expand property—

''(I) which is to be used as part of a qualified child care facility of the taxpayer,

''(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

''(III) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

''(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees,

''(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer, or

''(iv) under a contract to provide child care resource and referral services to employees of the taxpayer.

''(2) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified child care expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(3) QUALIFIED CHILD CARE FACILITY.—

''(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

''(i) the principal use of which is to provide child care assistance, and

''(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

''(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

''(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

''(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

''(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

''If the recapture event occurs in:	**The applicable recapture percentage is:**
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

''(B) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

''(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(f) NO DOUBLE BENEFIT.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle—

''(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

''(B) CERTAIN DISPOSITIONS.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

''(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out ''plus'' at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and ''plus'', and

(C) by adding at the end the following new paragraph:

''(13) the employer-provided child care credit determined under section 45D.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45D. Employer-provided child care credit.''.

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

TITLE II—ENCOURAGING QUALITY CHILD CARE

Subtitle A—Dissemination of Information About Quality Child Care

SEC. 201. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) INFORMATION AND FINDINGS TO BE GENERALLY AVAILABLE.—

(1) SECRETARIAL RESPONSIBILITY.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) DEFINITION OF GENERALLY AVAILABLE.—For purposes of paragraph (1), the term ''generally available'' means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 202. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers. The Secretary shall, to the maximum extent possible, ensure that grants for the development of distance learning child care training technology infrastructures are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) sites from which individuals may access the training;

(B) conversion of standard child care training courses to programs for distance learning; and

(C) ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be disseminated and made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) LIMITATION ON FEES.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning child care training program funded in whole or in part by this section that exceed the pro rata share of the amount expended by the entity to provide materials for the training program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded by this section).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning child care training program made available by this section.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $50,000,000 for each of fiscal years 2000 through 2004.

Subtitle B—Increased Enforcement of State Health and Safety Standards

SEC. 211. ENFORCEMENT OF STATE HEALTH AND SAFETY STANDARDS.

(a) IDENTIFICATION OF STATE INSPECTION RATE.—

(1) IN GENERAL.—Section 658E(c)(2)(G) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(2)(G)) is amended by striking the period and inserting '', and provide the percentage of completed child care provider inspections that were required under State law for each of the 2 preceding fiscal years.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to State plans under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) on and after September 1, 1999.

(b) INCREASED OR DECREASED ALLOTMENTS.—Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', subject to paragraph (5),'' after ''shall''; and

(2) by adding at the end the following:

''(5) INCREASED OR DECREASED ALLOTMENT BASED ON STATE INSPECTION RATE.—

''(A) INCREASED ALLOTMENT FOR FISCAL YEARS 2000, 2001, AND 2002.—

''(i) IN GENERAL.—Subject to clause (iii), for fiscal years 2000, 2001, and 2002, the allotment determined for a State under paragraph (1) for each such fiscal year shall be increased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State—

''(I) that certifies to the Secretary that the State has not reduced the scope of any State child care health or safety standards or requirements that were in effect as of December 31, 1998; and

''(II) that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)), that equaled or exceeded the target inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

''(ii) TARGET INSPECTION AND ENFORCEMENT PERCENTAGE.—For purposes of clause (i)(II), the target inspection and enforcement percentage is—

''(I) for fiscal year 2000, 75 percent;

''(II) for fiscal year 2001, 80 percent; and

''(III) for fiscal year 2002, 100 percent.

''(iii) PRO RATA REDUCTIONS IF INSUFFICIENT APPROPRIATIONS.—The Secretary shall make pro rata reductions in the percentage increase otherwise required under clause (i) for a State allotment for a fiscal year as necessary so that the aggregate of all the allotments made under this section do not exceed the amount appropriated for that fiscal year under section 658B.

''(B) DECREASED ALLOTMENT FOR FISCAL YEARS 2001 AND 2002.—

''(i) IN GENERAL.—The allotment determined for a State under paragraph (1) for each of fiscal years 2001 and 2002 shall be decreased by an amount equal to 10 percent of such allotment for the fiscal year involved with respect to any State that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)) that was below the minimum inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

''(ii) MINIMUM INSPECTION AND ENFORCEMENT PERCENTAGE.—For purposes of clause (i), the minimum inspection and enforcement percentage is—

''(I) for fiscal year 2001, 50 percent; and

''(II) for fiscal year 2002, 75 percent.

''(iii) REQUIREMENT TO EXPEND STATE FUNDS TO REPLACE REDUCTION.—If the allotment determined for a State for a fiscal year is reduced by reason of clause (i), the State shall, during the immediately succeeding fiscal year, expend additional State funds

under the State plan funded under this subchapter by an amount equal to the amount of such reduction.''.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

SEC. 221. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subchapter—

''(1) for fiscal year 1999, $1,182,672,000;

''(2) for fiscal year 2000, $1,500,000,000;

''(3) for fiscal year 2001, $1,750,000,000;

''(4) for fiscal year 2002, $2,000,000,000;

''(5) for fiscal year 2003, $2,250,000,000; and

''(6) for fiscal year 2004, $2,500,000,000.''.

SEC. 222. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a program to award grants to States to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the start up costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in geographic areas within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities which may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $100,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which an entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which an entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering the grant awarded under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each entity receiving assistance under a grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within a State;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant made under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) DEFINITION.—As used in this section, the term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $60,000,000 for the period of fiscal years 2000 through 2002. With respect to the total amount appropriated for such period in accordance with this subsection, not more than $5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2003.

SEC. 223. GAO REPORT REGARDING THE RELATIONSHIP BETWEEN LEGAL LIABILITY CONCERNS AND THE AVAILABILITY AND AFFORDABILITY OF CHILD CARE.

Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress regarding whether and, if so, the extent to which, concerns regarding potential legal liability exposure inhibit the availability and affordability of child care. The report shall include an assessment of whether such concerns prevent—

(1) employers from establishing on or near-site child care for their employees;

(2) schools or community centers from allowing their facilities to be used for on-site child care; and

(3) individuals from providing professional, licensed child care services in their homes.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

SEC. 231. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, but does not include the Department of Defense.

(3) EXECUTIVE FACILITY.—The term ''executive facility'' means a facility that is owned or leased by an Executive agency.

(4) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency, a judicial office, or a legislative office.

(5) JUDICIAL FACILITY.—The term ''judicial facility'' means a facility that is owned or leased by a judicial office.

(6) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(7) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(8) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

(b) EXECUTIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring any entity operating a child care center in an executive facility to comply with applicable State and local licensing requirements related to the provision of child care.

(B) COMPLIANCE.—The regulations shall require that, not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the requirements; and

(ii) any contract for the operation of such a child care center shall include a condition that the child care be provided in accordance with the requirements.

(2) EVALUATION AND ENFORCEMENT.—The Administrator shall evaluate the compliance of the entities described in paragraph (1) with the regulations issued under that paragraph. The Administrator may conduct the evaluation of such an entity directly, or through an agreement with another Federal agency, other than the Federal agency for which the entity is providing child care. If the Administrator determines, on the basis of such an evaluation, that the entity is not in compliance with the regulations, the Administrator shall notify the Executive agency.

(c) LEGISLATIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Architect of the Capitol shall issue regulations for entities operating child care centers in legislative facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Architect may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Architect of the Capitol, entities operating child care centers in legislative facilities, and legislative offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(d) JUDICIAL BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Director of the Administrative Office of the United States Courts shall issue regulations for entities operating child care centers in judicial facilities, which shall be the same as the regulations issued by the Administrator under subsection (b)(1), except to the extent that the Director may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(2) shall apply to the Director described in paragraph (1), entities operating child care centers in judicial facilities, and judicial offices. For purposes of that application, references in subsection (b)(2) to regulations shall be considered to be references to regulations issued under this subsection.

(e) APPLICATION.—Notwithstanding any other provision of this section, if 3 or more child care centers are operated in facilities owned or leased by a Federal agency, the head of the Federal agency may carry out the responsibilities assigned to the Administrator under subsection (b)(2), the Architect of the Capitol under subsection (c)(2), or the Director described in subsection (d)(2) under such subsection, as appropriate.

Mr. HATCH. Mr. President, as this decade nears a close, and as our Nation has enjoyed an unprecedented period of economic growth, there remains an issue that affects many American families. I am referring to child care.

It has been nearly 9 years since the passage of the bipartisan Child Care and Development Block Grant Act. I was proud to have been a sponsor of this legislation, and I remain committed to its goals, structure, and principles.

Though the CCDBG has led to great improvements in the child care situation facing low-income families in every State, it has become clear that more needs to be done to help the family. In my home State of Utah, an extraordinary 57 percent of mothers with children under the age of 6 are in the labor force, and 134,000 children under the age of 6 in Utah will be cared for by someone other than their parents.

I am pleased to again join my colleagues—Senators CHAFEE, SNOWE, ROBERTS, SPECTER, COLLINS, and COCHRAN—each of whom has a long record of concern and involvement in child care issues—in sponsoring this measure. The Caring for Children Act is a comprehensive, realistic child care proposal, which we believe will benefit middle- and lower-income American families who struggle to get ahead or struggle to keep up.

First, the Caring for Children Act will, by expanding the Dependent Care Tax Credit, cut taxes for many middle- and lower-income families. Under the current system, the maximum credit of 30 percent is available only to families with incomes of $10,000 or less. Our proposal increases the Dependent Care Tax Credit (DCTC) from 30 percent to 50 percent. The maximum income is also increased to $30,000. The maximum allowable expenses of $2,400 for one child and $4,800 for two or more children will remain the same.

For example, a working family in Vernal, UT, earning $30,000 with two children, could receive a tax credit of $2,400 (50 percent of $4,800), instead of $960 under the current law.

Our bill also lowers the maximum credit more gradually than current law. This provides a form of tax relief for DCTC-eligible families earning between $30,000 and $75,000. This change is intended to benefit an often forgotten group—taxpayers who earn too much for Federal breaks but not enough for child care expenses not to be a big bite out of their budget.

This proposal also breaks new ground. It recognizes, for the first time, as a matter of Federal child care policy, that many families elect to have one parent remain at home to serve as the primary are giver. We understand the value of a parent at home to care for a child, both in terms of quality of care and monetary sacrifice. Such families pay for their child care by forfeiting a second income. The Caring for Children Act would expand eligibility for the Dependent Care Tax Credit (DCTC) to families with young children in which one parent remained at home.

Our bill assumes child care expenses for such a family of $150 per month. Thus, a family earning $30,000 with two children, ages 3 and 1, in Farmington, UT, in which one parent remains at home, would receive a tax credit of $900 (50 percent of $15012 months).

Some have criticized our bill for not giving the same tax benefits to families with a stay-at-home parent. Frankly, I support such parity in the DCTC. I would like our bill to be able to provide a larger credit. But, expanding eligibility for this credit is an expensive proposition. While we may not be able to propose DCTC parity in one fell swoop, we should establish the concept in this bill and increase the level of benefit as quickly as we can. But, we should not fail to do something just because we cannot do it all.

Many families across America elect to forego a second income in order to have a parent remain at home with children. Federal policy has so far failed to recognize parental care as child care, even if many people, myself included, consider it the best possible care. I happen to believe that parental care is the best care there is.

And, let me offer a word of praise and gratitude for my wife, Elaine. Elaine could have had a successful career as a professional educator. Instead, she chose to stay home with our children—all of whom are now married with children of their own.

Of course, my daughters and daughters-in-law will make their own choices about balancing career and family. Different families make different choices and face different circumstances that drive their choices. Our bill asserts that the Dependent Care Tax Credit should be available to families regardless of their choice. The DCTC should be a tax credit to help families care for children, not just a credit for employment expenses. We should not minimize the significance of this change in the federal child care paradigm.

Yet, many working but low-income families have no tax liability and will not benefit from our proposed changes to the DCTC. These families, many of which may be headed by single parents or headed by individuals moving from welfare to work, are struggling to make ends meet.

One of the family's biggest expenses is child care.

The cost of child care, like almost everything else, has increase in the 9 years since the implementation of the Child Care and Development Block Grant. When the CCDBG was enacted, the average cost of care per child was $3,000. Today, it is estimated to be more than $4,000 per child.

I invite senators to do the math: If a parent is making $10 an hour ($20,800 per year before taxes) and has just one child, child care expenses claim almost

one-fifth of the family budget. It is no wonder that the Utah Child Protective Services told me some years ago about a mother who was forced to choose between groceries and child care.

The Caring for Children Act proposes to increase the authorization of appropriations for the Child Care and Development Block grant Act (CCDBG), which states use to subsidize child care for low-income parents and to develop new capacity in areas—both geographic and functional—where there are shortages.

In Utah, as in other states as well, smaller and more rural communities often have shortages of child care. And, nearly every community suffers shortages of infant care, after school care, and care for special needs children.

The CCDBG is the only federal program we have for assisting low-income working families with child care expenses. We are not proposing to create another one. We are not expanding the statutory eligibility or entitlement for this program. The Caring for Children Act merely makes it possible for states to serve more eligible people and to address more of the problem of shortages under the provisions of the CCDBG.

I have said many times in this body that I do not support federal assistance for those who are able but do not help themselves. But, I likewise believe that some help is warranted when people are working and doing all they can to provide for their families. This is why I joined as a sponsor of the Child Care and Development Block Grant 10 years ago. I do not want Utah families to have to choose between child care and food.

We still face issues of quality of care. Our bill affirms state prerogatives to set their own standards for child care. My colleagues are well aware of my strong opposition to any federal effort to set or imply federal standards. States must be allowed discretion in this. But, our bill also recognizes that standards are worthless if they are not enforced.

To encourage states to make a stronger commitment to enforce their own standards for child care, the Caring for Children Act provides a system of bonuses for states who exceed a threshold of inspections or, conversely, penalties for those who fail to conduct a minimum number of inspections. In my view, the most stringent standards in the world do not provide any assurance of quality care if providers do not believe standards will be enforced.

I also believe that the best assurance of quality is a parent's own good judgment. The Caring for Children Act takes the very inexpensive, but potentially very productive step of providing funds for beefed up consumer information to parents.

There are other important provisions in our bill that are designed to encourage private sector initiatives in child care as well as to enhance training opportunities for child care providers.

All together, the Caring for Children Act attempts to address all three of the major issues in child care: affordability, availability, and quality. I believe the bill we are introducing today is measured and responsible.

In no way is this a government knows best model of social problem solving; rather, it builds on what we already know works and what we already know that parents want. They want resources and information to make their own decisions and to care for their own children. They want input into the plans developed by states. They want control over child care.

The bill we are introducing today endeavors to put government on the side of parents by returning resources to them through tax credits, by enabling states to do more under the CCDBG, by increasing available child care information, and, finally by respecting the choices they make.

I am again pleased to join my colleagues in this legislation and hope other Senators will support this measure as well.

Mr. ROBERTS. Mr. President, I am pleased to join with my colleagues to reintroduce legislation to help meet the child care challenges facing families in Kansas and around the nation.

Child care, in the home when possible and outside the home when parents work, goes right to the heart of keeping families strong.

Unfortunately, just being able to afford child care is a major issue for most families. Some child care can cost as much as college tuition and consume up to 40 percent of a family's income. Finding quality care is another challenge.

Welfare reforms have cut Kansas welfare rolls in half since 1996. As more and more of these families come off the rolls, child care needs grow. About half of the 11,000 families that have left welfare rolls in Kansas have young children. In order to continue the successful transition from welfare to work, parents, especially single parents, must have access to affordable, quality child care.

Only parents can and should decide what child care arrangements work best for their children. This includes the decision to stay at home.

The Caring for Children Act includes provisions to allow a parent who is able to stay at home and care for a child to receive a tax credit to help cover expenses. This credit applies during the first three years of a child's life and amounts to about $900 per year.

The Caring for Children Act takes steps to assist small businesses that want to provide child care. I am pleased that this bill includes a short-term flexible grant program to encourage these businesses to work together to provide child care services. This program, which provides $60 million to the states, allows those closer to home to make decisions necessary to improve child care in communities. This funding provides the start-up assistance necessary to create self-sustaining child care programs.

I have pledged to work to improve child care. I will continue this effort. I look forward to working with my colleagues to expand child care options and protect our nation's most valuable resource, our children.

Mr. SPECTER. Mr. President, I have sought recognition to once again join my colleagues in introducing the Caring for Children Act, which will ease the financial burden of child care for American families—for those parents who work, and for those who choose to stay home to raise their children for a period of time. This legislation is identical to the child care proposal my colleagues and I introduced during the 105th Congress, on January 28, 1998. I believe it is vital that the Congress recognize the importance of affordable, quality child care to the successful development of our children.

The Caring for Children Act is a middle-ground, targeted response to the growing child care needs facing American families. Our bill includes tax incentives for employers and parents, and an increase in funding for programs that assist the most needy families. Most importantly, our bill proposes prudent adjustments to discretionary programs rather than implementing new mandatory spending.

Our bill would expand the Dependent Care tax credit to make it more accessible to families who need it, double the authorization for the Child Care Development Block Grant, and provide grants to small businesses to create or enhance child care facilities for their employees. This bill also includes provisions from the proposal I introduced during the 105th Congress with my colleagues, Congressman JON FOX, The Affordable Child Care Act, which provides a tax credit for employers who provide on-site or site-adjacent child care to their employees in order to reduce the child care expenses of the employee.

Not all families choose the same option for child care. Many families rely on relatives, centers operated by churches and other religious organizations, centers at or near their workplace, or make other arrangements to provide care for their children while they work. In light of the diverse needs for child care in America, this bill represents a good start toward expanding the choices for American parents. And, any such legislation must recognize that there is a need to provide some relief to families where one parent stays at home.

The need for affordable and accessible day care is critical given the increasing numbers of working parents and dual-income families in the United States. According to the Bureau of the Census, in 1975, 31 percent of married mothers with a child younger than age one participated in the labor force. By 1995, that figure had risen to 59 percent. Almost 64 percent of married mothers and 53 percent of single mothers with children younger than age six participated in the labor force in 1995.

The cost of child care for families is also significant. Licensed day care centers in some urban areas cost as much as $200 per week, and the disparity in costs and availability of child care between urban and rural grows greater every day. For families which need or choose to have both parents work outside the home, the burden of making child care decisions is great. These figures serve to underscore the need for action on the part of the Federal Government to provide the necessary assistance to our Nation's working families.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I am pleased that this legislation would build on an existing Federal child care program by authorizing an additional $5 billion over 5 years to the Child Care Development Block Grant program, bringing total spending for this program to nearly $2.5 billion annually by fiscal year 2003. The child care block grant works well to assist low-income families acquire child care, and helped over 93,000 Pennsylvania families last year. Fiscal year 1999 funding for this vital assistance program totaled $1.182 billion, $182 billion, $182 million above the currently authorized level. By increasing the authorization, we can help even more families without creating a new entitlement program.

Our legislation will also require States to create and enforce safety and health standards in child care facilities, and provide money for the Department of Health and Human Services to disseminate information to parents and providers about quality child care, through brochures, toll-free hotlines, the Internet, and other technological assistance.

The Caring for Children Act complements my recent efforts to assist working families in the context of welfare reform and children's health insurance. When Congress debated welfare reform in 1995 and 1996, I worked to ensure that adequate funds were provided for child care, a critical component for welfare mothers who would be required to work to receive new limited welfare benefits. I am pleased that the welfare reform bill that became law provided $20 billion in child care funding over a 6-year period. Similarly, I was pleased to participate in the bipartisan effort in 1997 to enact legislation to provide $24 billion over the next 5 years for States to establish or broaden children's health insurance programs. Utilizing these new Federal funds, over 10,000 previously uninsured children in Pennsylvania have been enrolled in this program since May of 1998.

In conclusion, Mr. President, I believe that it is critical that the 106th Congress not adjourn without enacting legislation to assist families in their ability to afford safe, quality child care for their children, either at home with a parent or another arrangement. Our legislation will provide peace of mind to millions of American families struggling to balance career and child raising. I urge my colleagues to join me in cosponsoring this important legislation, and I urge its swift adoption.

By Mr. WELLSTONE.

S. 600. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on Foreign Relations.

INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN VICTIM PROTECTION ACT OF 1999

Mr. WELLSTONE. Mr. President, this week across the globe, men and women have celebrated International Women's Day, highlighting the achievements of women around the world. From Qatar to Indonesia, the day was marked by women marching, meeting, and protesting for recognition of their inherent dignity and fundamental human rights. I believe there is much work yet to be done to ensure that women and girls' human rights are protected and respected.

One of the most horrendous human rights violations of our time is trafficking in human beings, particularly among women and children, for purposes of sexual exploitation and forced labor. To curb this horrific practice, I am introducing the ''International Trafficking of Women and Children Victim Protection Act of 1999'' which will put Congress on record as opposing trafficking for forced prostitution and domestic servitude, and acting to check it before the lives of more women and girls are shattered.

One of the fastest growing international trafficking businesses is the trade in women. Women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes, or in sweat shops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by economic collapse, civil wars, or fundamental changes in political geography, such as the disintegration of the Soviet Union, have fallen prey to traffickers. The United States government estimates that 1–2 million women and girls are trafficked annually around the world. According to experts, between 50 and 100 thousand women are trafficked each year into the United States alone. They come from Thailand, Russia, the Ukraine and other countries in Asia and the former Soviet Union.

Upon arrival in countries far from their homes, these women are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant fear of arrest and deportation, as well as of violent reprisals by the traffickers themselves, to whom the women must pay off ever-growing debts. Many brothel owners actually prefer women—women who are far from help and home, and who do not speak the language—precisely because of the ease of controlling them.

Most of these women never imagined that they would enter such a hellish world, having traveled abroad to find better jobs or to see the world. Many in their naivete, believed that nothing bad could happen to them in the rich and comfortable countries such as Switzerland, Germany, or the United States. Others, who are less naive but desperate for money and opportunity, are no less hurt by the trafficker's brutal grip.

Last year, First Lady Hilary Clinton spoke powerfully of this human tragedy. She said: ''I have spoken to young girls in northern Thailand whose parents were persuaded to sell them as prostitutes, and they received a great deal of money by their standards. You could often tell the homes of where the girls had been sold because they might even have a satellite dish or an addition built on their house. But I met girls who had come home after they had been used up, after they had contracted HIV or AIDS. If you've ever held the hand of a 13-year-old girl dying of AIDS, you can understand how critical it is that we take every step possible to prevent this happening to any other girl anywhere in the world. I also, in the Ukraine, heard of women who told me with tears running down their faces that young women in their communities were disappearing. They answered ads that promised a much better future in another place and they were never heard from again.''

These events are occurring not just in far off lands, but here at home in the U.S. as well. According to a report in the Washington Post in 1997, the FBI raided a massage parlor in downtown Bethesda. The massage parlor was involved in the trafficking of Russian women into the United States. The eight Russian women who worked there, lived at the massage parlor, sleeping on the massage tables at night. They were charged a $150 a week for ''housing'' and were not paid any salary, only receiving a portion of their tips.

According to recent reports by the Justice Department, teenage Mexican girls were held in slavery in Florida and the Carolinas and forced to submit to prostitution. In addition, Russian and Latvian women were forced to work in nightclubs in Chicago. According to charges filed against the traffickers, the traffickers picked the women up upon their arrival at the airport, seized their documents and return tickets, locked them in hotels and beat

them. The women were told that if they refused to dance nude in various nightclubs, the Russian mafia would kill their families. Further, over three years, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

Trafficking in women and girls is a human rights problem that requires a human rights response. Trafficking is condemned by human rights treaties as a violation of basic human rights and a slavery-like practice. Women who are trafficked are subjected to other abuses—rape, beatings, physical confinement—squarely prohibited by human rights law. The human abuses continue in the workplace, in the forms of physical and sexual abuse, debt bondage and illegal confinement, and all are prohibited.

Fortunately, the global trade in women and children is receiving greater attention by governments and NGOs following the UN World Conference on Women in Beijing. The United Nations General Assembly has called upon all governments to criminalize trafficking, to punish its offenders, while not penalizing its victims. The President's Interagency Council on Women is working hard to mobilize a response to this problem. Churches, synagogues, and NGOs, such as Human Rights Watch and the Global Survival Network, are fighting this battle daily. But, much, much more must be done.

My legislation provides a human rights response to the problem. It has a comprehensive and integrated approach focused on prevention, protection and assistance for victims, and prosecution of traffickers.

I will highlight a few of its provisions now:

It sets an international standard for governments to meet in their efforts to fight trafficking and assist victims of this human rights abuse. It calls on the State Department and Justice Department to investigate and take action against international trafficking. In addition, it creates an Interagency Task Force to Monitor and Combat Trafficking in the Office of the Secretary of State and directs the Secretary to submit an annual report to Congress on international trafficking.

The annual report would, among other things, identify states engaged in trafficking, the efforts of these states to combat trafficking, and whether their government officials are complicit in the practice. Corrupt government or law enforcement officials sometimes directly participate and benefit in the trade of women and girls. And, corruption also prevents prosecution of traffickers. U.S. police assistance would be barred to countries found not to have taken effective action in ending the participation of their officials in trafficking, and in investigating and prosecuting meaningfully their officials involved in trafficking. A waiver is provided for the President if he finds that provision of such assistance is in the national interest.

On a national level, it ensures that our immigration laws do not encourage rapid deportation of trafficked women, a practice which effectively insulates traffickers from ever being prosecuted for their crimes. Trafficking victims are eligible for a nonimmigrant status valid for three months. If the victim pursues criminal or civil actions against her trafficker, or if she pursues an asylum claim, she is provided with an extension of time. Further, it provides that trafficked women should not be detained, but instead receive needed services, safe shelter, and the opportunity to seek justice against their abusers. Finally, my bill provides much needed resources to programs assisting trafficking victims here at home and abroad.

We must commit ourselves to ending the trafficking of women and girls and to building a world in which such exploitation is relegated to the dark past. I urge my colleagues to support the International Trafficking of Women and Children Protection Act of 1999.

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. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Trafficking of Women and Children Victim Protection Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The worldwide trafficking of persons has a disproportionate impact on women and girls and has been and continues to be condemned by the international community as a violation of fundamental human rights.

(2) The fastest growing international trafficking business is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

(3) Trafficked women and children, girls and boys, are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will.

(4) The President, the First Lady, the Secretary of State, the President's Interagency Council on Women, and the Agency for International Development have all identified trafficking in women as a significant problem.

(5) The Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women and girls at risk to traffickers, and to take measures to dismantle the national, regional, and international networks on trafficking.

(6) The United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1998 calling upon all governments to criminalize trafficking in women and girls in all its forms and to penalize all those offenders involved, while ensuring that the victims of these practices are not penalized.

(7) Numerous treaties to which the United States is a party address government obligations to combat trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and requires signatories not to make use of any forced or compulsory labor.

SEC. 3. PURPOSES.

The purposes of this Act are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by—

(1) setting a standard by which governments are evaluated for their response to trafficking and their treatment of victims;

(2) authorizing and funding an interagency task force to carry out such evaluations and to issue an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

(3) assisting trafficking victims in the United States by providing humanitarian assistance and by providing them temporary nonimmigrant status in the United States;

(4) assisting trafficking victims abroad by providing humanitarian assistance; and

(5) denying certain forms of United States foreign assistance to those governments which tolerate or participate in trafficking, abuse victims, and fail to cooperate with international efforts to prosecute perpetrators.

SEC. 4. DEFINITIONS.

In this Act:

(1) POLICE ASSISTANCE.—The term ''police assistance''—

(A) means—

(i) assistance of any kind, whether in the form of grant, loan, training, or otherwise, provided to or for foreign law enforcement officials, foreign customs officials, or foreign immigration officials;

(ii) government-to-government sales of any item to or for foreign law enforcement officials, foreign customs officials, or foreign immigration officials; and

(iii) any license for the export of an item sold under contract to or for the officials described in clause (i); and

(B) does not include assistance furnished under section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c; relating to the administration of justice) or any other assistance under that Act to promote respect for internationally recognized human rights.

(2) TRAFFICKING.—The term ''trafficking'' means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(3) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means any person subjected to the treatment described in paragraph (2).

SEC. 5. INTER-AGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of State in the Office of the Secretary of State an Inter-Agency Task Force to Monitor and Combat Trafficking (in this section referred to as the ''Task Force''). The Task Force shall be co-chaired by the Assistant Secretary of State for Democracy, Human Rights, and Labor Affairs and the Senior Coordinator on International Women's Issues, President's Interagency Council on Women.

(2) APPOINTMENT OF MEMBERS.—The members of the Task Force shall be appointed by the Secretary of State. The Task Force shall consist of no more than twelve members.

(3) COMPOSITION.—The Task Force shall include representatives from the—

(A) Violence Against Women Office, Office of Justice Programs, Department of Justice;

(B) Office of Women in Development, United States Agency for International Development; and

(C) Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

(4) STAFF.—The Task Force shall be authorized to retain up to five staff members within the Bureau of Democracy, Human Rights, and Labor Affairs, and the President's Interagency Council on Women to prepare the annual report described in subsection (b) and to carry out additional tasks which the Task Force may require. The Task Force shall regularly hold meetings on its activities with nongovernmental organizations.

(b) ANNUAL REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State, with the assistance of the Task Force, shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(c) REPORTING STANDARDS AND INVESTIGATIONS.—

(1) RESPONSIBILITY OF THE SECRETARY OF STATE.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the Human Rights Report and the Inter-Agency Task Force to Monitor and Combat Trafficking Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

SEC. 6. INELIGIBILITY FOR POLICE ASSISTANCE.

(a) INELIGIBILITY.—Except as provided in subsection (b), any foreign government country identified in the latest report submitted under section 5 as a government that—

(1) has failed to take effective action towards ending the participation of its officials in trafficking; and

(2) has failed to investigate and prosecute meaningfully those officials found to be involved in trafficking,

shall not be eligible for police assistance.

(b) WAIVER OF INELIGIBILITY.—The President may waive the application of subsection (a) to a foreign country if the President determines and certifies to Congress that the provision of police assistance to the country is in the national interest of the United States.

SEC. 7. PROTECTION OF TRAFFICKING VICTIMS.

(a) NONIMMIGRANT CLASSIFICATION FOR TRAFFICKING VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(T) an alien who the Attorney General determines—

''(i) is physically present in the United States, and

''(ii) is or has been a trafficking victim (as defined in section 4 of the International Trafficking of Women and Children Victim Protection Act of 1999),

for a stay of not to exceed 3 months in the United States, except that any such alien who has filed a petition seeking asylum or who is pursuing civil or criminal action against traffickers shall have the alien's status extended until the petition or litigation reaches its conclusion.''.

(b) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) The Attorney General shall, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so.''.

(c) INVOLUNTARY SERVITUDE.—Section 1584 of title 18, United States Code, is amended—

(1) inserting ''(a)'' before ''Whoever'';

(2) by striking ''or'' after ''servitude'';

(3) by inserting ''transfers, receives or harbors any person into involuntary servitude, or'' after ''servitude,''; and

(4) by adding at the end the following:

''(b) In this section, the term 'involuntary servitude' includes trafficking, slavery-like practices in which persons are forced into labor through non-physical means, such as debt bondage, blackmail, fraud, deceit, isolation, and psychological pressure.''.

(d) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate regulations for law enforcement personnel, immigration officials, and Foreign Service officers requiring that—

(1) Federal, State and local law enforcement, immigration officials, and Foreign Service officers shall be trained in identifying and responding to trafficking victims;

(2) trafficking victims shall not be jailed, fined, or otherwise penalized due to having been trafficked, or nature of work;

(3) trafficking victims shall have access to legal assistance, information about their rights, and translation services;

(4) trafficking victims shall be provided protection if, after an assessment of security risk, it is determined the trafficking victim is susceptible to further victimization; and

(5) prosecutors shall take into consideration the safety and integrity of trafficked persons in investigating and prosecuting traffickers.

SEC. 8. ASSISTANCE TO TRAFFICKING VICTIMS.

(a) IN THE UNITED STATES.—The Secretary of Health and Human Services is authorized to provide, through the Office of Refugee Resettlement, assistance to trafficking victims and their children in the United States, including mental and physical health services, and shelter.

(b) IN OTHER COUNTRIES.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide programs and activities to assist trafficking victims and their children abroad, including provision of mental and physical health services, and shelter. Such assistance should give special priority to programs by nongovernmental organizations which provide direct services and resources for trafficking victims.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE INTER-AGENCY TASK FORCE.—To carry out the purposes of section 5, there are authorized to be appropriated to the Secretary of State $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HHS.—To carry out the purposes of section 8(a), there are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE PRESIDENT.—To carry out the purposes of section 8(b), there are authorized to be appropriated to the President $20,000,000 for fiscal year 2000 and $20,000,000 for fiscal year 2001.

(d) PROHIBITION.—Funds made available to carry out this Act shall not be available for the procurement of weapons or ammunition.

By Mr. COCHRAN:

S. 601. A bill to improve the foreign language assistance program; to the Committee on Health, Education, Labor, and Pensions.

FOREIGN LANGUAGE EDUCATION IMPROVEMENT AMENDMENTS OF 1999

Mr. COCHRAN. Mr. President, today I am introducing a bill to amend the Foreign Language Assistance Program which is administered under the Elementary and Secondary Education Act.

The Foreign Language Education Improvement Amendments of 1999 make changes that encourage and make possible the teaching of a second language to students in elementary and secondary schools with limited resources—in particular, those schools heavily impacted by the unique problems of educating a high population of disadvantaged students.

My bill also provides schools an incentive to initiate foreign language programs, promotes technology, distance learning, and other innovative activities in the effective instruction of a foreign language.

Recent research about the human brain and language acquisition, which we've heard a lot about in connection to the teaching of reading and early childhood development, revealed that the ability to learn new languages is highest between birth and age six. ''Windows of opportunity'' is how a February 3, 1997, Time article described this neurological function, which effectively is open and pliable during the early years of life and closes by the age of ten.

We all know, from personal and other practical experience, that of course, people learn foreign languages beyond the age of ten. But, the enlightening fact of the research is that humans learn languages easier, and best at an early age.

The National School Boards Association publication, School Board News, printed an article in July, 1997 that describes early foreign language programs, and the benefits of learning languages early:

According to the Center for Applied Linguistics (CAL) in Washington, D.C., the early study of a second language offers many benefits for students, including gains in academic achievement, positive attitudes toward diversity, increased flexibility in thinking, greater sensitivity to language, and a better ear for listening and pronunciation. Foreign language study also improves children's understanding of their native language, increase creativity, helps students get better SAT scores, and increase their job opportunities.

The evidence shows that children who learn foreign languages score higher in all academic subjects than those who speak only English. Most developed countries recognize this and, according to the National Foreign Language Center, the United States is alone in not teaching foreign languages routinely before the age of twelve. Congress recognized the need for foreign language study when it passed Goals 2000 in 1994, making foreign language acquisition an education priority.

In February of this year, the Center for Applied Linguistics released the results of a U.S. Department of Education funded survey of foreign language teaching in preschool through 12th grade in the United States. The results show a rising awareness and increase in the teaching of foreign languages, but in the 31 percent of elementary schools that offer foreign language instruction, only 21 percent have proficiency as the goal of the program. Among the most frequently cited problems facing foreign language programs were inadequate funding, inadequate in-service teacher training, teacher shortages and a lack of sequencing from elementary to secondary school.

This survey is a good snapshot of the state of the teaching of foreign languages K–12 in our country. It can be read as encouraging: that we know we should be teaching languages earlier; that more schools are attempting to teach foreign languages; and that more languages are being taught. It also clearly shows where we need improvement: that we need to show accomplishment in teaching our students foreign languages; that more schools need to have the resources to offer the necessary course work for attaining this skill; and, that foreign languages should be a priority.

The advantages of having foreign language ability range from greater opportunities for college admission to fulfilling national security needs. The National Council for Languages and International Studies found that the top attainable skill cited as a determining factor for likely college admission is foreign language proficiency. There are also social and cultural tolerance advantages that the National Council for Languages and International Studies and others cite, which most of us can appreciate. According to a February 1998, USA Today survey, top executives of America's businesses cited a need for and lack of foreign language skills twice as great as any other skill in demand.

The National Foreign Language Center published a 1999 report titled, Language and National Security for the 21st Century: The Federal Role in Supporting National Language Capacity. This report is very compelling in its review of the need for military and civilian personnel with foreign language capability, and the lack thereof in our current and rising workforces. Here are some quotes from that report:

For example, the admission of a DEA official in September, 1997 that the agency lacks sufficient Russian language expertise to combat organized crime in groups from the former Soviet Union indicates a shortfall in supply of such expertise.

* * * * *

The Foreign Service reports that only 60% of its billets requiring language are at present filled, with waivers applied to the other 35%.

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Clearly, the academic system falls short in producing speakers minimally qualified to hold jobs requiring the use of foreign language, which is why the federal language programs exist and why the language training business in the private sector is so successful.

The same report further explains that the language training business is estimated to be $20 billion internationally. That is money spent by our government, our businesses and individuals to teach adults a skill essential in the global relationships of industry, diplomacy, defense, and higher education.

The evidence of need is great, and yet there is a lack of sufficient foreign language training at the K–12 level. We have one program in the Elementary and Secondary Education Act aimed at providing incentives and giving grants to schools for this purpose. It is a program that is currently funded at just $5 million for a few matching grants in a handful of states. However, the section of this law providing a grant for schools that offer foreign language instruction programs has never been funded. A frustrating aspect of this good program is that the schools in the most need of the assistance can't afford the ante. My amendments establish a 50 percent set aside for schools serving the most disadvantaged students, and eliminates the matching share requirement for those schools. This bill also increases the annual authorization for the program from $55,000,000 to $75,000,000.

I hope that we will give greater attention to this program when we make funding decisions, so that schools without the advantages of plentiful resources can provide their students with a high quality and competitive education.

My amendments to the ESEA Foreign Language Assistance Program will provide new opportunities and encouragement to our school children, teachers, and parents, so we can better meet our global business challenges and national security needs.

By Mr. SHELBY (for himself, Mr. BOND, Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. ASHCROFT, Mr. THOMAS, Mr. ABRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. INHOFE, Mr. SESSIONS, Mr. GRAMS, Mr. COCHRAN, Mr. HUTCHINSON and Ms. SNOWE):

S. 602. A bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal Revenue, and for other purposes; to the Committee on Government Affairs.

THE STEALTH TAX PREVENTION ACT

Mr. SHELBY. Mr. President, I rise today with my colleague Senator BOND, to introduce the Stealth Tax Prevention Act. Among the many powers given to Congress by the Constitution of the United States, the responsibility of taxation is perhaps the most important. The Founding Fathers rationale behind bestowing this power to Congress is that because, as elected representative, Congress remains accountable to the voters when they levy and collect taxes. Politicians are rightly held responsible to the public for producing fair and prudent tax legislation.

Three years ago, Mr. President, Congress passed the Congressional Review Act, which provides that when a major agency rule takes effect, Congress has 60 days to review it. During this time

period, Congress has the option to pass a disapproval resolution. If no such resolution is passed, the rule then goes into effect.

As you know, Mr. President, the Internal Revenue Service maintains an enormous amount of power over the lives and the livelihoods of the American taxpayers through their authority to interpret the Tax Code. The Stealth Tax Prevention Act, that Senator BOND and I are introducing along with Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. ASHCROFT, Mr. THOMAS, Mr. ABRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. INHOFE, Mr. SESSIONS, Mr. GRAMS, Mr. COCHRAN, Mr. HUTCHINSON, and Ms. SNOWE, will expand the definition of a major rule to include, Mr. President, any IRS regulation which increases Federal revenue. Why? Because we need to return the authority of taxation to the United States Congress.

For example, if the Office of Management and Budget finds that the implementation and enforcement of a rule would result in an increase of Federal revenues over current practices or revenues anticipated from the rule on the date of the enactment of the statute, the Stealth Tax Prevention Act would allow Congress to review the regulations and take appropriate measures to avoid raising taxes on hard working Americans, in most cases, small businesses.

The discretionary authority of the Internal Revenue Service exposes small businesses, farmers, and others to the sometimes arbitrary actions of bureaucrats, thus creating an uncertain and, under certain cases, hostile environment in which to conduct day-to-day activities. Most of these people do not have lobbyists that work for them other than their elected Representatives. The Stealth Tax Prevention Act will be particularly helpful in lowering the tax burden on small business which suffers disproportionately, Mr. President, from IRS regulations. This burden discourages the startup of new firms and ultimately the creation of new jobs in the economy, which has really made America great today.

Americans are now paying a higher share of their income to the Federal government than at any time since the end of World War II. They, Mr. President, as you well know, pay State income taxes. They pay property taxes. On the way to work in the morning they pay a gasoline tax when they fill up their car, and a sales tax when they buy a cup of coffee.

Allowing bureaucrats to increase taxes even further, at their own discretion through interpretation of the Tax Code is unconscionable. The Stealth Tax Prevention Act will leave tax policy where it belongs, to elected Members of the Congress, not unelected and unaccountable IRS bureaucrats.

Mr. BOND. Mr. President, today I join my distinguished colleague from Alabama, Senator SHELBY, in reintroducing legislation, which we proudly offered in the 105th Congress and will work to enact during the 106th Congress. Our goal is to ensure that the Treasury Department's Internal Revenue Service does not usurp the power to tax—a power solely vested in Congress by the U.S. Constitution. ''The Stealth Tax Prevention Act'' will ensure that the duly elected representatives of the people, who are accountable to the electorate for our actions, will have discretion to exercise the power to tax. This legislation is intended to curb the ability of the Treasury Department to bypass Congress by proposing a tax increase without the authorization or consent of Congress.

The Stealth Tax Prevention Act builds on legislation passed unanimously by the Senate in the 104th Congress. As Chairman of the Committee on Small Business, I authored the Small Business Regulatory Enforcement Fairness Act—better known as the Red Tape Reduction Act—to ensure that small businesses are treated fairly in agency rulemaking and enforcement activities. Subtitle E of the Red Tape Reduction Act provides that a final rule issued by a Federal agency and deemed a ''major rule'' by the Office of Information and Regulatory Affairs of the Office of Management and Budget cannot go into effect for at least sixty days. This delay is to provide Congress with a window during which we can review the rule and its impact, allowing time for Congress to consider whether a resolution of disapproval should be enacted to strike down the regulation. To become effective, the resolution must pass both the House and Senate and be signed into law by the President or enacted as the result of a veto override.

Later this month, I will commemorate the third anniversary of the Red Tape Reduction Act's enactment by highlighting the progress made to date and the obstacles small businesses continue to face primarily due to agency noncompliance. Because of the IRS' significant impact on the activities of small businesses, the Service's implementation of the Red Tape Reduction Act and the Regulatory Flexibility Act is of utmost importance to the Committee on Small Business.

The bill Senator SHELBY and I introduce today amends this law to provide that any rule issued by the Treasury Department's Internal Revenue Service that will result in a tax increase—any increase—will be deemed a major rule by OIRA and, consequently, not go into effect for at least 60 days. This procedural safeguard will ensure that the Department of the Treasury and its Internal Revenue Service cannot make an end-run around Congress, as it attempted with the ''stealth tax'' it proposed on January 13, 1997.

In that case, the IRS issued a proposal that is tantamount to a tax increase on businesses structured as limited liability companies. The IRS proposed to disqualify a taxpayer from being considered as a limited partner if he or she ''participates in the partnership's trade or business for more than 500 hours during a taxable year'' or is involved in a ''service'' partnership, such as lawyers, accountants, engineers, architects, and health-care providers.

The IRS alleges that its proposal merely interprets section 1402(a)(13) of the Internal Revenue Code, providing clarification, when in actuality it is a tax increase regulatory fiat. Under the IRS proposal, disqualification as a limited partner will result in a tax increase on income from both capital investments as well as earnings of the partnership. The effect will be to add the self-employment tax (12.4% for social security and 2.9% for Medicare) to income from investments as well as earnings for limited partners who under current rules can exclude such income from the self employment tax.

Under the bill introduced today, this tax increase on limited partners, if later issued as a final rule, could not go into effect for at least 60 days following its publication in the Federal Register. This window, which coincides with issuance of a report by the Comptroller General, would allow Congress the opportunity to review the rule and vote on a resolution to disapprove the tax increase before it is applied to a single taxpayer.

The Stealth Tax Prevention Act strengthens the Red Tape Reduction Act and the vital procedural safeguards it provides to ensure that small businesses are not burdened unnecessarily by new Federal regulations. Congress enacted the 1996 provisions to strengthen the effectiveness of the Regulatory Flexibility Act, a law which had been ignored too often by government agencies, especially the Internal Revenue Service. Three of the top recommendations of the 1995 White House Conference on Small Business sought reforms to the way government regulations are developed and enforced, and the Red Tape Reduction Act passed the Senate without a single dissenting vote on its way to being signed into law on March 29, 1996. Despite the inclusion of language in the 1996 amendments that expressly addresses coverage of IRS interpretative rules, the IRS continues to bypass compliance with the Regulatory Flexibility Act.

As 18 of my Senate colleagues and I advised Secretary Rubin in an April 9, 1997, letter, the proposed IRS regulation on limited-partner taxation is precisely the type or rule for which a regulatory flexibility analysis should be done. Although, on its face, the rulemaking seeks merely to ''define a limited partner'' or to ''eliminate uncertainty'' in determining net earnings from self-employment, the real effect of the rule would be to raise taxes by executive fiat and expand substantially the spirit and letter of the underlying statute. The rule also seeks to impose on small businesses a burdensome new recordkeeping and collection of information requirement that would affect

millions of limited partners and members of limited liability companies. The IRS proposed this ''stealth'' tax increase with the knowledge that Congress declined to adopt a similar tax increase in the Health Security Act proposed in 1994—a provision that the Congressional Joint Committee on Taxation estimated in 1994 would have resulted in a tax increase of approximately $500 million per year.

The Stealth Tax Prevention Act would remove any incentive for the Treasury Department to underestimate the cost imposed by an IRS proposed or final rule in an effort to skirt the Administration's regulatory review process or its obligations under the Regulatory Flexibility Act. By amending the definition of ''major rule'' under the Congressional Review Act, which is Subtitle E of the Red Tape Reduction Act, we ensure that an IRS rule that imposes a tax increase will be a major rule, whether or not it has an estimated annual effect on the economy of $100,000,000. Our amendment does not change the trigger for a regulatory flexibility analysis, which still will be required if a proposed rule would have ''a significant economic impact on a substantial number of small entities.'' We believe the heightened scrutiny of IRS regulations called for by this legislation will provide an additional incentive for the Treasury Department's Internal Revenue Service to meet all of its procedural obligations under the Reg Flex Act and the Red Tape Reduction Act.

I urge my colleagues to join us in supporting this important legislation to ensure that the IRS neither usurps the proper role of Congress—nor skirts its obligations to identify the impact of its proposed and final rules. When the Department of the Treasury issues a final IRS rule that increases taxes, Congress should have the ability to exercise its discretion to enact a resolution of disapproval before the rule is applicable to a single taxpayer. The Stealth Tax Prevention Act Senator SHELBY and I introduce today provides that opportunity.

By Mr. SHELBY:

S. 603. A bill to promote competition and greater efficiency of airlines to ensure the rights of airline passengers, to provide for full disclosure to those passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE DEREGULATION AND DISCLOSURE ACT OF 1999

Mr. SHELBY. Mr. President, the legislation that abolished the Civil Aeronautics Board in 1978 and deregulated the airline industry has been a huge success. Americans are flying more, and more Americans are flying; at the same time, air fares have dropped and air travel has become safer. The average price of an airline ticket has decreased approximately 33 percent in real terms since market forces replaced the whims of federal bureaucrats in setting fares. The number of passengers flying domestic routes has more than doubled to approximately 600 million annually. It is not surprising, then, that air travel is no longer an exclusive privilege of the elite and today is accessible to most Americans.

While deregulation of the airline industry overall has yielded the benefits that free markets promise, there are growing pains. As the number of air passengers increases, so has the number of consumer complaints against air carriers. Some members of Congress have concluded that competition does not work for commercial aviation. They have stepped forward with proposals to reimpose federal control over air fares and carrier routes, to offer taxpayer subsidies to fledgling air carriers to compete against industry goliaths, or to levy a variety of new fines that would add to the Department of Transportation's duty the role of meter maid. We should be wary of any such effort to reintroduce the heavy hand of government under the auspices of protecting airline passengers.

Mr. President, lets not rush to throw out the baby with the bath water and undo twenty years of unprecedented growth and consumer savings under deregulation. Now is the time to reinvigorate competition in the air passenger market, even if the air carriers do not welcome it. The best way to increase competition is to regulate less, not more. Regulations that serve as barriers to the commercial aviation market should be removed. Regulations that promote the division of the marketplace into regional cartels should be abandoned. Regulations and FAA management practices that delay the installation of new technology that facilitates competition should be streamlined.

I believe that we can also increase competition in the airline industry by providing the traveling public with more useful information and by giving consumers ownership of the commodity they have purchased—their seat on an airplane. Today, I am introducing legislation that will provide passengers with greater information about their air fare and flight and with greater flexibility over unused or partially used fares.

The price of an airline ticket is as much a mystery as the Pyramids or the Hanging Gardens. In fact, The New York Times reported that on a single flight, passengers paid 27 different fares, ranging from $87 to $728. We should not adopt any measure that discourage air carriers from discounting fares or that chill the benefits airline consumers are now receiving. Air carriers, however, should not be allowed to continue bait-and-switch advertising. If an air carrier offers a discounted fare, my bill permits all passengers to make a confirmed reservation at that same price for a twenty-four hour period.

Under my bill, consumers will get more ticket and flight information. Airlines will be required to notify passengers about flight delays, cancellations, or diversions. Air carriers must also disclose if the passenger will be traveling on a carrier other than the one from whom the consumer purchased the ticket or if the flight will require the passenger to change planes.

At the same time, my bill will ensure that air carriers are penalized for canceling flights, bumping passengers, and holding travelers hostage on board an aircraft with inpunity. Whenever an airline passenger is unable to make a flight, the passenger will have the opportunity to board a similar flight on a standby basis. Whenever an airline cancels a flight for their convenience, it will have to offer to compensate each passenger. Whenever an airline keeps passengers on board an aircraft that sits on the tarmac for more than two hours, it will have to offer to compensate each passenger.

The Airline Deregulation Act of 1978 started a revolution in the airline industry, a revolution that according to a Brookings Institution study has benefitted consumers by $18.4 billion. That revolution is unfinished. I want to take the next step and promote new competition in the passenger aviation marketplace. My bill does this by taking away much of the mystery associated with flying.

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:

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 ''Airline Deregulation and Disclosure Act of 1999''.

SEC. 2. AIRLINE PASSENGER PROTECTION.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

''§ 41716. Air carrier passenger protection

''(a) DELAY, CANCELLATION, OR DIVERSION.—

''(1) EXPLANATION OF DELAY, CANCELLATION, OR DIVERSION REQUIRED.—An announcement by an air carrier of a delay or cancellation of a flight, or a diversion of a flight to an airport other than the airport at which the flight is scheduled to land, shall include an explanation of each reason for the delay, cancellation, or diversion.

''(2) PROHIBITION ON FALSE OR MISLEADING EXPLANATIONS.—No air carrier shall provide an explanation under paragraph (1) that the air carrier knows or has reason to know is false or misleading.

''(3) DELAYS AFTER ENPLANING OR BEFORE DEPLANING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no air carrier may require a passenger on a flight of that air carrier to remain onboard an aircraft for a period longer than 2 hours after—

''(i) the passenger enplaned, in any case in which the aircraft has not taken flight from the airport during that period; or

''(ii) the aircraft has landed at an airport, if the aircraft remains in that airport without taking flight.

''(B) ELECTION.—A passenger described in subparagraph (A) may remain onboard an aircraft described in clause (i) or (ii) of that

subparagraph for a period longer than the applicable period described in that subparagraph, if, not later than the end of that 2-hour period—

''(i) the air carrier offers the passenger an opportunity to deplane with a full refund of air fare; and

''(ii) the passenger declines that offer.''.

''(b) ECONOMIC CANCELLATIONS.—

''(1) NONSAFETY CANCELLATIONS.—If, on the date a flight of an air carrier is scheduled, the carrier cancels the flight for any reason other than safety, the carrier shall provide to each passenger that purchased air transportation on the flight a refund of the amount paid for the air transportation.

''(2) CANCELLATIONS FOR SAFETY.—A cancellation for safety is a cancellation made by reason of—

''(A) an insufficient number of crew members;

''(B) weather;

''(C) a mechanical problem; or

''(D) any other matter that prevents—

''(i) the safe operation of the flight; or

''(ii) the flight from operating in accordance with applicable regulations of the Federal Aviation Administration.

''(c) CODE SHARING.—An air carrier, foreign air carrier, or ticket agent may sell air transportation in the United States for a flight that bears a designator code of a carrier other than the carrier that will provide the air transportation, only if the carrier or ticket agent selling the air transportation first informs the person purchasing the air transportation that the carrier providing the air transportation will be a carrier other than the carrier whose designator code is used to identify the flight.

''(d) MULTIPLE FLIGHTS.—An air carrier, foreign air carrier, or ticket agent that sells air transportation in the United States that requires taking flights on more than 1 aircraft shall be required to provide notification on a ticket, receipt, or itinerary provided to the purchaser of that air transportation that the passenger shall be required to change aircraft.

''(e) AIR CARRIER PRICING POLICIES.—An air carrier may not—

''(1) prohibit a person (including a governmental entity) that purchases air transportation from only using a portion of the air transportation purchased (including using the air transportation purchased only for 1-way travel instead of round-trip travel); or

''(2) assess an additional fee or charge for using only a portion of that purchased air transportation to be paid by—

''(A) that person; or

''(B) any ticket agent that sold the air transportation to that person.

''(f) EQUITABLE FARES; FREQUENT FLYER PROGRAM AWARDS.—

''(1) REDUCED FARES.—Subject to paragraph (2), if an air carrier makes seats available on a specific date at a reduced fare, that air carrier shall be required to make available air transportation at that reduced fare for any passenger that requests a seat at that reduced fare during a 24-hour period beginning with the initial offering of that reduced fare.

''(2) LIMITATION.—

''(A) IN GENERAL.—An air carrier shall not be required under paragraph (1) to make a seat available for a route at a reduced fare, if providing that seat at that fare would result in the air carrier being unable to provide, for the 24-hour period specified in that paragraph, the applicable historic average number of seats offered at an unreduced fare for the route, as determined under subparagraph (B).

''(B) HISTORIC AVERAGE.—With respect to a route, the historic average number of seats offered at an unreduced fare for the route is the average number of seats offered at an unreduced fare per day by an air carrier for flights scheduled on that route during the 24-month period preceding the 24-hour period specified in paragraph (1).

''(3) STANDBY USE OF TICKETS.—An air carrier shall permit an individual to use a ticket (or equivalent electronic record) issued by that air carrier on a standby basis for any flight that has the same origin and destination as are indicated on that ticket (or equivalent electronic record).

''(4) FREQUENT FLYER PROGRAM AWARDS.—

''(A) IN GENERAL.—Subject to subparagraph (C), in a manner consistent with applicable requirements of a frequent flyer program, if an air carrier makes any seat available on a specific date for use by a person redeeming an award under that frequent flyer program on any route in air transportation provided by the air carrier, that air carrier shall, to the extent practicable during the 24-hour period beginning with the redemption of that award—

''(i) redeem any other award under that frequent flyer program for air transportation on that route; and

''(ii) make a seat available for the person who redeems that other award on a flight on that route.

''(B) STANDBY USE OF FREQUENT FLYER PROGRAM AWARDS.—An air carrier shall permit an individual to redeem a ticket (or equivalent electronic record) acquired through a frequent flyer award on a standby basis for any flight that has the same origin and destination as are indicated on that ticket (or equivalent electronic record).

''(C) LIMITATION.—

''(i) IN GENERAL.—An air carrier shall not be required under subparagraph (A) to make a seat available for a route for use by a person redeeming a frequent flyer award, if providing that seat to that person would result in the air carrier being unable to provide, for the 24-hour period specified in that paragraph, the applicable historic average number of seats offered at an unreduced fare for the route, as determined under clause (ii).

''(ii) HISTORIC AVERAGE.—With respect to a route, the historic average number of seats offered at an unreduced fare for the route is the average number of seats offered at an unreduced fare per day by an air carrier for flights scheduled on that route during the 24-month period preceding the 24-hour period specified in subparagraph (A).

''(g) ACCESS TO ALL FARES.—Each air carrier operating in the United States shall make information concerning all fares for air transportation charged by that air carrier available to the public, through—

''(1) computer-based technology; and

''(2) means other than computer-based technology.''.

(b) PENALTIES.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking ''or 41715 of this title'' and inserting '', 41715, or 41716 of this title''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

''41716. Air carrier passenger protection.''.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. ALLARD), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 98 a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 249

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 261

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 306

At the request of Mr. FRIST, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 306, a bill to regulate commercial air tours overflying the Great Smokey Mountains National Park, and for other purposes.

S. 336

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 346

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 499

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 537

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 537, a bill to amend the Internal Revenue Code of 1986 to adjust the exemption amounts used to calculate the individual alternative minimum tax for inflation since 1993.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Missouri

(Mr. ASHCROFT) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 575

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 575, a bill to redesignate the National School Lunch Act as the ''Richard B. Russell National School Lunch Act''.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAIG), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Nebraska (Mr. HAGEL), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Indiana (Mr. LUGAR), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SHELBY), the Senator from Wyoming (Mr. THOMAS), the Senator from Virginia (Mr. WARNER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

SENATE RESOLUTION 60

At the request of Mr. MACK, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

SENATE CONCURRENT RESOLUTION 17—CONCERNING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. LOTT, Mr. HELMS, Mr. THOMAS, Mr. BURNS, Mr. KYL, and Mr. ROCKEFELLER) submitted the following concurrent resolution; which was referred to the Committeeon Foreign Relations:

S. CON. RES. 17

Whereas April 10, 1999, will mark the 20th anniversary of the enactment of the Taiwan Relations Act, codifying in public law the basis for continued commercial, cultural, and other relations between the United States and democratic Taiwan;

Whereas the Taiwan Relations Act was advanced by Congress and supported by the executive branch as a critical tool to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the United States and the Republic of China on Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas, when the Taiwan Relations Act was enacted, it reaffirmed that the United States decision to establish diplomatic relations with the People's Republic of China is based upon the expectation that the future of Taiwan will be determined by peaceful means;

Whereas officials of the People's Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas the defense modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on ''The Security Situation in the Taiwan Strait'', could threaten cross-strait and East Asian stability and United States interests in the East Asia region;

Whereas the Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and defense services in such quantities as may be necessary for Taiwan to maintain a sufficient self-defense capability;

Whereas the Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and Congress;

Whereas Congress and the President are committed by section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)) to determine the nature and quantity of what Taiwan's legitimate needs are for its self-defense;

Whereas the Republic of China on Taiwan routinely makes informal requests to United States Government officials, which are discouraged or declined informally by United States Government personnel;

Whereas it is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and defense services legitimately needed for Taiwan's self-defense;

Whereas it is the current executive branch policy to bar most high-level dialog regarding regional stability with senior military officials on Taiwan;

Whereas the Taiwan Relations Act sets forth the policy to promote extensive commercial relations between the people of the United States and the people on Taiwan, and that policy is advanced by membership in the World Trade Organization;

Whereas the human rights provisions in the Taiwan Relations Act helped stimulate the democratization of Taiwan;

Whereas Taiwan today is a full-fledged, multiparty democracy that fully respects human rights and civil liberties and, as such, serves as a successful model of democratic reform for the People's Republic of China;

Whereas it is the policy of the United States to promote extensive cultural relations between the United States and Taiwan, ties that should be further encouraged and expanded;

Whereas any attempt to determine Taiwan's future by other than peaceful means, including boycotts or embargoes, would be considered as a threat to the peace and security of the Western Pacific and of grave concern to the United States;

Whereas the Taiwan Relations Act established the American Institute in Taiwan to carry out the programs, transactions, and other relations of the United States with respect to Taiwan; and

Whereas the American Institute in Taiwan has played a successful role in sustaining and enhancing United States relations with Taiwan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees of provision of legitimate defense articles to Taiwan contained therein;

(2) the Congress has grave concerns over China's growing arsenal of nuclear and conventionally armed ballistic missiles, the movement of those missiles into a closer geographic proximity to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait;

(3) the President should direct all appropriate officials to raise with officials from the People's Republic of China the grave concern of the United States over China's growing arsenal of nuclear and conventionally armed ballistic missiles, the movement of those missiles into a closer geographic proximity to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait;

(4) the President should seek from the leaders of the People's Republic of China a public renunciation of any use of force, or threat to use force, against democratic Taiwan;

(5) the President should provide annually a report detailing the military balance on both sides of the Taiwan Strait, including the impact of procurement and modernization programs underway;

(6) the Secretary of Defense should inform the appropriate committees of Congress when officials from Taiwan seek to purchase defense articles for self-defense;

(7) the United States Government should encourage a high-level dialog with officials of Taiwan and of other United States allies in East Asia, including Japan and South Korea, on the best means to ensure stability, peace, and freedom of the seas in East Asia;

(8) it should be United States policy, in conformity with the spirit of section 4(d) of

the Taiwan Relations Act (22 U.S.C. 3303(d)), to publicly support Taiwan's admission to the World Trade Organization forthwith, on its own merits as well as to encourage others to adopt similar policies, without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the World Trade Organization.

Mr. MURKOWSKI. Mr. President. April 10, 1999 will mark the twentieth anniversary of the signing of the Taiwan Relations Act (''TRA''). Today, I am submitting a concurrent resolution commemorating this important piece of legislation and the commitments that the United States made to the people of Taiwan. The resolution is cosponsored by Senator LOTT, the majority leader, Senator HELMS, the chairman of the Senate Foreign Relations Committee, Senator THOMAS, the chairman of the East Asia Subcommittee of the Senate Foreign Relations Committee, Senator TORRICELLI, also on the Senate Foreign Relations Committee, Senator ROCKEFELLER, Senator BURNS, and Senator KYL. A similar resolution is being introduced today in the House of Representatives by Representative DANA ROHRABACHER.

Mr. President. I was not here when Congress passed the TRA in 1979, but I have great respect for the wisdom that those who proceeded me played in passing this enduring piece of legislation. As former Senator Dole said in commenting on the changes the Congress made to the legislation proposed by the Carter Administration:

[The changes in the bill] ''were meant only to recognize the simple reality of U.S. concerns in the Asia-Pacific region and our desire for peace for an old and faithful ally.''—March 7, 1979.

In talking to colleagues and former Administration officials who were here for the creation of the TRA, you get the sense that no one expected Taiwan to be around for very long. But Taiwan not only survived, she thrived. Taiwan turned into one of the Asian Tigers, and has managed to weather the Asian flu. She is a full-fledged multi-party democracy that respects human rights and civil liberties. She serves as a model of successful democratic reform.

The positive changes in Taiwan are a tribute to the spirit and perseverance of her people, who have achieved an almost impossible dream in the view of many. The United States cannot take credit for Taiwan's achievements, but we can be proud of East Asia. So I think it is appropriate that we take up this resolution that commemorates the anniversary of this piece of legislation.

Mr. President. The resolution praises the TRA for contributing to peace, security and stability in the Taiwan Strait. The resolution also praises the growth of democracy, human rights and civil liberties on Taiwan. And the resolution notes the successful role that the American Institute in Taiwan has played in sustaining and enhancing our relations with Taiwan.

The resolution does express concern about several issues including the process for evaluating Taiwan's legitimate defense needs, the lack of high-level dialog between senior military officials on Taiwan and American defense officials regarding regional stability. The resolution also expresses Congress's grave concern over the possible threat to security in the Taiwan Strait from China's defense modernization and procurement as documented in the February 1, 1999, report to Congress by the Secretary of Defense on ''The Security Situation in the Taiwan Strait''.

Mr. president. This resolution calls for the Congress to reaffirm our commitment to the TRA and to the specific guarantees to provide legitimate defense articles to Taiwan. The Resolution also expresses our grave concern over the threat to Taiwan from China's growing arsenal of nuclear and conventionally armed ballistic missiles, the movement to those missiles into a closer geographic proximity to Taiwan, and the effect that the buildup may have on stability in the Taiwan Strait.

The resolution also encourages a high-level dialog with officials of Taiwan and our other East Asia allies concerning the best means to ensure peace and stability in East Asia.

To provide the Congress with timely information to evaluate Taiwan's self-defense needs, this resolution asks the President to provide an annual report detailing the military balance on both sides of the Taiwan Strait.

Finally, this resolution notes that it should be United States policy to publicly support Taiwan's admission to the World Trade Organization on its own merits as well as to encourage other countries to adopt similar policies, without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the World Trade Organization.

Mr. President. I hope that the full Senate will have the opportunity to vote on this resolution in the near future.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 3 p.m. on Thursday, March 11, 1999, in open session, to receive testimony on Department of Defense policies and programs to combat terrorism.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Thursday, March 11, 1999 at 9:30 a.m. on S. 383—Airline Passenger Fairness Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 11, for purposes of conducting a full committee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the U.S. Forest Service.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, March 11, 9:30 a.m., Hearing Room (SD–406), on S. 507, the Water Resources Development Act of 1999.

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

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 11, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 11, 1999 at 10 a.m. to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Key Patients' Protections: Lessons from the Field'' during the session of the Senate on Thursday, March 11, 1999 at 10 a.m.

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

SPECIAL COMMITTEE ON YEAR 2000 TECHNOLOGY PROBLEM

Mr. GORTON. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on Thursday, March 11, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHTS AND THE COURTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, together with the House Judiciary Committee's Subcommittee on Commercial and Administrative Law, be authorized to meet during the session of the Senate on Thursday, March

11, 1999 at 2 p.m. to hold a hearing in room 2141 of the Rayburn House Office Building, on ''Bankruptcy Reform.''

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

STRATEGIC SUBCOMMITTEE

Mr. GORTON. Mr. President, I ask unanimous consent that the Strategic Subcommittee of the Committee on Armed Services be authorized to meet on Thursday, March 11, 1999 at 10 a.m. in open session, to receive testimony on ballistic missile defense programs and management, in review of the defense authorization request for fiscal year 2000 and the future years defense program.

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

SUBCOMMITTEE ON PERSONNEL

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Thursday, March 11, 1999, at 2 p.m. in open session, to receive testimony on the defense health program in review of the defense authorization request for fiscal year 2000 and the future years defense program.

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

ADDITIONAL STATEMENTS

RESTORATION OF LITHUANIA'S INDEPENDENCE

● Mr. ABRAHAM. Mr. President, I rise to mark the ninth anniversary of the restoration of Lithuania's independence. I also rise to pay tribute to the Lithuanian people for their perseverance and sacrifice, which enabled them to achieve the freedom they now enjoy.

On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its electoral mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state. This marked a great moment for Lithuania and for lovers of freedom around the globe.

The people of Lithuania endured a 51-year foreign occupation. Resulting from the infamous Hitler-Stalin Pact of 1939, this Soviet occupation brought with it communist dictatorship and cultural genocide. But the Lithuanian people were not defeated. They resisted their oppressors and kept their culture, their faith and their dream of independence very much alive even during the hardest times.

The people of Lithuania were even able to mobilize and sustain a non-violent movement for social and political change, a movement which came to be known as Sajudis. This people's movement helped guarantee a peaceful transition to independence through full participation in democratic elections on February 24, 1990.

Unfortunately, the peace did not last. In January 1991, ten months after restoration of independence, the people and government of Lithuania faced a bloody assault by foreign troops intent on overthrowing their democratic institutions. Lithuanians withstood this assault, maintaining their independence and their democracy. Their successful use of non-violent resistance to an oppressive regime is an inspiration to all.

On September 17, 1991, Lithuania became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization for Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe. Lithuania is an associate member of the European Union, has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. But our nation never really broke with the government and people of Lithuania. The U.S. never recognized the forcible incorporation of Lithuania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the inter-war republic. Indeed, for over fifty years the United States maintained a bipartisan consensus that our nation would refuse to recognize the forcible incorporation of Lithuania into the former Soviet Union.

Our relations with Lithuania are strong, friendly and mutually beneficial. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the U.S. since December, 1991. Through 1996, the U.S. has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the U.S. and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

In 1998 the U.S. and Lithuania signed The Baltic Charter Partnership. That charter recalls the history of American relations with the area and underscores our ''real, profound, and enduring'' interest in the security and independence of the three Baltic states. As the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I pledge to work with my colleagues to continue working to secure the freedom and independence of Lithuania and its Baltic neighbors, and I join with the people of Lithuania as they celebrate their independence.●

TRIBUTE TO ROBERT CONDON

● Mrs. BOXER. Mr. President, I rise to pay tribute to Robert Condon, one of our nation's leading child literacy advocates, who died last month, tragically, at the all-too-young age of 40. I ask my colleagues to join me in sending condolences to the Condon family.

Robert Condon was a successful businessman, but his true passion was reading. Throughout the 1980s, he took time from his career and family to read to children at local homeless shelters. He understood, far before many Americans did, that reading aloud to children is one of the most effective ways to teach literacy and improve young people's lives.

In 1991, Robert Condon quit his regular job in order to work full time promoting youth literacy. He founded the non-profit organization ''Rolling Readers USA,'' where he and a small cadre of volunteers read to children in public housing developments, homeless shelters, and schools in the San Diego area.

Robert Condon's passion was contagious and Rolling Readers grew exponentially. Today, it has 40,000 volunteers reading to children in 24 states. Rolling Readers has won acclaim from national organizations, including the International Reading Association and Reading Is Fundamental.

In his short life, Robert Condon touched the lives of hundreds of thousands of children. In his memory, Rolling Readers USA is sponsoring March 27 as a national read-in day, when tens of thousands of volunteers will spend part of their day reading to children, keeping Robert Condon's ideals moving forward.

Mr. President, I encourage all Americans to participate in Rolling Readers USA's national read-in day and to become involved throughout the year to promote youth literacy. Volunteering our time and energy makes a difference and is a fitting way to pay tribute to this remarkable Californian.●

REMARKS BY BETH MACY HONORING SENATOR CLAIBORNE PELL

● Mr. JEFFORDS. Mr. President, I submit for the RECORD the following remarks made by Ms. Beth Macy at an event honoring Senator Claiborne Pell, hosted by the National Association of Independent Colleges and Universities (NAICU). Ms. Macy, a former Pell Grant recipient, spoke eloquently about the positive difference that the Pell grant made in her life and the difference it has made in the lives of the students she now teaches. Senator Pell, a statesman committed to education, was visionary in his creation of the grant that now bears his name. The Pell Grant still serves as the very foundation of our federal commitment to postsecondary study and it has helped make the dream of higher education a reality for millions of low-income individuals. I was pleased and honored to participate in this event for Senator Pell.

I urge my colleagues to take the time to read Ms. Macy's remarks. They remind us of why our support for the Pell grant program is important.

The remarks follow:

REMARKS OF BETH MACY

When a friend of mine, a writer who is in her 80s, heard I was going to give a speech about having been a Pell grant recipient, her first reaction was to joke: ''Don't do it,'' she said ''Unless they promise to forgive any outstanding loan payments.'' And then she said: ''You always hear about Fulbrights, but nobody ever says how much they appreciated their Pell grants.'' That was my thought exactly. And it has been my thought since the day I realized just how much the Pell grant has done for me and thousands of other people like me. They say the G.I. bill changed America; that thousands of people became the first in their families to go to college, turning education from an elites-only business to a more democratic enterprise. Well, the Pells did the same thing a little later and went deeper, helping more women and minorities than the G.I. bill did. And I say this to you unequivocally because I believe it: Had I not gone to college, I don't think I'd have any of the things I treasure most today—my husband, my sons, my friends, my work, even my psychological well-being.

I am not a rich person now, by any means. I drive a used Volvo station wagon with 122,000 miles. My husband drives to the inner-city school where he works in a 1986 Mustang convertible—with a roof that leaks every time it rains. We live in a three-bedroom, four-square house in Roanoke, Virginia, with questionable floor joists and cranky plumbing. The house was built in 1927, the same year my mother was born. Both my house and my mother have character, as they say of things that charm you and annoy you and sometimes make you laugh. My mother was too poor to go to college, and my father dropped out of school in the seventh grade. He told me once that serving as a cook in World War II was the best thing he'd ever done, but he came home from the war to a life of alcoholism, depression and scattered employment. My three older siblings—whose early-adult years predate the founding of the Pell grant—didn't go to college, either; they didn't even consider it. It was just not something people in our family did. I don't want to give you the impression that we grew up hungry or physically abused; we didn't. But we were afflicted with the most serious side effect of growing up poor: the inability to dream. We felt inferior to the kind of people who took vacations and drove cars that started every time.

A few years ago I was reminded of how small my world used to be before I went away to college. My husband and I were driving my 16-year-old niece, who lives in Ohio, to our house in Virginia—on her first trip across state lines. We stopped in Charleston, West Virginia, to refuel the car and our bellies, when Sara removed her requisite teenage earphones, bolted upright in her seat and gasped, ''You mean they have McDonald's here, too?!''

Today I teach personal-essay and memoir writing as an adjunct instructor at Hollins University. I also teach freshman comp and remedial writing part-time at our community college. When any of my students complain that their stories aren't worthy of the written word—or that nothing significant has happened to them—I have them make a list of the defining moments in their lives. To find your plot, I tell them, try to think of one event in your life that has fundamentally changed the way you think and act.

This is mine: I am riding through the flat cornfields of Northwest Ohio on my way to Bowling Green State University. I am in my mom's rusting Mustang, which is packed to the roof with stolen milk crates and cheap suitcases containing my life's belongings: my clothes and books, my Neil Young album collection and my beloved stuffed Ziggy. The year is 1986, and I am 18 years old. I have never seen the beach, nor written a check, nor spent the night any farther from home than Mary Beth Buxton's house on the outskirts of town. As we drive, there are thousands of station wagons packed with thousands of suitcases; thousands of grinding stomachs converging on universities across the country. As we drive, I'm certain that I'm the only college freshman who fears getting lost, not making any friends, failing courses, being shipped back home. And I know I'm the only one arriving on campus with a lucky buckeye from my Grandma Macy's tree in the pocket of my brand-new too-blue jeans. Courage, as defined by Emerson: having the guts to do the thing you've never done before. The one time I drove off the city-pool high dive, I land flat on my belly. They said you could hear the smack at the tennis courts a quarter-mile away. Sure, I tried something new, but I never climbed that ladder again. In my mom's Mustang, my heart soars and plummets with every mile crossed. I'm excited that I just might break into the ranks of the Official Middle Class, but I fear being found out as the impostor I believe I am. I consider asking my mom to turn around and take me home, but for the life of me I can't even talk. Courage, as defined by me: having the guts to dive in over and over again, until the belly flop becomes a perfect plunge. I climbed back up the high-dive ladder the day I went to college. But I couldn't have done it without the Pell grant, which paid my tuition. To cover room and board, I worked two, sometimes three jobs at a time, and I received several National Direct Student Loans.

This is why last year, on my first night of teaching—after working as a journalist for 12 years and earning a master's degree in creative writing at Hollins—the following people inspired me: Sandy and Teree, sisters who both drive school buses and dream of earning associate's business degrees so they can help their truck-driver husbands start their own company; Amy, a single mom who spoke of what it was like to be diagnosed as having ADD (at age 30) and, with the help of medicine, finally being able to THINK; Charles, who'd recently moved to Virginia from a drug-treatment center in Connecticut, ready to try life without drugs; Beth, mother of four, who said she came to college because she doesn't want her kids to grow up thinking she's stupid; And Randy, a mechanic who came to class without first washing his greasy hands. For our first in-class exercise, Randy wrote about the best job he'd ever had, in construction. His ideas were developed, his examples full of detail. But he didn't have a single period or comma on the page. He said he had no idea where to place a period. ''If I get me a computer,'' he asked, ''won't that put in all the periods for me?'' Randy wasn't exactly Hemingway by the semester's end, but he did know how to punctuate a sentence. He came to every class early, stayed late and never missed dropping by during office hours to show me his work. He improved more than any student I've ever taught, and I'm told he's still in school—plugging away at ''The Great Gatsby'' and ''Once More to the Lake'' after his eight-hour shift fixing cars. He wants to buy his own business, too, and I believe some day he will. He was one of several who stayed late that first night to get me to sign his Pell Grant form.

I know there are people who like to bash Pell grant recipients. About 10 years ago, on our way to cover a newspaper story, a photojournalist friend and I were riding in a company car, when the subject of lost loves and old boyfriends reared its ugly head. The daughter of a doctor, my friend confided that she still pines over one ex-beau in particular—but added that he was not worthy of her angst, on account of, as she put it: ''He was a total loser. I mean, he went to college on a Pell grant.'' Back then I was too ashamed of my roots to confront that kind of elitism, so I stewed and said nothing. But a few months ago at a teaching conference I attended, a colleague made a similar comment. He said that most of his Pell students are slackers; that they take advantage of government hand-outs; that they don't have what it takes to make it in a white-collar world. This time I could not keep quiet. I told him that most of my Pell students are even more driven than my middle- and upper-class students, with a lot more riding on the success of their papers than a letter grade or the refinement of their creative-writing skills. Most of my Pell students are working toward not only a degree and a decent job, but also a fundamental shift in the direction of their lives. They want to worry not about paying the bills, but about whether their kids are more suited to playing soccer or the violin. When you're mired in poverty's problems, you don't have the luxury of worrying about basic ''quality of life''; it wouldn't occur to you to even use that phrase.

I am not rich now by any means. But most of the time I am happy, and I am productive, and I am not ashamed. I thank you, Senator Pell, for your gift of education—on behalf of myself, my students and all the rest of the people out there who might yet get a shot at a life better than the one they were born into.●

WOMEN'S HISTORY MONTH

● Mr. SARBANES. Mr. President, today I rise in recognition of Women's History Month—a time to honor the many great women leaders from our past and present who have served our Nation so well. They have worked diligently to achieve social change and personal triumph usually against incredible odds. As scientists, writers, doctors, teachers, and mothers, they have shaped our world and guided us down the road to prosperity and peace. For far too long, however, their contributions to the strength and character of our society went unrecognized and undervalued.

Women have led efforts to secure not only their own rights, but have also been the guiding force behind many of the other major social movements of our time—the abolitionist movement, the industrial labor movement, and the civil rights movement, to name a few. We also have women to thank for the establishment of many of our early charitable, philanthropic, and cultural institutions.

In Maryland, we are proud to honor the many women who have played such critical roles in the development of our State heritage. They include Margaret Brent, who, in 1648, became America's first woman lawyer and landholder, and Harriet Tubman, who saved thousands of lives during the Civil War through the Underground railroad. Other great Maryland women include Henrietta Szold, the founder of Hadassah, the Women's Zionist Organization

of America and Dr. Helen Taussig, who developed, in 1945, the first successful medical procedure to save ''blue babies.''

Now more than ever, women are a guiding force in Maryland and a major presence in our business sector. As of 1996, there were over 167,000 women-owned businesses in our State—that amounts to 39 percent of all firms in Maryland. Maryland's women-owned businesses employ over 301,000 people and generate over $39 billion in sales. Between 1987 and 1996, the number of women-owned firms in Maryland is estimated to have increased by 88 percent.

During Women's History month we have the opportunity to remember and praise great women leaders who have opened doors for today's young women in ways that are often overlooked. Their legacy has enriched the lives of us all and deserves prominence in the annals of American history.

With this in mind, I have co-sponsored legislation again this Congress to establish a National Museum of Women's History Advisory Committee. This Committee would be charged with identifying a site for the National Museum of Women's History and developing strategies for raising private funding for the development and maintenance of the museum. Ultimately, the museum will enlighten the young and old about the key roles women have played in our Nation's history and the many contributions they have made to our culture.

However, we must do more than merely recognize the outstanding accomplishments women have made. Women's History Month also is a time to recognize that women still face substantial obstacles and inequities at every turn. Access to capital for female entrepreneurs is still a significant stumbling block, and women business owners of color are even less likely than white women entrepreneurs to have financial backing from a bank. A female physician still only earns about 58 cents to her male counterpart's dollar, and female business executives earn about 65 cents for every dollar paid to a male executive. At every age, women are more likely than their male contemporaries to be poor, and the average personal income of men over 65 is nearly double that of their female peers. Tragically, the incidence of AIDS among black and Hispanic women and teenage girls is far out of proportion to their percentage of the population.

On the other hand, we have made great strides toward ensuring a fairer place for women in our society. The college-educated proportion of women, although still smaller than the comparable proportion of men, has been increasing rapidly. Black and white women's death rates from heart disease have dropped significantly since 1970. Women are now the majority in some professional and managerial occupations that were largely male until relatively recently.

Mr. President, as we begin a new millennium, it is my hope that our progress in securing women's rights will accelerate. As we celebrate Women's History Month, let us reaffirm our commitment to the women of this Nation and to insuring full equality for all of our citizens.●

RECOGNIZING PHYLLIS MARCKWORTH OF THE PORT TOWNSEND SCHOOL DISTRICT

● Mr. GORTON. Mr. President, I would like to recognize the outstanding achievements of a local educator, Phyllis Marckworth, from Port Townsend in Washington State. Phyllis has been brought to my attention for her devoted efforts in singlehandedly taking charge of efforts to create an integrated system of technology throughout the Port Townsend School District. Indeed, Superintendent Gene Medina credits Phyllis' enthusiastic efforts for literally transforming the fundamental nature of student learning in the district. It is individuals like Ms. Marckworth that should remind all of us here in the U.S. Senate of the indispensable role that the innovation of local educators play in our children's education.

Phyllis is the kind of rare and special educator which schools across this country cherish. She serves as a teacher, a technology administrator, and a staff developer. Thus, her contributions to the better education of students of Port Townsend are noteworthy for several reasons: first, her incredible zeal in tirelessly laboring on behalf of the students she serves. In 1993, she was coordinating plans to purchase computers and telephones for the Port Townsend District. Rather than follow the tradition path of initial hardware investment to supply individual classrooms, Phyllis embarked on a bolder and eventually more rewarding task of assembling an entire telecommunications network for all the students in the district to utilize and learn from. That network has since become the backbone of the improved communication and learning in Port Townsend that all schools hope technology will bring to our classrooms.

Secondly, her visionary innovation in implementing an integrated system of technology within the Port Townsend school district has resulted not just in a ''technology curriculum'' but technology that is fully integrated within the entire district's curriculum. This integration has resulted in better education for students who now understand and utilize technology as a part of every aspect of their lives and learning, not just a computer that is used for typing term papers or biology lab reports.

Finally, this integration which Phyllis sparked has also corresponded with a direct focus on developing the ability of staff throughout the Port Townsend district to make technology a part of their classrooms. Hence, teachers can make technology a part of the whole education process rather than simply a small piece student learning. Too often technology is brought in to the classrooms of today without the training necessary for our teachers to best use that technology to train our students for tomorrow. Phyllis Marckworth has met that challenge head on and has made her district and its students better because of the creative and dedicated way in which she has done so.

It is individuals like Phyllis Marchworth that make education across this country and in our local schools great, not more rules and regulations from Washington, DC. As we in the Senate work on important education legislation, I hope my colleagues will remember the innovative work of educators like Phyllis Marchworth who show how local communities create education success stories when we give them the flexibility they need and deserve.●

BRUMIDI IN NEW YORK

● Mr. MOYNIHAN. Mr. President, I rise today to call the Senate's attention to works of an artist with whom we are all quite familiar. Constantino Brumidi is famous for having painted much of the fine murals here in the Capitol. What is not as yet known, however, is that his other major body of work, in fact the only other great body of work in the United States, is at the Our Lady of the Scapular & St. Stephen's Church (St. Stephen's) in New York City. Located on 29th Street and Third Avenue on Manhattan's East Side, St. Stephens is home to many Brumidi masterpieces, including a mural of the crucifixion which is believed to be the largest of its kind in the world. At one time, St. Stephen's was home to the New York City Arch Diocese and the largest Catholic Church in New York.

Unfortunately, many of the paintings and murals have fallen into disrepair and are in need of restoration. The church has undertaken a campaign to raise the funds necessary to complete this task. I am hopeful that some government funds may be available as well, perhaps through the Save America's Treasures program. Our own Barbara Wolanin from the Architect of the Capitol's office is familiar with St. Stephen's and their efforts to preserve their collection of Brumidis. I invite my colleagues to visit St. Stephen's the next time they are in New York and see the other body of work by the artist we have all come to love.

Mr. President, I ask that an article written by members of St. Stephen's about their Brumidi collection be printed in the RECORD.

The article follows:

CONSTANTINO BRUMIDI—ARTIST OF THE CAPITOL—CLASSICAL ARTIST AND DECORATOR OF ST. STEPHEN'S CHURCH

In a new publication, Constantino Brumidi: Artist of the Capitol, Barbara Wolanin (curator for the architect of the Capitol) and a host of other scholars present the first in

depth biography of this important painter whose work at the Capitol has recently been restored.

In addition to ''The Apotheosis of George Washington'' which adorns the Capitol dome in the Rotunda, Brumidi painted in the House of Representatives Chamber, the President's Room, the Senate Reception Room, and throughout many of the corridors of our nation's Capitol. The first floor Senate corridors of the Capitol are known as the ''Brumidi Corridors.''

Ms. Wolanin brings to our attention the fact that a large body of Constantino Brumidi's work is in a Catholic church in New York City. The Order of Carmelites, who serve the parish of Our Lady of the Scapular & St. Stephen's Church in the Rosehill District of Manhattan, have invested over a million dollars of their own funds to restore the exterior of their Romanesque Revival church built to the designs of the architect James Renwick Jr. in 1854 (Mr. Renwick also designed the Smithsonian Castle and the Renwick Gallery). This initial investment has halted deterioration of the many frescoes, murals and decorative elements by Brumidi on the church's interior walls.

Brumidi's mural of the Crucifixion behind the main altar of the church is believed to be the largest of its kind in the world. Brumidi's frescoes of David, the Madonna and Child and St. Cecilia on the south wall, once neglected and in danger of irreversible damage, have been restored by Constance Silver of Preservar in an effort to understand the composition of the underlying wall and the materials and techniques Brumidi used. The goal of the Carmelites is to fully restore the baroque interior of the church, which may be the only one of its kind in America.

Examples of ''trompe l'oeil,'' Brumidi's scheme of architectural illusion which originally united all of the artistic and architectural elements of the church, have been exposed for study and may be seen on the partially restored south wall.

From the mid 1850's through the early 1870's when not working at the Capitol, Brumidi traveled to New York to work at St. Stephen's. Today, the parish serves a small and thriving community. In the 19th century, however, due to a massive immigration of Irish fleeing the Great Famine, St. Stephen's Church became, for a time, the largest and most influential Catholic parish in the United States.●

THE NURSING HOME RESIDENTIAL SECURITY ACT OF 1999

● Mr. ROTH. Mr. President, one week ago today, the Finance Committee unanimously voted to support legislation to protect from eviction nursing home residents who rely on Medicaid. Our bill, S. 494, the Nursing Home Residential Security Act of 1999, is supported by both the nursing home industry and senior citizens' advocates.

Yesterday, the House of Representatives passed H.R. 540, companion legislation to our bill, by a vote of 392 to 12. I call on my colleagues now to join me in voting in support of this important legislation. Let us send it to the President and make it the first piece of health care legislation to become law this year.

Our legislation prohibits nursing homes that withdraw from participation in the Medicaid program from evicting the Medicaid residents who are already in the facility. Essentially, we provide for a phase-down rather than an immediate termination of participation in Medicaid.

Sixty-eight percent of all nursing home residents eventually end up on Medicaid. Our bill protects these vulnerable senior citizens and individuals with disabilities from finding themselves evicted. The bill goes a long way toward assuring residents and their families that they will continue to receive quality nursing home care without fear of inappropriate eviction.

S. 494/H.R. 540 is a modest but important proposal that will promote the peace of mind of millions of Americans. I ask my colleagues for their support.●

IN MEMORY OF LOUISIANA STATE REPRESENTATIVE AVERY ALEXANDER

● Mr. BREAUX. Mr. President, with the passing this week of Louisiana state Representative Avery Alexander, our nation and my state of Louisiana lost one of its most legendary and respected citizens. For most of his 88 years, Reverend Alexander gave himself selflessly and completely to the service of others—as a dedicated and caring minister, as a fearless and principled civil rights leader and as a tireless and thoroughly honorable public servant.

To those who knew him, ''The Rev,'' as he was called, was a nothing short of a living legend and the very embodiment of the courage, passion and vision that characterized the civil rights movement of the 1950s and 1960s. In a day and time when standing up for your rights as an American meant taking your life into your hands, Avery Alexander and his allies took to the streets and helped transform our nation. Avery Alexander and his contemporaries in the civil rights movement helped give our nation a new birth of freedom and for that we are internally grateful.

Yet long after the great civil rights marches and protests of the 1960s and well into his ninth decade of life, Reverend Alexander was still as passionate and committed to the cause of human rights as he had always been. It wasn't that long ago—three years to be exact—that the people of Louisiana were treated to the familiar image of Avery Alexander on a ticket line in Baton Rouge, protesting changes to the state's affirmative action laws that he believed were unfair and unwise. When Avery Alexander believed in something, especially civil rights, he gave it his all. And he knew better than most that the civil rights laws of the 1960s were only a beginning, not an end, of a great national journey for every citizen, black, white, Hispanic or Asian.

Whatever one might have thought about him, and however one might have disagreed with him, I know of no one who would have ever thought of questioning Avery Alexander's motives. He was a supremely principled man, led by conscience and an innate sense of mission and morality to serve always as a voice for those who had lost or had never been given the right to speak for themselves. If you were down and out, forgotten, discriminated against, despised or rejected by society, then Avery Alexander was your friend. I have known few people who lived up to the Biblical admonition to love unconditionally as well as he did. Avery Alexander will be missed. But he will also be long remembered for the ways he taught and inspired us to love, to care, to serve and, most of all, to look beyond skin color and gender and age and creed and to see that which is best, noble and God-given in each of us.

We will all miss the ''Rev!''●

CONGRATULATING WTOP FOR 30 YEARS OF OUTSTANDING SERVICE

● Mr. SARBANES. Mr. President, I rise today to commemorate the 30th Anniversary of one of the area's finest news stations, WTOP, a station that has been a trustworthy and informative source of regional and national news since 1969.

In our increasingly inter-connected society where technology has increased the speed at which information is collected, disseminated and analyzed, the importance of responsible journalism has become even more important. WTOP has maintained a reputation as an accurate news source by its reporting of events from Watergate to the recent impeachment trial; from Vietnam to conflicts in the Persian Gulf; from issues regarding the District of Columbia to the politics of my home State of Maryland. In addition to news accounts on these issues, WTOP always has weather, traffic and sports reports to complete its effective coverage. Much as CNN is the leader in television news coverage, WTOP leads the way in providing up-to-date radio news 24 hours a day.

I would also like to commend the service of one individual in particular, WTOP's Congressional correspondent Dave McConnell, who has been with the station for almost 20 years. I have worked first-hand with Dave over the years and have the utmost respect for his journalistic integrity and his dedication to reporting the news in a precise yet understandable way. Indeed, his ''Today on the Hill'' broadcasts have provided listeners with the most up-to-date information on legislative activities on Capitol Hill by talking directly with members of Congress about the issues.

Mr. President, I am pleased to have this opportunity to recognize the professionalism of this station and its employees on this auspicious anniversary, and to extend my best wishes to WTOP for the next 30 years and beyond.●

TRIBUTE TO ROBERT L. OZUNA

● Mrs. BOXER. Mr. President, I rise to pay tribute to Robert L. Ozuna,

Chief Executive Officer of New Bedford Panoramex Corporation from 1966 until his death on March 6 at the Queen of the Valley Hospital in West Covina, California. He was 69.

Robert Ozuna was the oldest of four children born in Miami, Arizona to Mexican-American parents. In 1940, after his father's death, Robert moved with his mother, brother and sisters to East Los Angeles, where he worked steadily from an early age in order to help support the family.

As Founder and President of New Bedford Panoramex Corporation (NBP), Robert Ozuna became one of the most successful Mexican-American entrepreneurs in southern California. He gained his business experience on the job and his engineering education by attending night school in the California community and junior college system.

In 1966, Ozuna began to build his company with a second mortgage on his home, and a few electrician's hand tools, hard work and entrepreneurial instincts into the thriving electronics manufacturing business it is today in Upland, California. NBP designs, develops and manufactures electronic communication systems and remote monitoring systems for its primary client, the United States Government.

Robert Ozuna's hard work and dedication were given public recognition when he received the Department of Transportation Minority Business Enterprise Award for 1987 and again for 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He was an active member of The California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament, which he started to raise funds for the Rancho de Los Ninos Orphanage in BajaMar, Mexico.

As industrious as Robert Ozuna was in business, he was equally involved sharing his prosperity with many philanthropic activities in his community. He sponsored many events in the Hispanic neighborhood where he grew up, and he was a founding director of the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a man with a deep passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed away in November of 1998. He is survived by his mother Amella Ozuna, his sons Steven Ozuna and Jeff Dominelli, his daughters Nancy DeSilva and Lisa Jarrett, his sisters Lillian Gomez and Vera Venagas, and his brother Tony Ozuna. He also leaves six grandchildren.

Robert Ozuna epitomized the American dream, which promises to anyone who works hard and plays by the rules the opportunity to achieve great success. Robert Ozuna lived that dream. Though he will be greatly missed, his life and achievements will serve as an inspiration to generations to come.●

ORDERS FOR MONDAY, MARCH 15, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 15. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period for morning business until 3:00 p.m., with the following limitations: Senator HATCH, 30 minutes; Senator COLLINS, 15 minutes; Senator INHOFE, 30 minutes; Senator HOLLINGS, 20 minutes; Senator DURBIN, or his designee, 30 minutes; Senator BUNNING, 10 minutes.

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

Mr. GORTON. I further ask consent that following morning business, the Senate resume consideration of S. 257, the missile defense bill.

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

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will reconvene at 12 noon on Monday, March 15, and begin a period for morning business until 3:00 p.m. Following morning business, the Senate will resume consideration of the missile defense bill. The leader has announced that there will be no rollcall votes on Monday, but he hopes that Members will be available on Monday in order to offer and debate amendments to the missile defense legislation. Any votes ordered with respect to any offered amendments will be ordered to occur on Tuesday, and all Members will be notified of that voting schedule when it is available.

ADJOURNMENT UNTIL MONDAY, MARCH 15, 1999

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Monday, March 15, 1999, at 12 noon.