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Senate

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

PRAYER

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. JEFFORDS. This morning the Senate will resume consideration of the motion to proceed to S. 280, the Education Flexibility Partnership Act. There are 4 hours remaining for debate on the motion to proceed, with Senator WELLSTONE to control 3 hours 30 minutes and Senator JEFFORDS or his designee in control of the remaining 30 minutes.

Under a previous order, at the conclusion or yielding back of debate time, the Senate will proceed to vote on the motion to proceed. If the motion is adopted, the Senate will begin consideration of the bill itself, with amendments being offered and debated during today's session. Therefore, Members should expect votes throughout Wednesday's session.

I thank my colleagues for their attention.

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

Mrs. LINCOLN. I ask my colleague if he will withhold his request.

Mr. JEFFORDS. Certainly.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as if in morning business, and I would like to charge that time to my colleague, Mr. WELLSTONE.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Chair.

PROMOTION OF COMMANDER MICKEY ROSS

Mrs. LINCOLN. Mr. President, I am honored this morning to recognize Commander Mickey Vernon Ross, a great American from Arkansas who later today will be promoted to the rank of Captain in the United States Navy. With his promotion to Captain, Commander Ross not only earns the respect and admiration of his country, he also earns a place in Arkansas history, becoming the first African-American from our state to attain that high rank.

Commander Ross is a native of North Little Rock and comes from a proud family with a long record of military service, following his father and three older brothers into the Armed Services. His father is no longer with us, but his mother, Minnie P. Ross, has traveled from Arkansas to be at the ceremony formally recognizing her son's promotion today. As you might imagine, she is overjoyed knowing how hard her son has worked to accomplish this feat. His wife, Mary Ann Ross, of Elaine, Arkansas, which is my home area, and their two children, Timothy, age 14, and Benjamin, age 6, will also be on hand to celebrate this momentous occasion.

From an early age, Commander Ross has exhibited excellence in all aspects of his life—academically, professionally and personally. More than that, in a world short on heroes and role models to guide our children, Commander Ross is a shining example of the brilliant promise every life holds. Hard work and an eager spirit still equal success in America—no matter how difficult the challenges may be. It is my privilege—indeed, my duty as a voice for my state—to hold him up as an example for others to see.

After graduating from North Little Rock High School in 1973, Commander Ross attended the United States Naval Academy in Annapolis, Maryland, where he was commissioned an Ensign and graduated in 1977 with a degree in Physical Science. In 1983, Commander Ross received a Master of Science in Electrical Engineering from the Naval Postgraduate School in Monterey, California. Currently, Commander Ross is pursuing a doctoral degree in Engineering Management at George Washington University.

As an officer in the Navy, Commander Ross has served his country with distinction. His first tour of duty was onboard the U.S.S. *Ranger* CV 61 where he helped the command receive top honors, the No. 1 Recruiting District in the Nation. Later, on the U.S.S. *Acadia* as the Repair Officer, his department received the highest award for fleet maintenance support and the ship received the Navy ''E'' award from Commander Naval Surface Forces, Pacific. And I couldn't help but notice

that in between his many assignments, Commander Ross found time to return to Arkansas to recruit Naval Officers at colleges and universities in our state. Today, Commander Ross is Director for Combat Systems for the Program Executive Officer for Aircraft Carriers at the Naval Sea Systems Command in Arlington, Virginia.

But Commander Ross' record as a student and a Naval Officer aren't the only things for which I want to commend him this morning. Commander Ross is also a devoted husband and a wonderful father. His wife, Mary Anne, and their children must be very proud of him today.

My father fought in Korea and my grandfather fought in World War I and they taught me at an early age to have the highest respect for the men and women in uniform who defend our nation. On behalf of the state of Arkansas and the United States Senate, I thank you, Commander Ross, for your service to our country. I hope the honor you bestow on your family, our state and our nation today inspires others to follow your example. I, for one, will be following your career with great interest and I suspect this will not be my last opportunity to recognize an outstanding achievement in your life.

I thank you, Mr. President.

MEASURE PLACED ON THE CALENDAR—H.R. 350

Mr. JEFFORDS. Mr. President, a bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

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

MEASURE PLACED ON THE CALENDAR—S. 508

Mr. JEFFORDS. Mr. President, another bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (S. 508) to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

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

RESERVATION OF LEADER TIME

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

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

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

The bill clerk read as follows:

Motion to proceed to the consideration of S. 280, a bill to provide for education flexibility partnerships.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours 30 minutes under the control of the Senator from Minnesota, Mr. WELLSTONE, and 30 minutes under the control of the Senator from Vermont, Mr. JEFFORDS, or his designee.

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

Mr. President, I ask unanimous consent that that time be charged to Senator WELLSTONE.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton and Elizabeth Kuoppala be allowed to be on the floor during the duration of the debate on Ed-Flex.

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

Mr. WELLSTONE. Mr. President, let me, first of all, explain to my colleagues and for those in the country who are going to now be focusing on this bill, the Ed-Flex bill, why I started out yesterday speaking in opposition to this motion to proceed and why I will be taking several hours today to express my opposition to this piece of legislation. There are a number of different things I am going to cover, but at the very beginning I would like to spell out what I think is the fundamental flaw to this legislation, the Ed-Flex bill. Frankly, I think my colleagues, Democrats and Republicans, would have had an opportunity to carefully examine this legislation if we had a hearing, I mean a thorough hearing, or if we had waited to really examine in some detail and some depth what has happened in the different Ed-Flex States.

The General Accounting Office gives us a report in which they say it looks like some good work has been done, but we don't really have a full and complete understanding of what has happened in these Ed-Flex States. I think what this piece of legislation, called Ed-Flex—and I grant it is a great title, and I grant it is a winning political argument to say let's give the flexibility to the States and let's get the Federal Government out of this—but what this piece of legislation is essentially saying is that we, as a national community, we as a National Government, we as a Federal Government representing the people in our country, no longer are going to maintain our commitment to poor children in America. That is what this is all about.

What this piece of legislation essentially says to States and to school districts is: Look, when it comes to the core requirements of title I, core requirements that have to do with qualified teachers, that have to do with high standards for students, that have to do with students meeting those standards and there being a measurement and some result and some evaluation, these standards no longer necessarily will apply. What this legislation says is, when it comes to what the title I mission has been all about, for poor children in America—that is to say that we want to make sure that the money, first and foremost, goes to the neediest schools—that standard no longer will necessarily apply.

As a matter of fact, in 1994, one of the things that we did in the Elementary/Secondary Education Act reauthorization was we sought to concentrate title I funds by requiring districts to spend title I on schools with over 75 percent poverty-stricken students first. That restriction has had the desired effect. Only 79 percent of schools with over 75 percent poverty received title I funds in 1994. Today, over 95 percent of those schools receive it.

So, Mr. President—and I want to make it clear that I will have an amendment—one of the amendments that I will have to this piece of legislation, if we proceed with this legislation, is an amendment that says that the funding has to first go to schools that have a 75 percent or more low-income student population.

I cannot believe my colleagues are going to vote against that. If they want to, let them. But if they do, they will have proved my point—that we are now about to pass a piece of legislation or a good many Republicans and, I am sorry to say, Democrats may pass a piece of legislation that will no longer provide the kind of guarantee that in the allocation of title I funds for poor children that the neediest schools will get served first. I cannot believe that we are about to do that. I cannot believe this rush to recklessness. I cannot believe the way people have just jammed this bill on to the floor of the Senate. I cannot believe that there isn't more opposition from Democrats.

Mr. President, the second amendment that I am going to have, which I think will really speak to whether or not people are serious about flexibility with accountability, is an amendment which essentially says, look, here are the core requirements of title I.

The reason we passed title I as a part of the Elementary/Secondary Education Act back in 1965—that was almost 35 years ago—the reason we passed title I was we understood, as a nation, whether or not my colleagues want to admit to this or not, that in too many States poor children and their families who were not the big givers, who were not the heavy hitters, who do not make the big contributions were falling between the cracks.

So we said that, as a nation, we would make a commitment to making sure that there were certain core requirements that all States had to live up to to make sure that these children received some help. Thus, the core requirements of title I: Make sure they are qualified teachers; make sure low-income students are held to high standards; make sure there is a clear measurement of results.

Let me just read actually some of the provisions that would be tossed aside by Ed-Flex in its present form: the requirement that title I students be taught by a highly qualified professional staff; the requirement that States set high standards for all children; the requirement that States provide funding to lowest-income schools first; the requirement that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards; the requirement that funded vocational programs provide broad education and work experience rather than narrow job training.

These are the core requirements. I will have an amendment that will say that every State and every school district receiving title I funding will be required to meet those requirements, will be called upon to meet those requirements.

Mr. President, right now this legislation throws all of those core requirements overboard. This legislation represents not a step forward for poor children in America; it represents a great leap backwards. This piece of legislation turns the clock back 35 years. It comes to the floor of the Senate without a full hearing in committee; it comes to the floor of the Senate without any opportunity to see any report with a thorough evaluation of what those Ed-Flex States have done; it comes to the floor of the Senate with the claim being made that Ed-Flex represents a huge step forward for education and for the education of poor children in America. It is absolutely ridiculous.

I will talk over the next couple of hours about what we could be doing and should be doing for children if we are real. This piece of legislation does not lead to any additional opportunities for low-income children. This piece of legislation does not dramatically increase the chances that they will do well in school. This piece of legislation does absolutely nothing by way of making sure that we have justice for poor children in America.

To the contrary, this piece of legislation does not call for—and I am pretty sure that it will not happen, although I will have legislation that will try to make it happen—for an additional expenditure of funds for title I programs. This piece of legislation does nothing for the schools in St. Paul and Minneapolis that have over 50 percent low-income students and still don't receive any money whatsoever because there isn't enough money and there aren't enough resources that are going to our school districts.

This piece of legislation does nothing to make sure children, when they come to kindergarten, are ready to learn, that they know how to spell their names, that they know the alphabet, that they know colors and shapes and sizes, that they have been read to widely, that they have been intellectually challenged. This piece of legislation does nothing to assure that will happen. This piece of legislation does not do anything to dramatically improve the quality of children's lives before they go to school and when they go home from school. And I want to talk about that as well.

I will tell you what this piece of legislation does. This piece of legislation says, we, as the U.S. Senate, are no longer going to worry about whether States and school districts live by the core requirements of title I. We are just going to give you the money and say, Do what you want to do. What this piece of legislation says is we are no longer going to worry about whether or not States and school districts provide funding first to those schools with a 75 percent or more low-income student population, the neediest schools. We are just going to say, Do what you want. And this is being passed off as something positive for poor children in America?

Again, I will have two amendments—I will have a number of amendments, quite a few amendments—but two amendments that I think are going to be critical by way of sort of testing out whether or not we are talking about accountability or not: One, an amendment that says, again, the allocation of funding by States and school districts means that those schools that have 75 percent or more low-income students get first priority, and, second of all, an amendment that says, here are the core requirements of title I. This is what has made title I a successful program. And this is fenced off, and in no way, shape or form will any State or any school district be exempt from these core requirements.

Why would any State or school district in the United States of America not want to live up to the requirements that we have highly qualified teachers, that we hold the students to high standards, that we measure the results, and we report the results?

Mr. President, before talking more about title I, let me talk a little bit about context. And it is interesting. I am going to do this with some indignation. And I want to challenge my colleagues. I want to challenge my colleagues not in a hateful way, but I certainly want to challenge my colleagues.

We are a rich country. Our economy is humming along. We are at peak economic performance. But fully 35 million Americans are hungry or at risk of hunger. Every year, 26 million Americans, many of them children, go to food banks for sustenance.

Last year, the requests for emergency food assistance rose 16 percent. Many of those requests were unanswered. I would like for everyone to listen to this story. A Minnesota teacher asked his class, ''How many of you ate breakfast this morning?'' As he expected, only a few children raised their hands. So he continued, ''How many of you skipped breakfast this morning because you don't like breakfast?''

Lots of hands went up. And how many of you skipped breakfast because you didn't have time for it? Many other hands went up. He was pretty sure by then why the remaining children hadn't eaten, but he didn't want to ask them about being poor, so he asked, How many of you skipped breakfast because your family doesn't usually eat breakfast? A few more hands were raised. Finally, he noticed a small boy in the middle of the classroom whose hand had not gone up. Thinking the boy hadn't understood, he asked, And why didn't you eat breakfast this morning? The boy replied, his face serious, ''It wasn't my turn.''

Do you want to do something for children and education of poor children? Don't eliminate standards and accountability with title I. Make sure those children don't go hungry. The U.S. Senate, 2 years ago, put into effect a 20-percent cut in the Food Stamp Program, which is the single most important safety net nutritional program for children in America, and my colleagues have the nerve to come out here with something called Ed-Flex and make the claim that this is going to do all these great things for poor children in America.

Let me repeat it: We have entirely too many children that are not only poor but hungry in America. We put into effect 2 years ago a 20-percent cut which will take effect 2002 in food stamp assistance, which by all accounts is the single most important safety net program to make sure that children don't go hungry. I will have an amendment to restore that funding before this session is out.

Children don't do real well in school when they are hungry. They don't do real well in school when they haven't eaten breakfast. If we want to help those children, this is the kind of thing we ought to do to make sure that these low-income families have the resources so that they can at least put food on the table. I can't believe that in the United States of America today, as

rich a country as we are, we can't at least do that.

Instead, we have something called Ed-Flex. For all of the families with all of the hungry children, for all of the children that are poor in America—a quarter of all children under the age of 3 are growing up poor in America; 50 percent of all children of color under the age of 3 are growing up poor in America—Ed-Flex doesn't mean anything. Ed-Flex means absolutely nothing.

The New York Times told the story of Anna Nunez and of hundreds of thousands of families like her. Up a narrow stairway, between a pawn shop and a Dominican restaurant, Anna Nunez and her three children live in a single, illegal room that suffocates their dreams of a future. It is a $350-a-month rectangle with no sink and no toilet, that throbs at night with the restaurant's music. Ms. Nunez' teenagers, Kenny and Wanda, split a bunk bed, while she squeezes into a single bed with little Katrina, a pudgy 4-year-old with tight braids. Out of the door and down the linoleum-lined hallway is the tiny bathroom they share with five strangers.

Last winter, tuberculosis traveled from Kenny to his mother and younger sisters in a chain of infection as inevitable as their bickering. Inevitable, too, is the fear of fire: Life in 120 square feet means the gas stove must stand perilously close to their beds. Kenny, at age 18, is a restless young man in a female household. Ask him what bothers him most, and he flatly states that he has the only way to get some privacy—''I close my eyes.''

At night, Anna said, when the mice crawl over us in bed, it feels even more crowded.

What should we be doing on the floor of the U.S. Senate if we are really committed to children in America, and if we are committed to poor children in America? We would be making a dramatic investment in affordable housing, which is receiving crisis proportion. But these children and these families are not the ones who march on Washington every day.

We want to talk about what will help children in school. If we want to talk about family values, we ought to talk about making sure that these children don't live in rat-infested slum housing, but have some decent shelter. But we don't. Instead, we have Ed-Flex. Ed-Flex will do absolutely nothing for these children.

I have a close friend that many staffers know well and I think many Senators know well because of his brilliance and also because he is sort of a perfect example of someone who really lives such an honest life. He treats all of us, regardless of our political viewpoint, with such generosity—Bill Dauster. My friend, Bill Dauster, wrote something which I think applies to this debate:

> We need to restore the family values that put our children first, for if we do not advance the interests of those who will inherit the future of our society, then we have no vision. And if we do not protect the most helpless of our society, then we have no heart. And if we do not support the most innocent of our society, then we have no soul.

I think he is absolutely right.

Mr. President, I will talk more about the concerns and circumstances in children's lives in a while, but I did want to give some context before returning to title I, and then I am going to develop my arguments about what we should be doing specifically in education.

I will say one more time that I find it very interesting that we have a piece of legislation on the floor that purports to be some major step forward for poor children. As a matter of fact, most of the Ed-Flex waiver requests have dealt with title I, which deals with poor children. That is why I am talking about poor children. At the same time, this is the U.S. Congress that not only has no positive agenda to make sure that poor children aren't hungry and therefore able to learn, doesn't have any positive agenda to make sure that poor children live in decent housing and therefore can come to school ready to learn, but actually has cut nutrition programs for children, and now brings a piece of legislation out which, all in the name of flexibility, is supposed to do all of these great things for poor children.

Now, let me return to title I. Let me explain my indignation. My indignation about this particular bill goes further than what I have said. Not only does it represent a retreat on the part of the U.S. Senate from a commitment to poor children in America, not only does it represent a retreat from any basic accountability so that the core requirements of title I—I will repeat it one more time—that have to do with highly qualified teachers and high standards and those standards being met—no longer apply if a State or local school district doesn't choose to comply, not only does this piece of legislation abandon what we did in 1994 with positive effect, that is to say some assurance that the money would first go to the neediest schools. In addition to adding insult to injury—I don't even know why this bill is on the floor—to add insult to injury, this piece of legislation does absolutely nothing by way of, not even one word, calling for more funding.

I will tell you what people in Minnesota are telling me. I am assuming—but I am not so sure it has happened—I would like to believe that my colleagues who are in such a rush to pass this piece of legislation have spent a lot of time with principals and teachers and teacher assistants who are working with the title I program. I have to believe that. Well, if you have, I want to find out—when we get into debate, I would like for my colleagues to identify for me a specific statute in title I right now that is an impediment to reform. Tell me what exactly we are talking about.

I will tell you what I hear from people in Minnesota. They are not worried about flexibility. What they are worried about is, they don't have enough money. What we hear from those men and women who are working with poor children in the title I program is, ''We don't have enough resources.'' That is what they are telling us. In that sense, this particular piece of legislation is a bit disingenuous. We talk about flexibility, that is the sort of slogan here, but we don't provide any additional resources.

Examples: St. Paul. I talked about some of this yesterday, but I think it is well worth presenting this data. There are 20 schools altogether—there are 60 K-through-12 public schools in St. Paul, MN. There are 20 schools in St. Paul with at least a 50 percent free and reduced lunch—that is the way we define low-income—that receive no title I funds at all—one-third of the schools.

Let's talk about urban schools. I would like to ask my colleagues, have you been in the urban schools? Did the principals and the teachers and the families in these urban schools—was the thing they were saying to you over and over again, ''We need to have Ed-Flexibility''? Or were they saying, ''We need more resources to work with these children''? What were they saying to you? I will tell you what they were saying to me: ''We don't have the resources.'' One-third of St. Paul's schools have significant poverty, a low-income student body, and receive no title I funds to eliminate the learning gap. At Humboldt Senior High School, on the west side of St. Paul, 68 percent of the students are low-income; no title I funding. I visited the school. I try to be in a school about every 2 weeks.

For those listening to the debate—and I am taking this time because I want to slow this up. I want people in the country, and journalists, people who cover this or who write and cover it—so people in the country will know what is going on. I can be put in parentheses and keep me out of it, but I want the people to know what is going on. I don't think legislation like this that has the potential of doing such harm to low-income children should zoom through the U.S. Senate.

As I say, at Humboldt Senior High 68 percent of the students are on free and reduced lunch; no title I. So the question is, How can that be? The answer is that in Minnesota, altogether, this year, we had $96 million for title 1 programs. We can use double that amount of funding, triple that amount of funding. What happens is that after we allocate the money in St. Paul to the schools that have an even higher percentage of low-income students, there is no funding left. And we have Ed-Flex that is such a ''great response'' to the challenges facing these families and these children, which isn't even talking about providing more funding.

My prediction is that, come appropriations, don't count on it. Don't count on it. It won't happen, though some of us will fight like heck to try to make it happen.

Several middle schools receive no title I funding. Battle Creek Middle School has 77 percent low-income students and no title I funds.

By the way, I argue that I have often believed—since I have some time here today, I can go a little slower—I have often believed that the elementary school teachers just do God's work. I think it starts there. I was a college teacher, but I know that elementary school teaching is more important; I am sure of it. If I had to do it over again, I think I would have been an elementary school teacher, if I could be creative enough. I was a wrestling coach, but I would have liked to teach elementary school. I did coach the junior high school wrestling team in Northfield. Those are difficult years. I think any kind of support we can give kids who are middle school or junior high school age, we ought to do so.

What is the kind of support we can do with title I? It is a good program. That is why I am on the floor. This is a good thing we did in 1965. This was a good thing we did in reauthorization in 1994. It means there are more teacher assistants, more one-on-one instruction, more community outreach, and more parental involvement. It is not easy because a lot of not such beautiful things are happening in the lives of many children in America today. I know that. I am in the communities. But this makes a difference. I will tell you, we could do a lot at Battle Creek Middle School if we had the funding. Frost Lake Elementary School has 66 percent low-income children and no title I funding.

So can I ask this question: What exactly are these schools going to be flexible with? Are they going to be flexible with zero dollars? What are they going to get to be flexible about? Do they get to choose between zero and zero? Is that the flexibility? Let's get real. Let's get real. The U.S. Congress, a couple years ago—because it is so easy to bash the poor—cut the Food Stamp Program by 20 percent. We have done next to nothing by way of pre-K. That is where the Federal Government is a real player in education. I will talk about that in a moment. We have done next to nothing by way of getting resources to families so there could be decent child care. And we are not talking about increasing the funding for title I, but we are talking about flexibility.

Some other schools: Eastern Heights Elementary, 64 percent low-income, no title 1. Mississippi Magnet School, 67 percent low-income students and no title I. They get to be flexible between zero and zero. They get to choose how to spend no money. They get to imagine and dream. But do you want to know something? They need to do more than that. I am not going to let this piece of legislation go through this floor like this. I am sure some of my colleagues will be angry, but I am not going to let this zoom through the Senate without a lot of discussion. I want people to know exactly what it is.

Now, it could be—I have to be careful because it could be that people say: Well, you know what, all right, case made; we know what it doesn't do; but, nevertheless, in terms of what it tries to do, let's have more flexibility. These are two different things. I don't, first of all, want this to go through as the ''big education initiative.'' It is not. It is not. I don't want this piece of legislation to go through as the sort of legislation that represents the ''bold response'' on the part of the United States of America to the concerns and circumstances of poor children. It is not. And I certainly don't want this piece of legislation to go through with the slogan of ''flexibility,'' unless we have real accountability.

When we get to our amendments, I will have an amendment on accountability. I know Senator KENNEDY will have an amendment on accountability. I know that Senator REID will have an amendment on accountability. We will see if people are ''real'' about that.

By the way, what I hear from the St. Paul School District is that if they had another $8 million in title I funding, they would use it to reduce class size. They would use it to increase parental involvement. They would use it to hire additional staff to work with students with greatest needs. There are a lot of ways they could use it. But we are not providing for the funding that they need. This is one of the things that I just hate about this vicious zero sum game, especially in greater Minnesota, which is rural. Here is what happens.

Don't anyone believe I am giving only urban examples somehow about the problem of children that need additional support. The whole goal of getting it right for all the kids in our country is not just an urban issue. It is suburban, and it is rural. But see, here is what happens when we don't provide enough funding. I don't know why we don't call this an unfunded mandate. It may not technically be, but in many ways it is.

We talk a lot about IDEA. We should. I say to the Chair, who is a former Governor, that the Governors make a good point. And I am in complete agreement that we ought to, when it comes to children with special needs, be providing for funding. I don't know why we don't talk about this, because you know what happens, I say to my colleague from Vermont. There is strong rural community as well in Vermont. What happens is that in those schools in the rural areas where maybe there is a 35 percent, low-income, or 30 or 20 percent, they say, ''Listen. We need some funding.'' But we get into this zero sum game with not enough funding. It gets divided up in such a way that it makes sense that the funding goes first to the neediest schools. And there isn't any. And there isn't any.

Minneapolis—this is just looking at estimates for next year. K through 12 schools in Minneapolis: 31 schools will receive no title I funds; 14 schools with at least 50 percent free and reduced lunch recipients will receive no title I; 14 schools that have 50 percent low-income student population will receive no title I funding. Burroughs Elementary School, 43 percent low-income, no title I funding. The school would be eligible, if we had funding.

For almost $100,000 in title I next year, they would use the money to buy computers for special reading software, additional assistance in reading and math, work for students in small groups, and to close the achievement gap. But they can't do it. We are going to give them Ed-Flex. We are going to give them Ed-Flex. Anthony Elementary School, 43 percent free and reduced lunch, again, the operational definition of low-income, receive no title I. The school would be eligible if we got funding we needed—$154,000 next year—and they would use the money for afterschool tutoring, that is what we should be doing, if we are ''real.'' We will have an amendment on that before this debate is all over.

They would use the money for afterschool tutoring to improve math and science, to improve technology, to increase staffing, and to improve parental involvement.

Marcy Open Elementary School, 44 percent low-income, they are going to lose their educational assistance if they don't get the funding they need. Kenny Elementary School, 39 percent low-income, no title 1. If they were going to get the funding that they deserve, they would have about another $9,000 that they would be eligible for, and they would use that to hire tutors who are trained to tutor small group instruction, to buy certain computer-assistance instruction, to make the Read Naturally Program available to more students, and to focus on students who are English language learners. I think this whole issue of students who are English language learners is the key issue here.

One of the things that is so unconscionable to me about all of this and the way we give title 1 the short end of the stick is that we have a lot of students right now who are from families—Minneapolis, MN—I think I am right. Don't hold me to these figures. But, roughly speaking, in Minneapolis students come from families where there are 90 languages and dialects spoken. That is Minneapolis, MN. That is not New York City. In St. Paul, it is about 70 languages and dialects spoken. It is not uncommon. I remember being in a Jackson Elementary School meeting with fourth grade students, and there were five different languages spoken in that class of 25 or 30. For a lot of those students, they need additional help. We know why. That is a big challenge.

Title I really helps if the funding is there. But we are not talking about—I haven't heard any Republican colleagues talking about dramatically increasing the funding for title I. I haven't heard the President talk about it. He has talked about $110 billion

more for the Pentagon over the next 6 years, and $12.5 billion next year. And the President of the United States, a Democrat, says education is his highest priority, and he doesn't even call for an additional $2 billion for education for the whole Nation. You would think that he would call for as big of an increase, I say to my colleague from Vermont, for the Education Department and education as he would for the Pentagon, if education was his No. 1 priority. I think that is part of the problem. I think the White House has absolutely caved on this issue. I cannot believe their silence. I cannot believe it.

Mr. President, I would like to talk a little bit about some success of title I. I think I read a couple of these letters last night. But I think it is worth talking about again.

Let me start with Annastacia Belladonna Maldonado from the Minneapolis Chicano-Latino Council who says:

I am very concerned about the hurried fashion in which Congress is handling S. 280. Given that ESEA is up for reapproval, it seems reasonable, more appropriate, and certainly a more dramatic way of addressing issues and concerns that Ed-Flex has written. At the very least I would expect a series of responsible considerations of all aspects of S. 280 be addressed by the committee before proceeding to an open debate.

Well, it is too late. We are on the floor. Secretary Riley, who I personally think is probably the gentlest and kindest person in government—I can't fault him for his commitment to education. I can't fault him for his courage as Governor of South Carolina who called for an increase in taxes to fund public education. He came to our committee, I say to my colleague from Vermont, a couple of weeks ago, and he said we believe that since title I represents really a big part of what the Federal Government does here, we would prefer that when you go through your reauthorization of the Elementary Secondary Education Act, that you put off this Ed-Flex legislation, which has such huge consequences, until then. But we didn't. While I appreciated the words of Secretary Riley, I don't see a lot of fight on the part of the administration on this question.

A constituent of mine, Vicki Turner, says:

The title I program of the Minneapolis public schools provided not only help for my two children, but the parental involvement program was crucial in helping me develop as an individual parent and now a teacher for the program.

Gretchen Carlson Collins, title I director of Hopkins School District, a suburb of Minneapolis, says:

There is no better program in education than title I, of the ESEA. We know it works.

She didn't say, ''Oh. We are just strangled with regulations. It doesn't work.'' In fact, I haven't heard that. I haven't had people in Minnesota say this is the statute that has been changed. As a matter of fact, I would say to my colleagues, if there is something right now in the title I statute that is an impediment to the kind of steps we need to take to improve educational opportunities for low-income children, please identify it, and then we will change it. But what you want to do is throw out all of the accountability.

You want to basically have the Federal Government, which represents the Nation, a national community, you want us to remove ourselves from any kind of protection for these low-income children. You want to say that the very core requirements that have made title I so important and so positive in the lives of children, albeit we have enough funding, we no longer will require that States and the school districts live up to these requirements. That is what you want to do. That is not acceptable. I don't care if you call it ''Ed-Flexability.'' I don't care if you have all of the political arguments, 10-second sound bites down pat. Give the power back to the States, get the Federal Government out, get rid of all of the Washington rules and regulations.

You can say that over and over and over again, and I will tell you, even though some of you won't like it, that I am all for flexibility. I was a community organizer. I am all for people at the local level making a lot of the decisions in terms of how they design programs and what they do. But I will tell you something else. There is a whole history of all too many States not making poor children and their families top priorities when it comes to commitment.

I am not about to let this piece of legislation just fly through here without pointing out what we are doing, which is we are abandoning a 35-year-old commitment on the part of the Federal Government that we will at least have some minimal standard that will guarantee some protection that poor children will get the assistance they need in the United States of America.

That is what this legislation does. And this legislation could be different legislation if strong accountability measures were passed—strong, not wishy-washy language. And we will see. We will see, because I am, again, all for the flexibility part, but I am not for abandoning this commitment to low-income children in the country.

John and Helen Matson say:

How could anyone question the need for a strong ESEA? Ed-Flex waivers are an invitation to undermine the quality of public schools.

That is an e-mail I received.

High school senior Tammie Jeanelle Joby was in Title I in third grade. She says:

Title I has helped make me the hard-working student that I am. My future plan after high school is to attend St. Scholastica—

Which is a really wonderful college in Duluth, MN—

I may specialize in special education or kindergarten.

And I think that is great.

Then here is something from Claudi Fuentes from the Minnesota Urban Coalition. He opposes Ed-Flex. And you know what he says instead: ''Focus on all day, every day kindergarten.''

People in the communities, they have the wisdom. I will come back to some of their wisdom a little while later, but it is pretty interesting. The whole idea of Ed-Flex is let's get it back to the local communities. You know what. Why don't we listen to people in the local communities?

Did we spend any time, I would love to find out—I can't wait for the debate. Here is the question I am going to ask of the authors of the legislation: How much time did you spend with low-income parents? How many meetings did you have with the parents? How many meetings did you have with the children? How many meetings did you have in communities with those students and those families who are going to be most affected by this legislation? I will be very interested in hearing the answer. I will be very interested in what they say because, frankly, I don't even hear anybody talking about it. When I go into cafes in Minnesota, nobody comes up to me and says, Are you for or against Ed-Flex? They don't even know what it is. They will tell me that I am a single parent or we are two parents and we have an income of $30,000 a year and we can't afford child care. Child care costs us as much as college tuition now. Can anything be done about that?

They will say what about a tax credit? How about we pass today a refundable $2,000-a-year tax credit for child care, for families with incomes up to $50,000 a year? Why don't we do something real?

That is what people talk about. Or they talk about—and I will talk about early childhood development in a moment—or they talk about working and their kids are home after school and they are very worried and what about afterschool care? Can something be done by way of providing some adults to look after our kids when school is over because we are both working?

Or they will talk about how their daughter has a really—she has an abscessed tooth, and I don't have any dental care; we can't afford it, and she goes to school in pain. She can't learn when she is in pain.

The language is very concrete. I don't hear community people—as long as we are saying the case for Ed-Flex is to decentralize, I don't hear community people saying it. Sometimes I think Washington, DC, is the only city I have ever lived in where when the Governors come to town everybody says, The grassroots is here; let's hear from the grassroots. I have never lived anywhere else where that happens. ''The Governors represent the grassroots of America.''

Well, I would suggest to you, since most of what Ed-Flex is really about is waivers and title I, that grassroots goes down to a little bit lower level. It goes to the community level and starts with the children and the parents who

will be affected by what we do or by what we don't do.

Mr. President, let me talk about what would make a difference as opposed to this piece of legislation, which represents at best a great leap sideways and at worst a great leap backwards. And let me talk about equity in education, which is just another way of talking about the kind of inequality that exists right now. Let me talk about learning gaps.

And by the way, I don't have any evidence of this. A friend of mine, Colin Greer, who is head of the New World Foundation, told me—I think Senator JEFFORDS would be interested in this. I haven't seen the data. It would be interesting. I think this is what Colin said. He said that actually the United States of America measures up well against any other country in terms of our educational attainment, educational tests if you take title I students and put them in parenthesis for a moment. In other words, the learning gap is essentially, these are issues of race and gender and poverty in children. That is really what the learning gap is about. These are the kids who come to school behind and fall further behind.

So let me talk about the learning gaps. They are prevalent at all education levels. In general, the poor and minorities do worse on just about any measurement of achievement, be it the Federal Government's national assessment of educational progress or real-world outcomes like high school and college graduation rates

Boy, I hope I didn't read this the right way, but I think I read the other day that in California there are five times as many African American men ages 18 to 26 or 30 in prison than in college. I think I read that the other day, that in California there are five times as many African American men ages 18 to 30 in prison than in college.

And, by the way, there is a higher correlation between high school dropout and winding up in prison than between cigarette smoking and lung cancer. So we should be doing everything we can to make sure that kids do well in school and don't drop out. And Senator BINGAMAN will have an amendment that speaks to that.

The disparities that we see—if you think that where I am going is blaming the children, no, I am not. Now, let me be clear about this because we have a lot of this going on, too, and I would like to talk a little bit about the White House again.

When I say that in any measure of achievement the poor and ''minorities'' fall way behind, I am not now about to engage in blaming those children and blaming those families because a large part of these disparities are caused by unequal educational opportunities. These students have unequal access to key resources that strongly affect their achievement levels. Preparation to begin schools, teacher quality, class size, curriculum content, school infrastructural quality—and I will talk about all of that. Let me just jump ahead now.

I am sorry to be speaking with some anger here today. I don't know, maybe the President got it from a poll—you know, be against social promotion. I am a Democrat. Say you are tough on social promotion because everybody says, boy, I tell you what, you are right; those students, they just shouldn't be promoted if they haven't reached an educational attainment. That is just terrible. Well, you know what it is. But here is what is so outrageous about this latest given.

You have a White House that sends a budget over here—and I will be talking about it—that does precious little by way of making sure the children come to school ready to learn. We know that is the most critical time. It does absolutely nothing by way of really investing resources in afterschool care. We have this huge disparity that I am about to go into, where all too many kids go to schools where the toilets don't work, where the heating doesn't work, where there is no air conditioning, where the buildings are crumbling, when they are hungry, where there are not enough textbooks, where there aren't computers, where there aren't adequate lab facilities. They don't have the same opportunity to do well. So, now, all in the name of educational rigor—I was a teacher—now what we are going to do is flunk them again. It is outrageous.

We don't do anything to make sure that they have the same chance to do well on these tests, but we will give them the tests and flunk them. That's great. These kids come to school way behind, we don't make the investment in the schools, they don't have the same opportunities to learn, and then we give them the tests, and then we say you don't go on. And then, come senior year, we give them another test, and if they don't pass it, then they don't graduate.

We failed the students who have been failing. If you don't do anything to make sure that these children have the same chance to do well, then this is just blaming these children. This is cowardly. Why don't you blame the school systems? Why don't you blame the adults? Why don't you blame Senators? Why don't you blame mayors and representatives and school boards? No, you blame the children.

By the way, a lot of our educational experts, if anybody wants to listen to them, say: Listen, you know what, we want to do additional one-on-one tutoring, we want to do summer school, we want to do everything we can to help these kids to do well. But if the only thing you are going to do is flunk them, what happens is they will drop out of school. Pretty soon you will have 17-year-olds who will be in, I don't know, 10th grade, 9th grade, they will be flunked 2 or 3 years, and they drop out or they cause trouble for other kids. Not many educational experts are very high on this idea, especially given the tin cup education budget that the President gives to us, with my Republican colleagues probably not even wanting to support that. But we blame the children.

Let's talk about what we should be putting the focus on.

> It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

That is Bill Taylor, ''A Report On Shortchanged Children, the Impact of Fiscal Inequity on the Education of Students at Risk,'' U.S. Government Printing Office, 1991.

May I repeat this quote? And then I would like to, later on in debate, ask my colleagues how you intend to rectify this through Ed-Flex.

There is probably not a more serious and important scholar on this question than Bill Taylor.

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What does Ed-Flex do? What does Ed-Flex do to address any of these disparities? Do you know what the answer is? Nothing. Zero. What is the U.S. Senate doing to address these disparities? Nothing.

Mr. President, let me start off—and this is hard to do—by reading excerpts from a book by a man who has probably contributed more to raising the consciousness of people about children in this country than anyone else, Jonathan Kozol. The last thing he wrote was a book called ''Amazing Grace, Poor Children and the Conscience of America.'' It is set in the Mott Haven community in the Bronx. I recommend this book. For all who are listening, I recommend this book, it is so powerful. It is called ''Amazing Grace, Poor Children and the Conscience of America.'' Here is what Jonathan Kozol said. Basically, what he is saying is: No country which truly loved children would ever let children grow up under these conditions. But we do.

By the way, I had a chance to meet with these children. The heroine of this book is a woman named Mother Margaret, who is an Episcopalian priest. She has done incredible work with these kids. She came down to D.C., and Jonathan said, ''Would you host the children?'' I said, ''Great. I read the book and I read about the kids.'' They came down here, and I think Jonathan

Kozol thought they would be impressed, meeting in the office, but the only thing they really talked about was the swimming pool in the hotel, and the other thing they talked about was beds. It was a very big deal to them to be able to sleep in a bed.

Mr. President, this book is called ''Savage Inequalities.'' Let's just talk about what Ed-Flex does and what it does not do.

A 14-year-old girl, with short black curly hair says this:

Every year in February we are told to read the same old speech of Martin Luther King. We read it every year. ''I have a dream.'' It does begin to seem, what is the word—she hesitates and then she finds the word—perfunctory.

Perfunctory? I asked her what do you mean?

We have a school in East St. Louis named for Dr. King, she says. The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It's like a terrible joke on history.

It startled Jonathan Kozol to hear her words, but I am startled more to think how seldom any press reporter has noted the irony of naming segregated schools for Martin Luther King. Children reach the heart of these hypocrisies much quicker than the grownups and the experts do.

A history teacher at Martin Luther King School has 110 students in 4 classes but only 26 books. What is Ed-Flex going to do for this teacher of these students?

Each year, [Kozol observes of East St. Louis High School] there is one more toilet that doesn't flush, one more drinking fountain that doesn't work, one more classroom without texts. Certain classrooms are so cold in the winter that the students have to wear their coats to class while children in other classrooms swelter in a suffocating heat that cannot be turned down.

You know, we have all these harsh critics of our public schools. Some of them are my colleagues in the U.S. Senate. They couldn't last 1 hour in the classrooms they condemn. They couldn't last 1 hour in these schools.

I am going on to quote the teachers:

These kinds of critics willfully ignore the health conditions and the psychological disarray of children growing up in burnt out housing, playing on contaminated land, and walking past acres of smoldering garbage on their way to school.

Mr. President, let me go on to read from this book:

In order to find Public School 261 in District 10, a visitor is told to look for a mortician's office. The funeral home which faces Jerome Avenue in the North Bronx is easy to identify by its green awning. The school is next door in a former roller skating rink. No sign identifies the building as a school. A metal awning frame without an awning supports a flagpole, but there is no flag. In the street in front of the school, there's an elevated public transit line. Heavy traffic fills the street. The existence of the school is virtually concealed within this crowded city block. Beyond the inner doors, a guard is seated. The lobby is long—

And there is a sign, by the way, on the outside of the school: ''All students are capable of learning.''

Beyond the inner doors, a guard is seated. The lobby is long and narrow. The ceiling is low. There are no windows. All the teachers that I see at first are middle-aged white women. The principal, also a white woman, tells me that the school's capacity is 900, but there are 1,300 children here. The size of classes for fifth and sixth grade children in New York, she says, is capped at 32, but she says the class size in the school goes up to 24. I see classes as large as 37. Classes for younger children, she goes on, are capped at 25, but a school can go above this limit if it puts an extra adult in the room. Lack of space, she says, prevents the school from operating a prekindergarten program. ''Lunchtime is a challenge for us,'' she explains. ''Limited space obliges us to do it in three shifts, 450 children at a time.'' Textbooks are scarce.

And it goes on:

The library is tiny, windowless. There are only 700 books. There are no reference books.

And it goes on and on and on. These are the conditions of the schools.

Let me just read the conclusion. I could go on for an hour from this book. Here is the conclusion where he concludes his book:

All our children ought to be allowed a stake in the enormous richness of America. Whether they were born to poor white Appalachians or to wealthy Texans, to poor black people in the Bronx or to rich people in Manhattan or Winnetka, they are all quite wonderful and innocent when they are small. We soil them needlessly.

Mr. President, I have tried to develop my case. We are not talking about providing more funding for title I. We talk about abandoning basic core requirements of title I—we are talking about abandoning the Federal Government, holding States and school districts accountable and making sure that the money gets to the neediest schools. We are talking about abandoning the very essence of accountability, that these standards are lived up to to make sure that there are good teachers, to make sure that the kids are held to high standards, to make sure there is testing.

And we know the results. We have not done a darn thing to make sure we make a commitment to pre-K so kids come to kindergarten ready to learn. We do not do much by way of afterschool care. We do not have the money, we say. We are a rich country. The economy is booming, but we do not have the money to do any of that?

In addition, the reality is that some schoolkids go to schools, because of the property tax, wealth of the school districts, that can give them the best of the best of the best—the best of computers, the best of technology, the best of labs, the best school buildings, the best teachers, the best band and music and theater and athletics, the best of everything. Other kids in America, who come from different school districts, or come from communities where there is not the commitment to them or they do not have the resources to make the commitment, go to schools that are burnt out—I mean, how would any of my colleagues do, as U.S. Senators, if you walked into this Chamber —this is a beautiful Chamber, thank God—how would you do if you walked into this Chamber and it was the summer in DC and there was no air-conditioning or it was winter and there was no heat or we did not have staff to help us, we did not have pages to help us, we weren't able to have the materials we needed, we were hungry, and maybe 20 percent of us had a gun, which is not unusual in a lot of schools in our cities? Would you learn? Would you do well?

What kind of message do you think we communicate to children in America when they go to school buildings that are decrepit, where the roofs are leaking, where the toilets do not work, where the buildings are just grim? What kind of atmosphere is that for children? What kind of encouragement do you think we give these children to learn?

You think these children are fools? You think these children think that the Ed-Flex program is going to do anything for them? They are a lot smarter than you think they are. They know it is not going to do anything for them, because we are not doing anything for them. As a matter of fact, we are going to pass a piece of legislation, unless there is some strict accountability measures in this bill, amendments that are passed, that is going to do harm to them. That is what we are doing. And I cannot believe that this bill just came to the floor of the Senate and there has been so little opposition.

Mr. President, let me talk about some of the inequalities that exist. First of all, the inequality in participation in early childhood programs, like nursery school and prekindergarten: Three-year-olds from better-off families are more than twice as likely than those from less-well-off families to be in these programs, like the nursery school programs and prekindergarten programs.

Among 4-year-olds, there remains substantial disparities. Barely half of the children with families of incomes of $35,000 or less have participated in early childhood learning programs compared to three-fourths of the children from families with incomes over $50,000. So if we wanted to do something about this, Mr. President, what we would do is we would make sure that we would invest the resources in early childhood development.

I am going to talk about some really shocking statistics in a moment. But let me just say it again—whether it be Arkansas or whether it be Minnesota or whether it be Vermont, the Federal Government—what the education community tells me in Minnesota is you all are real players when it comes to making sure that children can come to kindergarten ready to learn. You could make a real commitment of resources.

We have in the President's budget—you know, we have a White House conference on the development of the brain. The evidence is irrefutable, it is irreducible. I am going to talk about it at some length a little later on in my

presentation. But we know that if you do not get it right for these kids by age 3, they may never do well in school and may never do well in life.

What is really interesting about the literature that has come out is that—we have always known—we have always known that if a 7-year-old comes to school and she has not received dental care, she is not going to do well. We have always known that if children do not have an adequate diet, they are not going to do well. We have always known if women expecting children do not have a good diet, that at birth that child may have severe disabilities and may not be able to do well. But what we did not know—although I think all of us who are parents and grandparents; I am a grandparent as well—what we did not know is that actually literally the way the brain is wired, and whether or not a child will do well in school, whether or not a child will behave well is highly correlated to whether or not—is my mike working or not? Is the mike working?

The PRESIDING OFFICER (Mr. HUTCHINSON). Senator, I do not know whether your mike is working. You can be heard very well.

Mr. WELLSTONE. Mr. President, my good friend from Arkansas, what is really astounding about this literature is that literally the key part of it is whether or not there is real intellectual stimulation for these children. It isn't a question of whether they have had a proper diet or have been immunized; that has a huge impact on whether they can come to school and do well.

Anyone who is a parent or grandparent knows this. I like to tell the story, because it is absolutely true. Our children are older and I had forgotten what it was like. But now we have three grandchildren: 3-year-old Josh; 4-year-old Keith; Kari is 7, she is older. They visit us and every 15 seconds these children are interested in something new. When they are 2 and 1, it is the same way. It is a miracle. It makes me very religious. It is as if these small children are experiencing all the unnamed magic of the world that is before them.

We know that if we would make an investment in these children, we make sure that there is good child care, and we make sure when they come to kindergarten they are ready to learn. I will say it again: Our national goal ought to be that every child in the United States of America, when he or she comes to kindergarten, they know how to read, they know how to spell their name, they know the alphabet; if they do not know how to read, they have been read to widely. Can't we make that a national goal? These are all God's children. But the fact of the matter is, we don't. There is a huge disparity. The fact of the matter is that many children, by the time they come to kindergarten, are way behind, and then they fall further behind. And then they wind up in prison.

This Ed-Flex bill does absolutely nothing to make a difference for these children.

Point 2: Reading levels are not where they need to be. In early February of this year, the National Center for Education Statistics released the 1998 reading report card for the Nation. These results are based on the national assessment of education progress data collected in 1998. These results tell us how our children are doing, what their reading levels are, and whether they need improvement.

There are two sets of findings I want to emphasize. First, as a country, too few of our children have the reading skills necessary to succeed. At all grade levels, 40 percent or fewer of the Nation's students read at a level that is proficient for their grade. This figure is unacceptably low. What can we do?

Second, and even more disturbing, are the tremendous disparity levels in reading levels by family income, race, and ethnicity. For example, children who are eligible for the free and reduced lunch program, title I or title I-eligible children, are more than twice as likely to be below the basic reading level than those who are not eligible for the program. In addition, fourth- and eighth-grader white students are three times as likely as black students or Hispanic children to be proficient readers.

Part of what these figures are telling us—in fact, they are screaming at us—is that we have a long way to go. This is a crisis.

Now, may I ask the question: Does Ed-Flex do anything to help these students? Are there additional resources that we are calling on? Are we doing anything to make sure that kids come to school ready to learn? Are we doing anything to improve their nutritional status? We cut nutrition programs for these children. Are we doing anything to make sure each and every one of those children is healthy? Are we doing anything about the housing conditions? Are we doing what we should do to reduce some of the violence in the communities, some of the violence in the homes? Are we doing anything to provide some additional support services for these kids?

A woman is beaten up every 15 seconds in her home. Every 15 seconds in the United States of America, a woman is battered in her home. A home should be a safe place. Those children, even if they are not battered themselves—although many are—see it. They essentially suffer from posttraumatic stress syndrome.

My colleague from Arkansas works with veterans. I have done a lot of work with Vietnam vets. I see it all the time, PTSS. We have children who suffer from that. Do we have anything in Ed-Flex that talks about additional services to these children? No. The only thing we do in the Ed-Flex bill is essentially wipe out any kind of accountability standard that would make sure the money goes to the neediest schools first, and we wipe out the accountability standards that make sure title I children have good teachers, are held to high standards, that we have testing and results, and we know how we are doing. And this legislation purports to be a step forward for poor children in America?

There have been a number of lawsuits filed. It is too bad, but that is the way we have to go to affect these conditions. Since Ed-Flex doesn't have anything to do with the reality I am describing, I think the lawsuits are necessary. Let me cite a lawsuit that came out of Hartford, CT, in the early 1990s. The Hartford School District had a substantially higher percentage of minority students than the surrounding suburbs. The Hartford school enrollment was more than 92 percent minority, whereas contiguous suburbs such as Avon, East Granby, and Wethersfield were less than 5 percent minority. Although Connecticut had the highest per capita in the United States, Hartford was the fourth-poorest of the United States cities, with the second highest rate of poverty among children.

At the same time, not surprisingly, the Hartford school system had substantially inferior educational resources than other school systems. Hartford students were shortchanged in a broad range of educational inputs. For example, school systems across the State spent an average of $147.68 per student per year on textbooks and instructional supplies; in Hartford, it was $77 dollars, only 52 percent of the statewide average.

Or consider East St. Louis, IL, in 1997. Here are some of the problems that the students in the East St. Louis school system faced: Backed up sewers, flooding school kitchens; faulty boilers and electrical systems, regularly resulting in student evacuations and cancelled classes; dangerous structural flaws, including exposed asbestos; malfunction of fire alarms; and emergency exits that were chained shut; instructor shortages that usually meant students did not know in advance whether or not they even had a teacher; and school libraries that were typically locked or destroyed by fire.

How can we expect our children to achieve or be able to learn to develop and realize any, let alone all, of their potential as human beings when faced with such an outrageous environment as this? What does Ed-Flex do to change this environment? Nothing, zero. This is what we ought to be talking about on the floor of the U.S. Senate. That is why I am trying to slow this bill up.

Here is a final description from Louisiana, although you can pick any State. In preparing for a lawsuit in Louisiana, the ACLU staff discovered a pitiful lack of the most basic resources. Besides having to deal with leaky roofs and broken desks, students often had to share textbooks among the entire class, negating any possibility of doing homework or building out-

of-class research skills. What few books existed in school libraries were typically torn, damaged, or outdated, a particularly riling problem for subjects like technology, science, and history. At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building. I repeat that: At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building.

Here is the reaction of one of the staff attorneys. ''It was impossible to imagine that any serious education could go on in these decrepit schools. In some schools children had to go to the principal's office to get toilet papers. The overwhelming impression left on us [the lawyers] was sadness.''

Mr. President, let me talk about Federal standing on elementary and secondary education. Now, I am going to try—some of this is off of the top of my head. These statistics will be close, but they might be off just a little bit. We have had reports, like Nation at Risk in the early 1980s, and we have had politicians of all stripes give speeches about children and education. We all want to have photo opportunities next to children. We have talked about it as a national security issue.

Do you want to know something? The percentage of the Federal budget that goes to education is pathetic. It is pathetic. It amounts to about 2.5 percent of total Federal budget outlays—2.5 percent.

By the way, on title I, since this Ed-Flex is supposed to represent some great step forward, according to the Rand Corporation study, we would have to double our spending on title I to really even begin to make a difference for these children. I said this earlier and I will say it again. Here is what I am not quite sure of. Then I will tell you what I am absolutely sure of. What I am not quite sure of is, I think that during the sixties—this was where title I became part of the Elementary and Secondary Education Act—we were at maybe 10 percent that we were devoting as a percentage of the Federal budget to education. That is what we say is a priority.

When Richard Nixon was President, it was higher than it is with the Democratic President. And then it was Ford and Carter, and I think it stayed about the same level. With Reagan, it went way down. And then, with President Bush, it went up some. It never got back to the percentage it was during Nixon's Presidency. With President Clinton, it is about the same as it was with President Bush, maybe even a little less; I am not sure.

Here we have a Democratic President who says that education is the No. 1 priority, and we are spending less as a percentage of our Federal budget on education than under President Nixon, a Republican. I am going to talk about Head Start in a while. Here we have a Democratic President and we don't fully fund the Head Start Program. I can forgive my Republican colleagues; I didn't expect a Republican President to fully fund Head Start. I just expected a Democratic President to fully fund Head Start. How naive of me.

Mr. President, it is just unbelievable. I point out these disparities, and a lot of K through 12 is at the State level. But you would think that we would make a difference where we could make a difference. Yet, we don't, and we have all this discussion about education being the No. 1 priority.

Frankly, the President has presented us with a ''tin cup budget.'' The President wants to increase the Pentagon budget next year by $12.5 billion and by $110 billion over the next 6 years, and he calls for barely a $2 billion increase in the Department of Education budget. Pretty unbelievable. You would think that if education was a big priority, we would see the same increase in funding for education as we would see for the Pentagon. Not so.

Mr. President, I now want to turn my attention to what we ought to be doing as opposed to what we are doing. Before I do that, however—and I will finish up on this—I want to point out one more time—and I will have an amendment that deals with this part of the bill that makes it crystal clear that this title I program is severely underfunded. And I will have a vote on it. I spend a lot of time in these schools with these principals, teachers, and these families. They all tell me—before my colleague came here, I was saying that I went to the schools in St. Paul-Minneapolis with 65 to 70 percent poverty that don't receive any title I funding because by the time we allocate the money, there is no more money left. And we do very good things with this money for these children that need additional help. But we are not calling for any additional investment of money for our schools to work with. In addition, what we are not doing is, as a national community, we are no longer saying to the States and school districts there are certain core, if you will, values, that we want to see maintained.

There is a mission to title I. We know why we passed title I in 1965, because we took a look around the Nation and it wasn't a pretty picture. In quite a few States, whether anybody wants to admit it or not, these poor children fell between the cracks. So we, as a Nation, will at least have a minimal standard that will say, with title I, there will be certain core requirements; there will be qualified teachers; there will be high standards; there will be some testing and some results and some evaluation, and this will apply to title I programs everywhere in our land, to make sure that some of these children have a real opportunity. And now, with this legislation, we are going to toss that overboard. I will have an amendment that says we can't.

The second thing we said in 1994—and I don't know what my colleagues think, and I will have an amendment and we will have a debate and vote on it—was that in the allocation of the money, those schools with a higher percentage, 75 percent low-income students or more, should have first priority for funding. That makes sense to me. For some reason, my colleagues want to toss that overboard.

By the way, I made a third point, which is that I understand—I know my colleague from Arkansas comes from a smaller town, a rural community, and that is a big part of Minnesota. I understand the zero sum game we are in, because the crazy part of it is that we don't get enough funding and, therefore, say—I could pick any community in Minnesota, but in any number of our greater Minnesota communities, people are saying, ''Paul, we have 20 percent or 30 percent low-income or 35 percent low-income''—in some rural areas it is much higher—''and we don't get any funding.'' So it becomes a zero sum game. What do you do with a limited amount of money? I would like to see something real out here on the floor of the U.S. Senate when we talk about getting more resources to our States and school districts.

Now, here is what we should be talking about on the floor of the U.S. Senate: early childhood development. This is the most pressing issue of all. If you talk to your teachers, they will tell you this. The best thing we can do as Senators is to get—by the way, it would be $20 billion over the next 4 years minimally. If we really wanted to make a difference, it would be about $20 billion over the next 4 years. Well, listen, we are going to do $110 billion to the Pentagon over 6 years—more subs, more nuclear warheads, more missiles.

If we were serious about this, we would make the commitment to early childhood development. That is what all of our teachers are telling us, and that is what our experts are telling us. It is the best thing you can do. By the way, those of you for flexibility, I agree, don't run it from Washington, DC. Get the resources back to the local communities and, like NGOs and nonprofits and all sorts of folks who meet the standards, set up really good development child care centers and also family-based child care and give the tax credits, but make sure they are refundable and that the low-income aren't left out, or families. Do it. Get real. Do the best thing we can do. But that is not on the floor today. We have Ed-Flex. Ed-Flex means nothing to these families.

Mr. President, I have already talked some about the kind of science literature—my colleague, I am trying to remember the name of the book—Dick and Ann Barnett. Dick is at the Institute of Policy Studies, and Ann is a pediatric neurologist. They have written a wonderful book. I can't remember the title. But there are many books that have come out.

Let me talk about the disparity. Listen to this 1990 study. Looking at the

hours of one-on-one picture book reading kids have experienced by the time they started first grade, low-income children average 25 hours. By the time they come to first grade they have altogether, with picture book reading, been read to 25 hours. Middle-class children average between 1,000 and 1,700 hours. It is unbelievable.

By the way, as a grandpa, I know that reading makes a difference. Now this gets tricky, because I can read my colleague's face here about the responsibility. Let's talk about this a little. I just said this. I now have to figure this out a little bit.

First of all, let me make the case that we could do so much better. I am for combining the commitment to child care. That is what we should be talking about today, and investing some resources in this, and getting community level volunteerism. I am for doing whatever can be done in the families, and I want parents to take the responsibility. I wish more would. I think sometimes it is brutal. People work different shifts, and two or three jobs working their heads off. And they hardly have the time to have a common occasion with their children; even to sit down and eat dinner together. All too many of our families are under siege.

It is not that people aren't working. It is that people are working entirely too many hours. But both have to work. But I wish that parents would read more to their children before they are in kindergarten. But I also think this is all about whether there is good child care. This is also true with volunteers. I would be, for all of us who no longer have children that are young, getting the books out of our homes, and older computers out of our homes, and do it through veterans halls, do it through union halls, do it through the religious community, and invite volunteers, get tutors and mentors. We could do a lot. But I will tell you something. It makes a real big difference in terms of whether these children are ready to learn. And they are needy.

The needy—50 percent of the mothers of children under the age of 3 now work in our country outside of the home; 50 percent. There are 12 million children under the age of 3, and one in four lives in poverty. One out of two of color live in poverty—half of the children of color today in our country—and under the age of 3 are needy, the richest country in the world.

Compared with most other industrialized countries, the United States has a higher infant mortality rate portion of low-birth weight babies and a smaller portion of babies immunized against childhood diseases.

This critically affects education. This critically affects the educational payment of children. Full day care for one child ranges from $4,000 to $10,000. That is comparable, as I said earlier, to college tuition, room and board at our public universities.

Half of the young families in our country with young children earn less than $35,000 a year. A family with both parents working full time at minimum wage earns only $21,400 a year.

I want to tell you something. More than just about any other issue when I am in cafes in Minnesota, people talk to me—working families. They say, ''We can't afford this. We both work. We both have to work. I am 30. My wife is 28. We have two small children. Isn't there any way we can get some help for child care?''

That is what is really critical, if we are going to be talking about education. Ed-Flex means nothing to these families.

Drawing on some reports, I am sorry to report these statistics. Six out of seven child care centers provide only poor to mediocre care. One out of eight centers provides care that could jeopardize a child's safety in development. One out of three home-based care situations could be harmful to a child's development—the Children Defense Fund study.

Although approximately 1,500 hours of training from an accredited school is required to qualify as a licensed hair cutter, masseur, or manicurist, 41 States do not require child care providers to have any training prior to serving children. The annual turnover rate among child care providers is about 40 percent. Do you want to know why? I love to take my grandchildren to the zoo. If you work at the zoo, you make twice the wage that women and men make with small children in this country.

One of the worst things we have done in the United States of America is to have abandoned too many poor children. This legislation takes us in that direction. And we have devalued the work of adults that work with these children. Most child care workers earn about $12,000 a year, slightly above the minimum wage. And they receive no benefits. That is unbelievable—unbelievable.

When I was teaching, I would have students come up to me, and they would say, ''Look. You know, do not be offended, but we want to go into education. But we don't want to teach at the college level. We think we could really make a difference if we work with 3 and 4-year-olds.'' Then the next thing they say is, ''But we don't know how we can afford it. We have a loan to pay off. How do you make a living?'' Why in the world do we pay such low wages? So the families can't afford the child care. The families can't afford the child care. And those adults that want to take care of children can't afford to provide the care.

What we have on the floor of the U.S. Senate instead is Ed-Flex. We could make a huge difference, but we don't, and we will not.

There was a woman, Fannie Lou Hammer—I have quoted her before—a civil rights activist. She was, Senator HUTCHINSON, I think, one of 14 children, the daughter of a sharecropper. Her immortal words, where she was once speaking, were, ''I am so sick and tired of being sick and tired.''

I am sick and tired of the way in which we are playing symbolic politics with children's lives. If we were serious about doing something on the floor of the U.S. Senate that would make a difference for children, we wouldn't have this Ed-Flex bill on the floor. We would be talking about the ways in which we are going to provide money, dollars, resources for local communities to provide the very best of elemental child care so that every child, by the time he or she is of kindergarten age, is ready to learn. That is the most important thing we could do. And we don't even make it a priority.

Now, Senator DEWINE and I passed an amendment that we are proud of; it is the law of the land, but we don't have the funding yet, which says that we will at least have loan forgiveness for those men and women who get their degree and go into early childhood development work. But that still doesn't do the job. We ought to pay decent wages. I don't understand this.

Senator HUTCHINSON is, I guess, what Governor Bush would call a compassionate conservative. He is certainly passionate; he is certainly conservative. I don't understand this. We have two groups of citizens that are the most vulnerable that deserve the most support and the adults that work with them make the least amount of pay with the worst working conditions.

Nursing homes, my mother and father both had Parkinson's disease, and we fought like heck to keep them at home, and we did. We kept them at home for a number of years. We kept them at home, between Sheila and I and our children spending the night, as long as we could until we could not any longer. And then toward the end of each of their lives, toward the end of their lives they were in a nursing home.

Well, I don't think I could do that work. It is pretty important. You have people who built this country on their backs. They have worked hard. They are elderly. They are infirm. They need the help, and we pay the lowest wages. We have a lot of people in these nursing homes who don't even have health care coverage.

Congratulations, Service Employees International Union, for your victory in California in LA organizing home health care workers. The other thing we ought to do is to try to enable people to stay at home as long as possible to live in dignity and provide help. But why do we pay people, why do we pay adults so little to do such important work?

And then the other group of citizens that is the most vulnerable, the most in need of help that we should provide the most support to is small children. We devalue the work of adults. I don't get it. If you are some advertising executive—I don't want to pick on them, but if you are some advertising executive who figures out some clever way

to sell some absolutely useless product or you have got all sorts of ads that the Senator from Arkansas and I both would not like, just think it is trash, it should not be on TV, exploitive in all kinds of ways—and I think the Senator from Arkansas knows what I mean—such a person probably gets paid hundreds of thousands of dollars, and then you have child workers who are working with children, and they get next to peanuts. Boy, I think our priorities are distorted.

Let me tell you, Ed-Flex doesn't do anything to deal with this problem of priorities.

Mr. President, I am going to just mention two other areas. I have really covered Head Start already. I was going to read from some Minnesota stories, but I am going to move on, some huge success stories just to simply mention the well-known Perry study on the benefits of Head Start. It is pretty interesting. They did a sort of a control of two different groups.

Head Start participants, they did a followup through age 27. This program was started in 1965. Criminal arrests: 7 percent Head Start, 25 percent control group—those kids that weren't in Head Start, controlling for income and family background and all the rest. Higher earnings, 29 percent of Head Start kids, 2,000 plus per month, only 7 percent control group; 71 percent Head Start kids graduated or received a GED, only 54 percent control group. And 59 percent received assistance, they did receive some assistance, still poor, but 80 percent of the control group. And fewer out-of-wedlock births across the board.

For kids who have really grown up under some really difficult conditions, the Head Start Program has helped them with a head start. And we have a budget that the President presents that will get us to 2 million children, I think, covered, but that is about half.

About 2 million children will be eligible. The President's budget gets us a million. Half. So our goal—talk about a downsized agenda, talk about politics of low expectations—is to provide funding for only half these children.

Now, this isn't even early Head Start because really what we have to do well is before the age of 3. I noticed when Governor Whitman was testifying before, she was talking about her program in New Jersey, which sounds to me as if it is a very important program that deals, I think, with 4 and 5-year-olds or 3 and 4-year-olds, and I said to her, what about preage 3? I know she nodded her head in agreement.

Why aren't we providing the resources? In all due respect, if we want to do something really positive, the most important thing we can do is invest in the health care and intellectual skills of our children. Ed-Flex doesn't do that, and we are not going to do it.

So I am not going to let my colleagues put this bill forward as if it is a great big, bold step forward for poor children in America. It is not. As a matter of fact, it will do damage to children unless we have the strengthened accountability language. And we will see whether or not we can get a vote for that.

Might I ask a question, Mr. President? I wonder how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour 31 minutes remaining.

Mr. WELLSTONE. Mr. President, I have a few things I would like to lay out, but I want to ask my colleague from Vermont—he has had to sit here and listen to some of which I don't think he agrees and some of which he might agree. I wonder whether or not—I could take another 15 minutes and then reserve the remainder of my time if my colleague wants to speak, or does he want to wait, or how would he like to proceed?

Mr. JEFFORDS. Mr. President, I have no intention at this time to speak. I will obviously at a later time. I will do it when it is appropriate. But I desire to expedite our situation so that we can get to the bill as soon as possible.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I say to my colleague from Vermont, on my time, if he chooses to assent or disagree or remind me where I am wrong, please feel free to do so. I extend the invitation. I was a teacher. I can easily fill up the next hour without any trouble.

Mr. President, before I go to after-school care, I would like to just one more time focus on why I think this Ed-Flex bill shouldn't even be in the Chamber. I have talked about what I think the flaws are with the legislation, but I also want to talk about what I think we should be talking about. I would like to just draw, if I could, on two experiences that I have had traveling the country that I think apply to this debate.

One of them which I have talked about once or twice before—it is very positive. It is not a putdown of anybody—took place in the delta in Mississippi, in Tunica, MS. I had traveled there because I wanted to spend some time in low-income communities around the country—South, North, East, West, rural, urban. And when I visited Tunica several years ago now, there was a teacher, Mr. Robert Hall, who I will never forget. It was at a town meeting, and he stood up and said it is hard to give students hope, and he talked about how—I don't know—I think maybe about 50 percent of the students graduated.

By the way, this young African American woman that I quoted I think in East St. Louis, who was talking about her school being segregated, actually in Tunica the case is that the public school is all black or African American, the private school is all white.

Anyway, at the end of this he asked me whether I would come back to speak, would I come next year for the graduation? I said yes, and I said yes not realizing that I had made a prior commitment. What are you going to do, you know, when you make a commitment like that? So I called and I said could I come the day before graduation, to at least get a chance to meet with the seniors, because I wanted to live up to my commitment. And he said yes. So I flew from Minneapolis down to Memphis and then was met, I think by Mr. Erikson, who was driving me to Tunica. This is one of my favorite stories.

I said, ''Are we going to the high school?''

He said, ''No. You are going to be addressing the third and fourth graders.''

And I said, ''I am going to be giving a policy address to the third and fourth graders?''

And he said, ''Well, yes.''

And I said, ''Is this the last day of school?''

He said, ''Well, yes.''

I said, ''So I am going to be giving a policy address to third and fourth graders on the last day of school?''

He said, ''Well, yes.''

I said, ''I'm in trouble.''

So we go to the elementary school. There are, I don't know, a hundred kids, third and fourth graders, thereabouts, sitting in the chairs, waiting for me to give a policy address. And there is the PA system on the stage, which is high above where the students are, and the principal gives me a really nice introduction, and I am supposed to go up there and look down at these students and give them a policy address.

So I was trying to figure out what to do. I asked the principal, ''Can I get down in the auditorium where the kids are?''

He said, ''Sure.''

So I got down there, and this little girl, thank God, made my class for me. I said, ''Is this the last day of school?''

Everybody said, ''Yes.''

I said, ''Well, what have you liked about school?''

And this one little girl raised her hand and she said, ''Well, what I like about school is, if I do good in school, I can do really good things in my life.'' Something like that.

And I said, ''Well, what do you want to be?'' And I said to all the students, ''What do you want to be?''

There were, Senator HUTCHINSON, 40 hands up. It was great. They had all sorts of dreams. I mean, quite a few of them wanted to be Michael Jordan—not a surprise. I heard everything: Teacher, writer, psychiatrist, Michael Jordan, on and on and on. But the thing of it is, there was that spark. It was beautiful. I know, as a former teacher, that you can take that spark of learning in a child, regardless of background, and if you ignite that spark of learning, that child can go on to a lifetime of creativity and accomplishment. Or you can pour cold water on that spark of learning. We are not doing anything here in Washington, DC, to help ignite that spark of learning. We are not.

Now, I feel a little uncomfortable saying that. Maybe I should say ''precious little.'' We are doing precious little. I feel uncomfortable saying that, because Senator JEFFORDS is a Senator who is committed to education. I know that. I have a tremendous amount of respect for him. But I am talking, I say to my colleague, Senator JEFFORDS, in a more general way. I don't understand our priorities. I just don't understand our priorities. I am just sick and tired—to sort of again talk about Fanny Lou Hammer—of bills that are brought out here, people get the impression there is some big step forward, and when it comes to the investment of resources—some of which you fight for, this investment of resources—we do not do it. I just tell you, it is tragic.

For these kids and these schools all across the country, they are not saying: Give us Ed-Flex, give us Ed-Flex, give us Ed-Flex. They are saying: We want to have good teachers and smaller classes. We want to have good health care. We want to have an adequate diet. We want to go to schools that are inviting places. We want to have hope. We want to be able to afford college. That is what they are saying. They are not talking about Ed-Flex.

The second point, and last one of my stories—true. I am going to shout this from the mountaintop. I get this time on the floor of the Senate because I insist this is what we should be talking about, and I will do everything I can, with amendments and bills, to bring this out here and force debates and votes and all the rest.

I hear this in the law enforcement community. We should hold kids accountable when they commit brutal crimes. We should hold people accountable when they commit brutal crimes. But we will build a million new prisons on present course. That is the fastest growing industry in the country. And we will fill them all up and we will never stop this cycle of violence unless we invest in the health and skills and intellect and character of our children. And we are not doing that in the U.S. Senate or in the U.S. House of Representatives. Certainly not with Ed-Flex.

Where do these kids wind up? They come to school way behind, they fall further behind, they don't have anywhere near the same opportunities to learn, and then they wind up in prison. I talked about this before. I think this will be the last time I will talk about it, except when we debate a bill which I introduced, the mental health juvenile justice bill. I visited a ''correction facility'' called Tallula Correction Facility in Tallula, MI. But I say to my colleagues from Arkansas, Louisiana, south—this could be anywhere in the country, anywhere in the country. And the Justice Department has had a pretty hard report about conditions in Georgia and Kentucky and some other States.

I see there are some young people here today in the gallery. What did I find in Tallula? The Tallula facility is a corrections facility for kids ages 11 to 18. I went to Tallula because I had read in the Justice Department report that there were kids who were in solitary confinement up to 7 weeks at a time, 23 hours a day, and I wanted to know what they had done for this to happen to them.

One young man, Travis, he is now 16, he went to Tallula when he was 13 for stealing a bike. He wound up there for 18 months, and he was beaten up over and over again. Tallula has had some lawsuits filed against it.

I went to the Tallula facility, and the first thing I noticed about the 550 kids was about 80 to 85 percent of them were African American. And then, when I met with some of the officials, I wanted to go to the solitary confinement cells and they wanted to take me to where the students were eating lunch—students—kids—young people. So we first started out to where they were eating lunch and then we were going to go to these cells.

When I walked in, even with all these officials there, I asked some of these kids, ''How are you doing?''

I will never forget, this one young man says to me, ''Not well.''

I say, ''What do you mean?''

By this time, there were 30 officials looking at this kid. He said, ''This food, we never eat this food. It's because you are here.'' He said, ''These clothes? We never had clothes like this. They just gave us these shorts and T-shirts. We have been wearing the same smelly, dirty clothes day after day.''

He said, ''The tables are painted—smell the paint. It has just been painted.''

Then I went outside and this one young man made a break from the guards, jumped onto a roof, and ran across the roof. It was about 100 degrees heat. And I said, ''Why are you doing this? You are going to get in a lot of trouble.'' I looked up at him, walked up to the roof.

He said, ''I want to make a statement.''

I said, ''What's your statement?''

He said, ''This is a show, and when you leave here they are going to beat us up.''

Well, the State of Louisiana has taken some action. This was privatized. There are lawsuits. There have been editorials about anarchy at Tallula. I will just tell you this. I will tell you this: 95 percent of these kids at Tallula had not committed a violent crime. I met one kid who had stolen a bike. I met one kid who was in there for breaking and entering. I did meet one kid who cut a kid in a fight with a knife. I forget the fourth kid. Mr. President, 95 percent of nonviolent crimes—that is about the case in all of these juvenile detention facilities.

I will tell you, Senator, I would be pleased to meet almost any of those kids at 10 o'clock at night before they got to Tallula. I would not want to meet any of them when they get out.

So let's not kid ourselves. These State budgets and Federal budgets that go to prisons and jails are just going to continue to skyrocket, and that is where a lot of young people are going to end up unless, from the very beginning of their lives, we figure out—at a community level, not a Federal Government level—how we are going to make sure that we make the investment in these kids. And that is something we should be doing in the Senate. But this bill does not do that.

Before I return to the final case I want to make on this specific bill, let me just read some figures. Mr. President, I would like to read a little bit about some facts on what is going on with kids after school. Twenty-two million school-aged children have working parents; that is, 62 percent of these children have parents who are working. Children spend only 20 percent of their waking hours in school. The gap between the parents' work schedule and the students' school schedules can amount to 20 to 25 hours per week. That is from the Ann E. Casey Foundation.

Experts estimate that nearly 5 million school-aged children spend time without adult supervision during a typical week. An estimated 35 percent of 12-year-olds care for themselves regularly during afterschool hours when their parents are working.

What happens during out-of-school hours? Violent juvenile crime triples during the hours of 3 p.m. and 8 p.m. And 280 children are arrested for violent crimes every day. Children are most likely to be the victims of violent crime by a nonfamily member between 2 p.m. and 6 p.m.

Children without adult supervision are at a significantly greater risk of truancy from school, stress, receiving poor grades, risk-taking behavior, and substance abuse. Children who spend more hours on their own and begin self-care at younger ages are at increased risks. And I could footnote each and every one of these findings.

Children spend more of their discretionary time watching television than any other activity. Television viewing accounted for 25 percent of children's discretionary time in 1997, or 14 hours per week on average.

Facts about out-of-school programs: Almost 30 percent of public schools and 50 percent of private schools offered before- or afterschool care in 1993–1994. It is going up. But the General Accounting Office estimates that, for the year 2002, the current number of out-of-schooltime programs for school-aged children will meet as little as 25 percent of the demand in urban areas.

Mr. President, I could actually go on and on, but here is the point I want to make. The point I want to make is that if we want to pass legislation that makes a positive difference in the lives of children and helps parents raise their children decently—you know, what families are saying to us is: ''Do what you can do to help us do our best

by our kids.'' They are not talking about Ed-Flex.

What I am hearing from families in Minnesota—and I think it is the same for around the country—is: Look, we both have to work, or, I am a single parent, and I am working, and I am worried sick about where my child is after school. Can't you provide some funding?

Why doesn't the Ed-Flex bill talk about flexibility for schools and communities to have more resources for afterschool care? There is something positive we can do. I assume that maybe Senator BOXER or one of my colleagues will have an amendment and we will have a vote on this. Now, there is an educational initiative that will make a huge difference.

There is nothing more disheartening to a parent or parents than to know that both of you have to work but to also know that your second grader or your third grader or your 12-year-old or your 13-year-old is going home alone. Why don't we do something about that? We have all the evidence we need. We have all the evidence we need.

We know that this is the time when kids get into the most trouble. We know that in more and more of our working families both parents are working. We know this is one of the biggest concerns parents have, right alongside affordable child care. What we all ought to be doing by way of ed-flexibility is providing the resources for communities and for schools to make a difference.

By the way, Mr. President, I was mentioning television. For my colleagues who are worried about the violence that kids see on TV—and it is awful—you should just think about what they see in their homes. Every 15 seconds, a woman is battered. One of the things we ought to be doing, if we really want to do something that will make a difference for kids—and I have a piece of legislation I am introducing on this that I hope to get a lot of support on—is to provide some funding for partnerships between the schools and the other key actors in the community that will provide some help and assistance to kids who have seen this in their homes over and over and over again. That would make a big difference. That would make a big difference.

I said this last night. I think I need to say it again. I do not think I am being melodramatic when I say that we have two problems. We have a huge learning gap. That is what it is all about. And it is highly correlated with income and race and poverty and gender. But we also have—and I do not know what the right label is for this, but we have a lot of kids who, by the time they come to kindergarten or first grade, have seen so much in their lives, that children should not have to see and experience, that they are not going to be able to learn at all, even with small class sizes, even with really good teachers, even with really good facilities—none of which Ed-Flex deals with—unless there is some help for them. They need additional help. And you know what? They deserve it. They deserve it.

Mr. President, I am going to, I think, finish up where I started. Before I do that, I want to just read one other quote that is kind of interesting. This is from a woman Jonathan Kozol is talking to in his latest book he has written called ''Amazing Grace.'' And I say to my colleague, I am not sure I should quote this because of the current circumstances, but I think it should be read. This woman lives in the community, South Bronx, the Mott Haven community. And here is what she has to say. She is saying this to Jonathan Kozol, the author:

> Do you ever turn on C–SPAN? You can see these rather shallow but smart people—

This is just her perspective—

> most of them young and obviously privileged, going on and on with perky overconfidence about the values and failings of poor women, and you want to grab them in your hands and shake them.

It is like this young man I met at Center School, which is an alternative school in Minneapolis, in the Phillips neighborhood, about a month ago. This is kind of his last chance; he is a young African American man. I was having a discussion with 30 or 40 kids. There are a lot of Native American students there, as well. Actually, there are more Native American students. I was trying to be very honest with them. I said, I would like for you to answer one question for me. I am here because I really do care about you and I respect your judgment. A lot of these kids don't believe anybody values their opinions. They have very little self-confidence. I said to this one young African American man, a senior, ''A lot of people say that you don't really care. The problem isn't the poverty of your family, the problem isn't the violence in the neighborhoods, the problem isn't that you haven't had the funding or the opportunities. The problem is you don't care. And that if you really cared, you would be able to do this. How do you respond to that?'' He looked at me and he said, ''Tell them to walk in my shoes.''

I think that is what this woman was saying about her observations about what she sees on C-SPAN.

I conclude this way: I came to the floor of the U.S. Senate last night and I spent half an hour speaking. I have come to the floor of the U.S. Senate today and I have spent several hours speaking about the Ed-Flex bill. I have been strong and maybe harsh in my comments. I do not mean them to be personal at all. I have gone out of my way to say, because I think it is true—I wouldn't say it if I didn't think it was true.

It happens that the Senator from Vermont is out here managing the bill, and I consider him to be a Senator who cares a great deal about education and children. I know what he has done right here in Washington, DC.

What deeply troubles me about what is going on here in the U.S. Senate, which is why I have tried to the best of my ability—and I will have amendments, as well—to say, wait a minute, we have a piece of legislation, and I can see the spinning and I can see the hype. It has a great name: Ed-Flex. It has a great slogan: ''Get the bureaucrats out, let the States decide.'' But I can see this piece of legislation represented as a piece of legislation that is a major educational initiative for children in our country. I have tried to make it crystal clear that is quite to the contrary.

I say to my colleague from Arkansas that I will be finished in a minute or two. If he chooses to debate, I will be glad to do that. Is he standing to speak?

Mr. HUTCHINSON. You earlier said you might yield for a question.

Mr. WELLSTONE. If I could finish this thought, I am pleased to yield for a question. In fact, that might be a welcome relief from hearing myself speak. I am pleased to take a question or whatever criticism that the Senator might want to throw my way.

This piece of legislation isn't going to do anything that is going to make a significant difference in assuring educational opportunities for all of our children in our country. It won't. This particular piece of legislation is not going to meet the standard, which is the most important standard that I believe in more than anything else. I say to my colleague from Arkansas: I think every infant, every child, ought to have the same chance to reach his or her full potential.

This legislation doesn't make any real difference. This legislation doesn't point us in the direction of making a commitment to early childhood development, to making a commitment to communities so that kids can come to school, ready to learn. This piece of legislation doesn't fully fund Head Start. This piece of legislation doesn't provide the funding for nutrition programs for children, many of whom are hungry. Quite to the contrary. We put into effect a 20-percent cut in the Food Stamp Program by the year 2002. This piece of legislation doesn't do anything that will change the concerns and circumstances of these children's lives before they go to school and when they go home. This piece of legislation doesn't do anything to effect smaller class size, to repair or rebuild our crumbling schools, to help us recruit over the next 10 years 2 million teachers, who we will need, as the best and the most creative teachers. This piece of legislation does absolutely nothing that will in a positive way affect the conditions that have the most to do with whether or not each and every child in our country will truly have the same opportunity to be all he or she can be.

Moreover, to summarize, this piece of legislation turns the clock backwards. This piece of legislation takes the good

work of the 1994 reauthorization bill, which will assure that the allocation of funds first goes to those schools with a 75 percent low-income population or more, and tosses it overboard. This piece of legislation in its present form—and to me this may be the biggest issue of all about this piece of legislation. I think other bills should be on the floor that make a difference, but if we are going to pass this piece of legislation, at least let's make sure we have flexibility with accountability. That means that the basic core requirements of title I on well-qualified teachers, high standards testing, measuring results and knowing how we are doing are fenced in. In no way, shape or form, with all the flexibility in the world, will any State or school district be exempt from meeting those requirements.

I say to my colleague from Arkansas, I am pleased to yield for a question.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

Mr. HUTCHINSON. I did have a question for the Senator from Minnesota, but if the Senator is about to conclude, I know there will be plenty of debate and time to debate, so I don't want to further hold up proceeding on the bill. I thank the Senator for yielding.

Mr. WELLSTONE. I will yield the floor in just a moment. I appreciate my colleague's courtesy. The C-SPAN quote, just so it is in the RECORD, was from a Mrs. Elizabeth Washington of the Mott Haven community in the South Bronx.

Mr. JEFFORDS. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. JEFFORDS. The Senator from Oregon is desirous of speaking for 15 minutes.

Mr. WELLSTONE. How about if I reserve the remainder of my time? I will reserve the remainder of my time, and if the Senator from Oregon wants to speak, that would be fine with me. How much time do I have left?

The PRESIDING OFFICER. The Senator has 57 minutes.

Mr. JEFFORDS. Would the Senator mind yielding his time to the Senator?

Mr. WELLSTONE. Fifteen minutes of my time? I would be pleased to do that.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 15 minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I am sure that many Americans who are watching this debate hear the words ''Ed-Flex'' and wonder what in the world is the U.S. Senate talking about? My guess is that we probably have some folks thinking that Ed-Flex is the new guy who has been hired to run the aerobics class at the local health club. But since my home State of Oregon was the first to receive an Ed-Flex waiver, I would like to take a few minutes to tell the U.S. Senate why Ed-Flex makes a real difference and especially why it has been a valuable tool to improve the lives of poor children.

To begin with, Ed-Flex represents a new approach in Federal-State relations. Right now, there are two schools of thought on the relationship of Washington, DC, to the States. One side says everything ought to be run at the Federal level, because folks locally can't be trusted to meet the needs of low-income people. The other side says the local folks ought to be able to do it all, because everything the Federal Government touches turns to toxic waste.

Ed-Flex represents a third-wave approach, and we have pioneered it in a variety of areas, including health, welfare and the environment, and now in education, in addition.

We told the Federal Government in each of these areas that we will meet the core requirements of Federal law. The Federal Government ought to hold us accountable, but, at the same time, the Federal Government ought to give us the flexibility to make sure that we can really meet the needs of our citizens—in this case, the poor children—rather than building up bureaucracy.

Ed-Flex has been good for students, but especially good for poor students. There are no examples of abuse, Mr. President—not one. We have asked the opponents of this legislation to give us even a scintilla of evidence of an abuse, and they cannot cite one example for a program that has been used in 12 States. But I will tell you there are plenty of examples where this program has worked for poor children.

In Maryland, one low-income school used Ed-Flex to reduce class size. Class size dropped under this Ed-Flex program from 25 students to 12. And the last time I looked, a fair number of Members of the U.S. Senate wanted to see class size drop.

In our home State, Ed-Flex helps low-income high school students take advanced computer courses at the community college. Before the waiver, Federal rules would only allow high school students to take computer courses offered at the high school. If a student wanted to take an advanced computer course, but the school didn't have the equipment or the people to teach advanced computing, those poor kids were out of luck. But we found a community college that was just a short distance away with an Ed-Flex waiver where we could take the dollars that would have been wasted because there were no facilities at the high school, and the poor kids learned at the community college. No muss, no fuss. But we did what the Federal Government ought to be trying to do, which is to help poor children.

In Massachusetts, a school with many low-income kids who are doing poorly in math and reading received title I funds in 1997; but they were denied title I funds the next year because of a technicality. This meant that low-income children who were getting special help with title I funds in 1997 could not get those funds in 1998 for one reason, and that was bureaucratic red tape. But when they got an Ed-Flex waiver, they could use the dollars to serve low-income children and make sure that they could use that help until they had addressed the mission of the program.

Ed-Flex doesn't serve fewer poor kids; it serves more of them, and it serves them better.

In the State of Texas, the State has used Ed-Flex, and the achievement scores confirm that Ed-Flex has improved academic performance. After only 2 years under the waiver, statewide results on the Texas assessment of academic skills shows that schools using Ed-Flex are outperforming the districts that aren't. These are poor school districts with low-income children, and reading and math scores are rising using Ed-Flex. At one high-poverty elementary school, student performance improved almost 23 percent over the 1996 math test scores; 82 percent of them passed. The statewide average was only 64 percent. Poor kids did better. Poor kids did better under Ed-Flex.

Now, this legislation protects the poor in other important ways. The civil rights laws, the labor laws, safety laws, all of the core Federal protections for the vulnerable, are not touched in any way. The Secretary of Education has complete authority to revoke a waiver if title I requirements are not met. Under current law, a State must have a plan to comply with title I. This legislation requires a plan as well.

Let me outline a number of specific protections that pertain to the poor in this legislation. First, under current law, title I funds can only be used in school districts that are for the low-income. Our legislation keeps this requirement. You cannot get an Ed-Flex waiver and move it out of a low-income school district to somewhere else. You have to use those dollars in a low-income school district. They can't be moved elsewhere.

Second, not only does the legislation keep the core requirements of title I, it strengthens them. For example, under current law, States are not required to evaluate whether they are meeting title I goals until 2001. Ed-Flex says to the States: Why should you wait for 2 years to show that you are serving the poor and disadvantaged? Develop high standards for serving the poor now, demonstrate that you meet the accountability requirements, and put more education dollars in the classroom to serve poor kids and their families now, rather than waiting until 2001.

Now, opponents of Ed-Flex have not been able to offer any examples—not even one—of how the flexibility waivers have been abused, and that is because the Secretary of Education has watch-dogged these Ed-Flex waivers; and we can cite examples of how it works, and they can't cite any examples of how it has been abused. That is why the Education and Labor Committee in the last Congress approved this legislation by a 17–1 bipartisan vote.

Senator KENNEDY, the ranking member of the committee, said,

Under Ed-Flex, the Secretary of Education allows Massachusetts and other States to waive Federal regulations and statutory requirements that impede State and local efforts to improve learning and teaching. With that flexibility comes stronger accountability to improve student achievement.

Since that time, since those eloquent words of Senator KENNEDY, in a 17–1 vote in the Labor Committee, after lengthy debate, the sponsors felt that it was important to work with those who have had reservations about this legislation, and we have made six additional changes in the legislation to strengthen a bill that had virtual unanimous bipartisan support. We have strengthened the requirements for public participation so that there is public notice. We put in place a requirement that States include specific, measurable goals, which include student performance, a requirement that the Secretary report to the Congress after 2 years on how Ed-Flex States are doing. The Secretary must include how the waiver is affecting student performance, what Federal and State laws are being waived, and how the waiver is affecting the overall State and local reform efforts.

There is a requirement that the Secretary review State content and performance standards twice, once when deciding if the State is eligible to participate and again when deciding whether or not to grant approval for a waiver. This is to make sure that there is no compromising title I. The Secretary of Education reviews twice whether or not to go forward with an Ed-Flex waiver.

We have always altered the legislation to ensure that local review cannot be waived under Ed-Flex; that is, any school or school district receiving title I funds is still subject to punishment and still has to answer to a local review board. Those provisions that protect the poor cannot be waived.

Mr. President, it is no accident that every Governor, every Democratic Governor, believes this will be a valuable tool to them to make existing programs work better.

I think the Senator from Minnesota has made an important point in talking about how additional dollars are needed for some of these key programs to serve the poor. But the best way to generate support for that approach is to show that you are using the dollars that you get today wisely. That is what Ed-Flex allows. It is a fresh, creative approach to Federal-State relations, one that has enormous potential for improving the delivery of services to the poor and all Americans.

So I say to the Senate that we have a chance to take a new, creative path with respect to Federal and State relations where one side says all the answers reside in Washington, DC, and the other side says, no, they all reside at the local level. The third path that is being taken by Ed-Flex, that is being taken by my State in health, in welfare, in the environment, says to the Federal Government: At the local level, we will meet the requirements of Federal law, Federal education law. We will be held accountable. But in return for holding us accountable, give us the flexibility so that we can ensure that we come up with solutions that work for Coos Bay, OR, and The Dalles, OR, and you don't take a ''one-size-fits-all'' cookie-cutter approach and say that what is done in the Bronx is what is going to work in rural Oregon.

Before I wrap up, I would like to pay a special tribute to our former colleague, Senator Hatfield. I served in the House when Senator Hatfield took the lead in 1994, working with Senator KENNEDY and others, to promote this approach. In my view, his record alone, standing for years and years for civil rights laws, for health laws and safety laws, would suggest that there is a commitment by the sponsors of this legislation to ensure that this helps the poor, not hurts the poor.

If there was one example, Mr. President, even one, of how an Ed-Flex waiver has harmed the poor, I know I would immediately move to address that and to ensure that our legislation didn't allow it. But we have no examples of how in any of those States the poor have been exploited or taken advantage of. We have plenty of examples of how Ed-Flex has worked in Texas where the scores have gone up, in Maryland where it has reduced class size, in Oregon where poor kids who couldn't get advanced computing under the status quo were able to use Ed-Flex dollars to get those skills that are so critical to a high-skill, high-wage job.

So I urge the Senate today to vote for the motion to proceed, vote for the bill, empower the communities across this country to earn the right to use Federal education dollars to serve the vulnerable in our society most effectively. This is not the sole answer to what is needed to improve education, public education, in our country, but it is an important step, because it shows the people of the country that we can use existing Federal funds more effectively, that we can be more innovative in serving poor kids. It seems to me that step does a tremendous amount to lay the foundation to garner public support for areas where we need additional funds.

We are going to need additional funds for a number of these key areas that the Senator from Minnesota is right to touch on. But let's show the taxpayer that we are using existing dollars effectively, as we have done in Oregon, as we have done in Texas, as we have done in Massachusetts, in line with objectives that, as far as I can tell, are widely supported on both sides of the aisle.

I see the Senator from Tennessee has joined as well, and the Senator from Minnesota was kind enough to give me time from his allocation. I would just wrap up by thanking the Senator from Minnesota and also say that I very much appreciated working with the Senator from Tennessee on this legislation. I think it is clear that the country wants to see the U.S. Senate work in a bipartisan way on this legislation.

This bill had exhaustive hearings in the Senate Budget Task Force on Education. It was debated at length in the Education and Labor Committee, where it won on a 17-to-1 vote in the last session of the Senate. Since that time, as I have outlined in my presentation, additional changes have been made to promote accountability.

I urge my colleagues to support the legislation.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take about 5 or 10 minutes, and then I will yield back the rest of my time. I have had several hours. I say to my colleague from Tennessee that I will yield back my time because I have to give a talk with law enforcement people in Minnesota via video.

There are some students from Minnesota who are here. Welcome. We are glad you are here, and teachers and parents.

Let me just make three points.

First of all, although we will have tougher debate later on, I say to my colleague from Oregon, we certainly didn't have any lengthy debate on Ed-Flex this Congress. We never had a hearing—not one hearing at all. When my colleague says they can't talk about any abuses, the fact of the matter is that both the Congressional Research Service and GAO—I am not prejudging one way or other, but it is difficult to talk about what is going on—both have said we don't have the data in yet. We don't have the data in. What is the rush? I might have a different judgment about this on the basis—I don't know whether I will generalize 12 States to 50 States, but I certainly might be less skeptical if in fact we had the data and if we had the reports in. We don't. But we are rushing ahead.

The second point I want to make is that my colleague talks about the ''core'' requirements. Certainly it is true that, with IDEA, the core requirements are kept intact. But as a matter of fact, we will see that the truth will be very clear with this amendment. I will have an amendment on the floor, and it will simply say that the core requirements are that title I students be taught by highly qualified professional staff, that States set high standards for all children, that States provide funding to the lowest income schools first, that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards, and that the vocational programs provide broad education and work experiences rather than their own job training. I will have an amendment

that says those core requirements will be fenced off and no State or school district will be exempt.

Can my colleagues tell me that that is the case right now? If so, then that amendment will pass with overwhelming support. Right now, that is not in the bill. Do you have language in the bill that guarantees that all those requirements will be met?

Mr. WYDEN. Yes. I think your amendment is OK.

Mr. WELLSTONE. Do both my colleagues agree? Lord, we don't even have to have a debate on it.

Mr. FRIST. Mr. President, I would be happy to respond.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, clearly, we would like to get to the bill, and we can actually talk about what is in the bill. The bill has not been, as you know, introduced in the managers' package. And I hope that, although the morning hour has been reduced, we can get to the bill and discuss what is in it or not.

For a State to become a title I State, in both existing law as well as what we will have in our bill, you have to have the full complement of title I requirements, which will be spelled out.

You can't be an Ed-Flex State both today and in the future law. So is it in the bill? Because you can't be eligible unless they are actually in. For the very specific things, if we could introduce it, there is a whole list of accountability clauses I would like to get to after we introduce the bill formally, if we could do that, talk about the core principles and the protections and the accountability.

Mr. WELLSTONE. I say to my colleague, this amendment will say that States cannot waive the following core requirements. These have been the core requirements of title 1.

Would my colleague agree that States will not be able to waive these core requirements?

Mr. FRIST. I have not seen the core requirements. I didn't hear what the core requirements are specifically. But if you would allow us to proceed to the bill at some point, at the appropriate time—right now, as you know, we have given the Senator the last 3 hours so he can make these points. We are ready to go to the bill, introduce to America a great Ed-Flex bill, as soon as the Senator is finished.

Mr. WELLSTONE. Just to be clear, I get a different message from my two colleagues here. This is where the rubber meets the road. I spent a lot of time on what Ed-Flex doesn't do and what we should be doing. My point right now is that every single person I know who has worked on title I and knows what it is all about is absolutely committed and insistent that the core requirements be fenced in, remain intact, and no State can get a waiver, no school district can get a waiver. I am asking the Senator whether he agrees. If the Senator agrees, this certainly makes it a far better bill than it is right now.

And my second question is, What about the 75 percent rule? That is a core requirement right now. We worked that in in 1994. Would both of my colleagues agree that schools with 75 percent low-income students or more should be first priority in funding and that we keep that in as a requirement, so that we don't lessen the financial aid to the neediest schools? Would you agree? Could I get support for that right now?

Mr. FRIST. I would respond to my distinguished colleague from Minnesota, that if we could introduce the bill and discuss the bill before specific amendments—right now we have not had the opportunity because of these delaying tactics, which is what they are, so the Senator would have the opportunity to have 3 hours to lay everything out—if the Senator would just allow us to at least bring this bill to the floor at some time so we can discuss and formally debate and read the amendments—he is talking about an amendment which I have not seen. I haven't had the opportunity to see it. The Senator hasn't presented it. It is a little bit strange to be debating specific amendments and principles to amendments before the bill is introduced.

So let me just make a plea to the Senator to allow this bill to be formally introduced, debated, amendment by amendment, if the Senator would like, and I think that is appropriate, but we can't do it unless the Senator allows consideration of this bill. Right now it is important for the American people to understand that we, because of what is going on right now and what we are hearing, cannot proceed until the Senator from Minnesota allows us to proceed with the underlying bill.

So I will just ask, Is the Senator going to allow us to proceed to address the Ed-Flex bill?

Mr. WELLSTONE. Mr. President, my colleague, first of all, well knows that we are going to be allowed to proceed, because I asked for several hours and I have about used up my time. So we are going to proceed.

My colleague already knows that, so there is no reason to press, to make the case. With all due respect, we could have a discussion about these issues right now. We can have the discussion about them later on. I have spent a considerable amount of time pointing out right now that in the bill, as it reads, States can receive a waiver from these basic core requirements of title I. I want to make sure we have the strictest accountability measures to make sure that will not happen. I have pointed out that right now, as the bill currently stands, States can receive a waiver from the 75-percent requirement.

Mr. WYDEN. Will the Senator yield?

Mr. WELLSTONE. I want to make sure that doesn't happen.

I will be pleased to yield. In fact, I literally have to leave in a minute

Mr. WYDEN. This will be only 30 seconds.

On page 12, line 12 of the bill, it states, and I quote:

> The Secretary may not waive any statutory or regulatory requirement of the program.

Point blank. You cannot waive any of the core requirements. I thank the Senator for yielding.

Mr. WELLSTONE. Mr. President, I would say to my colleague from Oregon, that if we have the same interpretation—and we will see; I get a somewhat different reaction from my colleague from Tennessee—I will have an amendment with clear language that lists those core requirements and makes it crystal clear that they are fenced in and that no State or school district can receive any waiver on those requirements, in which case that will be some good accountability, in which case I would expect full support for it. My interpretation is a different one. If you are right that we already have the ironclad guarantees, then this amendment should pass with 100 votes.

Mr. President, let me simply thank my colleagues. We don't agree, but I think it was important to have the opportunity to speak about this bill and give it, I think, a wide context and to speak to what I think are the flaws. We are going to have a spirited debate with any number of amendments, and I hope ultimately this ends up being a very positive piece of legislation that will make a positive difference in the lives of children. In its present shape and form, it does not do that. And we will have a major debate.

I will yield back the remainder of my time, and I say to my colleagues, I will not be asking for the yeas and nays. We can just have a voice vote.

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. FRIST. 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. FRIST. Mr. President, I would like to very briefly respond to a couple of points that have been made over the course of this morning.

The distinguished Senator from Minnesota has made a number of points in outlining his view of what needs to be done with education in this country as we go forward. His time was delegated to him so that he would have that opportunity, although a lot of us are anxiously waiting to get to the bill itself, the Ed-Flex bill, which is the subject of our debate over the course of today, tonight and tomorrow, and probably the next several days.

First of all, he has outlined many of the challenges that we do have in education today. The great thing about this whole debate is that whether it is his intentions or my intentions or the intentions of the Senator from Oregon,

it really is to address the fundamental issues of education, of really making sure that our children today, and in future generations, are best prepared. And they are not today. We all have come to that conclusion. Parents recognize that and principals understand that, and teachers and school boards and Governors, and all the various groups that we will hear about.

That is the great thing, that as the No. 1 agenda item coming out of this Congress and the Senate, we are addressing education. Let me say that the approach is going to be different. There won't be a lot of heated debate. What needs to be protected, which programs to address, how to address them, how much control does the Federal Government have, how much control do the local communities have or do parents have or do Governors have, that will be the subject of much of the debate that we will hear.

A second big issue is flexibility. People on both sides of the aisle are so well intentioned, and we all have our favorite education program and we think that that program might be the silver bullet, but we all know that there is no single silver bullet as we address this whole issue of educating our young people, preparing them for that next century.

Let me say that right coming out of the box, before we even introduce this bill formally, which I think will be done early this afternoon: This bill is no silver bullet either. It does address the basic principles. It is not a series of programs that are well intended that may cost money, that may be very good in and of themselves, but it sets that principle that does allow more flexibility, more creativity, more innovation in accomplishing the goals that most of us agree to. This bill does not change the resources going in, nor does it change the goals, but it does reorder our thinking of how to get from those resources to those goals. And what it does, it drops the barriers with strong accountability.

When we talk about flexibility and we talk about accountability, that is what this bill does. Not the resources, not yet; we are going to have that argument over the course of the year with what is called—we will all become very familiar with it—the ESEA, the Elementary and Secondary Education Act. There is an ongoing discussion right now in Senator JEFFORDS' committee, the Health, Education, Labor, and Pensions Committee. That is ongoing and hearings will be held and that is where we will be looking at all these multiple well-intended programs. We will be looking at all the resources going into education. Is it too little? Is it too much? Should we divert certain of those resources to certain programs?

That is not what we are doing today or tomorrow in the Ed-Flex, the Frist-Wyden Ed-Flex. That is not what we are doing. We are looking at how to streamline the system, make more efficient use of those resources, trust our local schools and local teachers and local principals who can identify specific needs in order to improve education, and make sure those resources are used in the appropriate way to meet the goals that we all lay out. That is an important concept, because a lot of these amendments that are being proposed, principally on the other side of the aisle and maybe solely on the other side of the aisle, will be to make some good, strong points that this program is great. You will hear me and others say let's consider all of those issues, but we need to consider them in the context of what we are doing with education totally and that is not what this bill is all about. This is about the Education Flexibility Partnership Act, the Ed-Flex Act.

I want to begin with that because it does set the overall environment in which this debate can most intelligently be carried out. Without that, we are going to drop into these whirls of rhetoric: Although this program will really turn things around—and we all should recognize right up front we cannot look just at rhetoric.

I heard three points over the last 3 hours that my colleague from Minnesota mentioned. No. 1, we are rushing through this thing and we are trying to jam it through the U.S. Senate and thrust it upon the American people. You hear these words ''rushing it through, rushing it through.'' The second point he seemed to make this morning was that in some way Ed-Flex hurts poor children. And then he said there is no data, there is no evidence, there is no information; let's wait until we generate some information before we go forward. In some way it hurts poor children, that was almost the theme. So I think we need to respond to that and move on and look at the great things this bill does.

The third point he made is that our bill does not address a lot of specific programs that he would like to address, and it is nutrition needs and it is Head Start and a lot of afterschool programs and a lot of programs which are very important to education and need to be discussed. We need to go back and evaluate. But that is not what Ed-Flex is intended to do. That is not what the Ed-Flex bill is all about.

What we have is a bill that was generated by myself and Senator WYDEN, who just spoke on the floor, that is a bipartisan bill that represents strong support with all 50 Governors—every State Governor is supporting this piece of legislation. It is bipartisan, symbolically, because it is RON WYDEN and BILL FRIST out there who have been working on this bill for the past year.

We will talk, after the bill is introduced, about the broad support that it has. But we all know the President said last week: Let's pass Ed-Flex this week. The Department of Education has been very supportive of this bill throughout. Unfortunately, I think what we heard this morning may be a prelude to what we can expect, and that is going to be a series of programs which have billion-dollar price tags, million-dollar price tags, that will be billed as the best program out there. And some of those programs are really going to appeal to our colleagues and to people listening to this debate. They will say: Yes, things like more teachers and construction and all would be good, and they are very concrete and real. Again, we are going to look at those later.

Real quickly, as we go through, are we rushing this through? Let's make very clear that we are not rushing this through. We addressed this in the committee, the appropriate committee of Health, Education, Labor, and Pension, which is the former Labor Committee. Senator JEFFORDS will be managing this bill with me. He has been very thoughtful, and over the period of time through a number of different discussions, we have debated the bill, we marked this bill up—again, that is terminology inside this room—but that means we have discussed this bill, we have debated these amendments, many of them, both last year when it sailed through the committee we debated each of these issues and then again this year.

It is important for the American people to understand that, yes, this particular bill passed last year 17 to 1; that one person, that colleague we have heard from this morning and I am sure we will hear from again and again. But recognize it passed 17 to 1. We ran out of time at the end of the last Congress. It came back through the committee and was marked up just several weeks ago and, again, was passed out and sent to the floor.

The General Accounting Office study which has been cited, which will be referred to—again, I will have to turn to my colleague, Senator WYDEN, and say thank you. He is the one who initially requested that, the initial request to GAO which came back with the report, and out of the report we have been able to see great benefits and also some of the areas in which we need to strengthen our legislation, which we have done so we can go ahead and move ahead with that flexibility and accountability.

Then ''rushing this through,'' when you think about most of the education we address here, we have not had an experience of 5 years. Remember, this is a demonstration project today. There are 12 States that have Ed-Flex—passed in 1994 with six States; another six States added on to that. So we have a 5-year experience in 12 different States with this program already. So, yes, we know that it works. So, are we rushing it through? You can just move that argument right to the side.

No. 2, it hurts poor children? This is remarkable because it was really the theme of this morning: In some way, Ed-Flex hurts poor children. Let me just look to some outside groups who have looked at this.

If you refer back to the chart behind me, it is the report of the Citizens'

Commission on Civil Rights, a wonderful report that may be referred to several times in the course of the next several days, issued in the fall of this past year, and they hit right at the heart. Really, I think we can just move on, almost:

In the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

Then, if we look for hard data, again we have heard all this rhetoric about, ''Oh, we have a potential for hurting poor children; we have the potential for this.'' Clearly, you can create hypotheticals in any piece of legislation, in any statute, any regulation, and politicians are pretty good at it. We can create hypotheticals and say if this were to happen it would destroy education and so forth. My approach is a little bit more the scientist.

Before coming to the Senate, I spent time looking at data and that scientific, analytical mind may interfere with some things, but it does cause me to ask the question: What data do we have? What is the hard data and what is the evidence? And let me just look at some of the areas that were mentioned.

Texas, which has a very successful Ed-Flex program, has accumulated some representative data which looks at three different areas. It is going to be hard to read, but at the top it looks at African American students; beneath that it looks at Hispanic students; and beneath that it looks at economically disadvantaged students.

The far left column shows 1996, the next column over shows 1997. The column I want to concentrate on is, ''Actual change.'' Remember, this is hard data, looking at a State that compared Ed-Flex to non-Ed-Flex.

If you look at that middle column—let me just drop right down to the bottom where it says ''Economically Disadvantaged Students.''

In 1996—this is for mathematics. This is a statewide comparison of selected campuses in title I, part A. Title I is the disadvantaged students element which we heard so much about this morning. We see in those States, like Westlawn Elementary, La Marque ISD, with the title I schoolwide waiver, in that column we see an improvement of 16.8 percent. These are just with the disadvantaged students. The statewide average was an improvement of 8 percent.

Thus, for those disadvantaged students, if you compare the Ed-Flex program, we see that students improved twice as much in the very population that we hear this rhetorical concern about. Again, this is hard data, representative data.

We look at African American students compared to the statewide average. In the Ed-Flex, African American students at Westlawn Elementary, we see they improved by 22 percent; statewide average, 9 percent—again, more than a doubling of improvement in the Ed-Flex schoolwide waiver program.

Halfway down you see Hispanic students. Again, if you take the entity of Westlawn, you see an improvement of 16 percent versus 7.9 percent—again, that Ed-Flex school doing twice as well under a schoolwide waiver as they would otherwise do. And this is representative data. Again, once we get to the bill, you will see.

So we see that the Commission on Civil Rights—we see hard data. There are other examples from Massachusetts we will hear about.

And then I guess really the fundamental thing I will come back to later is, our bill can't hurt poor children, because the dollars have to be used. Going back to my earlier comments, we do not change the dollars and we did not change the ultimate goals in the targeted population. Our bill does not do that. So by law, if you are targeted for this population, the money and the programs have to go there. How you get there is where the flexibility comes in.

One last point I referred to, which was his last point, was that we are not addressing nutrition and other well-meaning programs, again, that we will hear paraded out. Let me just say that is not the intent of this bill. We can discuss them. We can introduce them. Those sorts of issues will be discussed in the chairman's committee appropriately, where they can be debated, where we can consider all of the resources, all of the programs, recognizing there is not one single silver bullet to cure education, the challenges of education. The Elementary and Secondary Education Act is the appropriate forum that this body has to consider these issues.

With that, I thank you for this opportunity to speak and thank the chairman for yielding time.

Mr. JEFFORDS. Mr. President, I understand the Senator from Oregon desires some time.

Mr. WYDEN. I thank the Senator from Vermont. I could wrap up very briefly, even in, say, 5 minutes.

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

Mr. WYDEN. I thank the chairman.

Senator FRIST has said it very well. Mr. President, and colleagues, all we want to do under Ed-Flex is to make sure that these dollars get into the classroom to help poor kids and not get chewed up by bureaucratic redtape.

Ed-Flex is not a block grant program. It is not a voucher kind of scheme. The people who are advocating Ed-Flex in my home State of Oregon do not want a Federal education program to go away. Quite the contrary, they want those programs. They know that we need those dollars to serve low-income students. What we want is, we want some freedom from some of the Federal water torture and bureaucratic redtape that so often keeps us from using those dollars to better serve the poor.

I would just hope, Mr. President, and colleagues, that during the course of the afternoon colleagues look at the requirements that protect the poor families and the poor children that cannot be waived under the Ed-Flex statute. Specifically, it is not possible to get a waiver if you are trying to waive the underlying programs of each of the critical services that is made possible under title I. You cannot do it. And as I stated earlier, you can only use those dollars in a low-income school district; you cannot move those dollars out of a low-income school district and take them somewhere else.

So there is a reason for the Governors and all of the Democratic Governors supporting this legislation. I happen to have some sympathy for the Senator from Minnesota about the need for additional dollars for a variety of human services. But the best way to win support for that additional funding is to show that you are using existing dollars well and effectively. That is what Ed-Flex does.

I am very pleased to have had a chance to team up with Senator FRIST of Tennessee who has worked very hard to bring both parties together. And I thank the Senator from Vermont for the time.

I yield the floor, Mr. President.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I yield back all our remaining committee time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

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

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment on page 11, line 22, to strike ''Part A'', and insert in lieu thereof ''Part B.''

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending committee amendment be agreed to and be considered as original text for the purpose of further amendment.

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

The committee amendment was agreed to.

AMENDMENT NO. 31

(Purpose: To improve the bill)

Mr. JEFFORDS. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 31.

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

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

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

Mr. JEFFORDS. Today, Mr. President, we are taking up what I would call ''unfinished business'' from last Congress. Our bipartisan efforts in the last Congress resulted in nearly 30 public laws, about a third of them in the area of education. However, there was one bill that was reported from the Health and Education Committee with broad bipartisan support, the Ed-Flex bill, that was not enacted into law.

A year ago, the President told the Nation's Governors that passage of this legislation—and I quote him—''would dramatically reduce the regulatory burden of the federal government on the states in the area of education.''

Six months ago, Secretary Riley wrote me to reiterate the administration's support for the Ed-Flex bill and urged its passage. The Senate Health and Education Committee heeded his advice and passed it with only one dissenting vote.

The National Governors' Association, under the chairmanship of Governor Carper from Delaware, has strongly urged the Congress to pass Ed-Flex this year.

Last November, the General Accounting Office looked at this program in detail, both at the dozen States that now participate in the Ed-Flex program and the 38 that potentially could participate under this legislation. It found that views among the current States varied, but it was seen as modestly helpful.

It would be a gross overstatement to suggest that this bill will revolutionize education. It will be a sensible step in making our limited resources go further toward the goal of improving our education delivery system.

The Department of Education, under the leadership of Secretary Riley, has stated that Ed-Flex authority will help States in ''removing potential regulatory barriers to the successful implementation of comprehensive school reform'' initiatives.

I would like to take a moment to briefly review the history of Ed-Flex. The original Ed-Flex legislation was first conceived by former Senator Mark Hatfield, as many of us know, an individual deeply committed to improving education. His proposal had its roots in his home State of Oregon which has long been a role model in education.

Under Ed-Flex, the Department of Education gives a State some authority to grant waivers within a State, giving each State the ability to make decisions about whether some school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to State or local education agencies. They have no authority to waive any of those.

The 1994 legislation authorized six Ed Flex states, three designations were to be awarded to states with populations of 3.5 million or greater and 3 were to be granted to states with populations less than 3.5 million.

These states were not chosen randomly nor quickly—the selection process was 2 and one-half years in duration. The Department of Education sent out a notice and a state interested in participating in Ed Flex submitted an application.

In the application, each interested state was required to describe how it would use its waiver authority, including how it would evaluate waiver applications from local school districts and how it would ensure accountability.

The original six are: Kansas, Massachusetts, Ohio, Oregon, Texas, and my home state of Vermont. Another six states came on board between May 1996 and July 1997. Those additional states are: Colorado, Illinois, Iowa, Maryland, Michigan, and New Mexico.

Vermont has used its Ed Flex authority to improve Title One services, particularly improving services for those students in smaller rural areas. In addition, my home state has also used Ed Flex authority to provide greater access to professional development, which is a very critical area and perhaps has the greatest impact on enhancing student performance.

The Department of Education has stated that the 12 current Ed Flex states have ''used their waiver authority carefully and judiciously.''

In last November's GAO report on Ed Flex, several state officials from the established Ed Flex states, said that ''Ed Flex promotes a climate that encourages state and local educators to explore new approaches . . .''

The bill before us today, S. 280, under the sponsorship of Senator BILL FRIST and Senator RON WYDEN, has significantly improved the accountability aspects of the 1994 Ed Flex law.

S. 280 is very specific regarding a state's eligibility under Ed Flex authority. The bill makes it clear that a state must have state content standards, challenging student performance standards, and aligned assessments as described in Title 1 or the state must have made substantial progress, as determined by the Secretary, in implementing its Title 1 state standards.

This legislation also emphasizes the importance of school and student performance. Each local education agency applying for a waiver must describe its ''specific, measurable, educational goals'' regarding progress toward increased school and student performance.

As I indicated earlier, this legislation is not meant to serve as the sole solution to improving school and student performance.

However, it does serve as a mechanism that will give states the ability to enhance services to students through flexibility with real accountability.

I urge my colleagues to support S. 280 and to withhold extraneous amendments that will delay and complicate its enactment.

I take this opportunity to thank Senator BILL FRIST and RON WYDEN and their staff for their hard work on this legislation.

They have done an outstanding job and I commend them for their efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I am happy to rise in support of the Ed-Flex legislation. I want to commend Chairman JEFFORDS and Senator FRIST for their outstanding work, as well as Senator WYDEN for his bipartisan efforts on behalf of this legislation which I think takes a tremendous step—a bold step—toward improving education in our Nation's schools.

I listened closely to some of those who spoke earlier today and yesterday in opposition to this legislation. Time and time again, I heard the advocacy of greater spending, as if spending were the sole gauge for our commitment to better education in this country.

I heard time and time again that Ed-Flex was nothing or that it did nothing. The fact is that providing greater flexibility for our State departments of education, providing greater flexibility for local school districts, is the single best thing that we can do to untie their hands, to take the straitjackets off local educators and ensure that they, in fact, have the ability to make the decisions that are going to be in the best interests of the students in this country.

I remember well when I came to the House of Representatives, the U.S. Congress, in 1993, and the great debate was on what we should do about welfare reform. We had established across this country a process by which States could apply for waivers from the burdensome welfare regulations mandated on the Federal level. While not all of the analogy between welfare reform and education reform today fit—there are many differences—there are also a number of similarities.

The first step toward what became comprehensive welfare reform was the ability for States to apply for waivers and escape the heavy-handed mandates coming out of Washington, DC. That first step on waivers led us to the much broader step of block grants and comprehensive welfare reform, which has worked, and which has taken thousands and thousands of people who were living lives of dependency on welfare to now lives of independence, lives of hope and greater prosperity.

It has worked in spite of the dire predictions about giving the States the

flexibility to enact what they believed would work in their States in welfare reform; it has, in fact, accomplished the stated goals.

I believe that while this, as has often been said, is not an end-all, it is not a cure-all for educational woes in this country, providing the States an ability to escape Washington mandates so long as they are accomplishing intended purposes with proper accountability is an important first step to take. I hope we will go further. I hope we go to dollars to the classroom that will consolidate a number of Federal education programs. But this is bold and this is important. I commend the bipartisan efforts to bring us to this point.

I think what we are addressing in this legislation is the tragedy of bureaucratic waste. We have heard repeatedly the statistics that have been cited, and I think accurately cited, that we have 760 Federal education programs; that those 760 Federal education programs spend approximately 6 or 7 cents on the dollar in funding for our local schools, while mandating 50 percent of the paperwork required for our educational programs.

When PETE HOEKSTRA in the House of Representatives began his Crossroads Project, looking at education in America, one of the first things he did was to try to catalog the number of Federal education programs. I have the transcript of Secretary Riley before Congressman HOEKSTRA's committee.

Chairman HOEKSTRA: How many education programs do you estimate that we have throughout the Federal Government? [A rather straightforward question to ask of the Secretary of Education.]

Secretary RILEY: We have—what is the page? It's around 200. I've got it here. One thing that I do think is misleading is to talk about 760—

Chairman HOEKSTRA: Well, how many do you think there are?

Secretary RILEY: We have—I've got a page here with it.

Chairman HOEKSTRA: Just the Department of Education alone or is this including all other agencies?

Secretary RILEY: It is just a couple less than 200.

Chairman HOEKSTRA: Is this just the Department of Education?

Secretary RILEY: Just the Department of Education.

Chairman HOEKSTRA: Well, how about including other agencies and those kinds of things.

Secretary RILEY: Well, that is where I was going to get into the 760.

It goes on. Congressman HOEKSTRA explains the process they had to go through to actually come up with the figure 760 Federal education programs, and, in fact, it is quite well verified. So 760 programs that had never even been cataloged, when you asked the Department, they didn't even know how many there actually were. What we are suggesting is that those 760 education programs place an enormous paperwork burden on classroom teachers, local educators, and on a State's department of education. It is in that area that we can address the enormous bureaucratic waste.

Now, it was said repeatedly that this bill is nothing. I want to quote a man I admire greatly, and he is quoted in the Fordham Foundation report entitled ''New Directions.'' That individual is the Rev. Floyd Flake. Many of you will recognize that name because Floyd Flake was a Congressman from New York State for many, many years, representing his constituents very well, but who was willing to step outside of the box and, in fact, he was so committed to education reform and improving the lives of the children of his constituents in New York, he left the U.S. Congress—a safe seat for sure—and went back to his home district to run a school and pastor a church. This is what Rev. Floyd Flake said, an African American pastor who served in the U.S. House as a Democrat:

While over $100 billion in title I funds have been expended on behalf of these children—

that is, children at risk—

these funds have not made much difference. Study after study has shown that this important Federal program has failed to narrow the achievement gap. The result for America's neediest girls and boys is nothing short of tragedy. Real education reform will transform the future prospects of America's minority and low-income children, but this cannot come primarily from Washington. What the Federal Government can do is get out of the way of States and communities that are serious about pursuing real education reform of their own devising.

I believe Reverend Flake, Congressman Flake, has hit the nail on the head. We have heard much very strong, emotional and passionate talk about the needs of disadvantaged children. I don't believe anybody can question Pastor Flake's commitment to disadvantaged children. He said the best thing we can do is get Washington out of the way. So I believe we can address the tragedy of bureaucratic waste by passing Ed-Flex.

Secondly, we address the logic that one size fits all; that wisdom flows only from Washington, DC; that the U.S. Congress has the wisdom and ability to micromanage our schools. So we hear much about accountability and that somehow by providing States broad, new flexibility we are going to water down or minimize accountability.

Well, I believe it is a very high form of arrogance to say that we don't trust local elected officials, we don't trust local school superintendents who are hired by that local school board, that we don't trust the Governors of our States, that, in fact, only we can make those decisions about what accountability should be. ''One size fits all'' rarely works in a country as diverse as the United States of America. To believe that we can micromanage local schools from Washington, whether they are in inner-city New York City or Desha County, AR, or whether it be in Detroit or in Miami, the differences in our cultures, our social backgrounds, and our needs across this country are so great, we are so diverse, that to believe that we can properly diagnose and then treat educational problems from Washington, I think, is foolish, indeed.

In fact, as you look over the history of the last 30 years of education in this country, we have seen, by every objective measurement, a deterioration in academic success. I suggest to those who oppose this bill that they are attempting to defend a status quo that is demonstrably flawed. We can address the tragedy of ''Washington knows best'' and that we don't trust those local officials. What brings us to the floor today—what brings this legislation to the floor today is the crisis that exists in American education.

I listened to the distinguished Senator from Minnesota. He used many of the same statistics that I quote. He quoted many of the same reports that I have before me, which emphasize and underscore the crisis we face in American education. But it seems to me that the opponents are saying it is a terrible crisis and therefore we need to keep the status quo, we need to fund current programs at higher levels, when what we have been doing has clearly failed.

So what this bipartisan bill does is to say, let's try a new approach, and that innovation, creativity, and new ideas are coming from the States and local schools. Let's give them the flexibility to enact those reforms, and I believe we will see education truly improve.

The federally funded National Assessment of Educational Progress, the NAEP report, reports that 38 percent of 4th grade students do not even attain ''basic'' achievement levels in reading. In math, 38 percent of 8th graders score below basic level, as do 43 percent of 12th graders in science.

I point out that there is an obvious trend there. In the lower grades, we do better; in the higher grades, we do worse. That reality was further emphasized in the TIMSS test report, which is the best measurement of an international comparison of student achievement. The TIMSS report shows that while we do quite well in math and science in grade 4, compared to students in other countries, by the time those students reach the 12th grade, they are almost at the bottom, internationally. So something has clearly gone awry between grade 4 and grade 12.

I believe that is a strong incentive for us to change the direction of education in this country. The Fordham Foundation report is well named: New Directions. It is high time that we find new directions in education, and that is what Ed-Flex does. It is a first step, but it is an important step, freeing us from bureaucratic waste and inefficiency. As President Ronald Reagan used to say, ''The only thing that saves us from bureaucracy is its inefficiency.'' The tragedy is when you look at the inefficiency in the education bureaucracy, those whom it is hurting are those who are most vulnerable—our children, our students.

Lisa Graham Keegan, Arizona State Superintendent of Public Instruction, recognizes this. She has stated that it

is ''the lure of Federal dollars tied to programs with hazily defined goals,'' and compliance with those Federal programs is a big cause of the problems we face in education today. Keegan specifically indicates that 165 employees in the Arizona Department of Education are responsible for one thing, and one thing only, and that is managing Federal programs—165 employees just to manage the Federal programs, which account for 6 percent of Arizona's total spending on education.

Now, those 165 employees work out to be 45 percent of her total staff. She has 45 percent of her educational staff in the educational department in Arizona doing nothing more than complying with Federal programs that account for only 6 percent of the funding for Arizona schools.

Something is badly out of kilter when that happens. And it happens not only in Arizona, but you can echo those same sentiments by directors of education across this country.

This is an opportunity for us to move in a new direction.

President Clinton has made it very clear that he decided the problem with education is class size; that smaller class size is a good thing, and that even if the Federal Government has to step in and do it, that is what we should do. No research indicates what the impact of class size is going to have on a child's ability to learn. Despite this there is a $1.2 billion proposal to spend tax dollars to reduce class size. That will be a debate for another time. But I think once again it reflects the traditional thinking that we can only solve education problems with Washington solutions.

In 1996, then-Governor VOINOVICH of the State of Ohio who is now our colleague in the U.S. Senate noted that local schools in his State had to submit as many as 170 Federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of Federal programs; this despite the fact that the Federal Government accounts for only 6 percent of Ohio's educational spending. One-hundred and seventy Federal reports, Governor VOINOVICH said, 700 pages in length, and 50 percent of the paperwork, and once again only 6 percent of the educational spending in Ohio.

Then I think the experience in Boston illustrates this need for Ed-Flex as well. I quote again from this very important report. It states:

> Unfortunately, even this estimate is likely to underestimate the true paperwork burden to local schools and universities across the country.

According to the President of Boston University, John Wesley, Boston University spent 14 weeks and 2,700 employee hours completing the paperwork required to qualify for Federal title IV funding. They were slowed by repeated corrections and clarifications requested by the Department of Education. And, in the end, the university spent the equivalent of 1½ personnel years compiling what turned out to be a 9-pound application.

I wish that were unusual. It may be unusual. But they actually compute it where it can be quantified. But I am afraid that reflects the experience of the education establishment all across this country.

I know that there are many others who want to speak on this bill. I, once again, applaud so much of the efforts of Senator FRIST, Senator WYDEN and Chairman JEFFORDS.

My sister is a public schoolteacher in Rogers, AR. She, right now, I suppose is teaching her third-grade class in Reagan Elementary School in Rogers, AR.

I was thinking last evening about my experience in elementary school in a little town with a population of less than 1,000. And I can to this day name every elementary teacher I had. The first grade, Ms. Jones; the second grade, Ms. Harris; the third grade, Ms. Miller; the fourth grade, Ms. Shinpaugh; the fifth grade, Mrs. Allen; the sixth grade, Mrs. Comstock. I can't do that with junior high school or college.

But the impact that an elementary teacher makes upon those students is beyond exaggeration, I think. Most of us, I suspect, can look back at those elementary teachers who had an incredible impact upon our lives. There is a kind of magic that takes place in a classroom. Chairman JEFFORDS sees it every time he goes over and reads to those disadvantaged children. All of us who have taught, whether it was in junior high teaching civics, as I did, or whether it is teaching third grade in the public schools just like my sister does, have experienced that magic where the light comes on, where those students connect with their teacher, the thrill of learning and where the experience of education catches on in a classroom.

I suggest to those who want to talk about the need for greater control in Washington and who want to oppose providing flexibility to local schools that they remember that the magic happens in the classroom.

I want my sister, Geri, spending her day teaching those students, creating the magic, inspiring those kids to learn and to appreciate the value of education rather than spending her day filling out forms for the 6 percent of funding that comes from Washington, DC. I don't want her having to spend her prep hour filling out more forms for bureaucrats in Little Rock and Washington.

Mr. President, I believe this is a bold step. I hope it is not the last one that we take. But it is an important step. I applaud, once again, and am glad to be a part of supporting this effort today.

I thank the Chair. I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. BOND). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator SANTORUM be added as a cosponsor of both S. 271 and S. 280, the Ed-Flexibility Partnership Act of 1999.

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

Mr. FRIST. Mr. President, I want to take a few moments to speak on Ed-Flex and give just a little bit of background of what the bill is, the importance of the bill, and where we are going.

Earlier this morning I had the opportunity to comment on the nature of the bill—that it is not a bill that is intended to solve all of the problems in education today, but it is a focused bill, a bill which will be of significant benefit to hundreds of thousands of schoolchildren. And, if we act on this bill sometime in the next several days, and if the House does likewise with its corresponding bill, it could be sent to the President very shortly, and hundreds of thousands of schoolchildren can benefit in the next several months. That is why we are moving ahead with this particular bill.

It has strong bipartisan support. It is supported by the Nation's Governors, and by Democrats and by Republicans.

I thank my colleague from Arkansas who I think did a wonderful job setting the big picture and the fundamentals of why a bill that stresses flexibility and accountability really unties the hands and unshackles the schools which right now have huge amounts of paperwork and regulations coming down from well-intentioned laws and statutes passed here in Washington, DC, but really makes it very difficult, in fact impedes their ability to efficiently do what they want to do, and that is teach students and educate our children.

I thank Senator HUTCHINSON for that wonderful background and presentation. He mentioned the Third International Math and Science Study (TIMSS), and although we are not going to be talking a lot about that today, it is interesting because this study, which is an objective, very good study, recognized nationally and internationally, is a good measurement of where we are today. It reflects the common interests that we have as American people on both sides of the aisle to present a better future to our children by preparing them.

Behind me are the results of the Third International Math and Science Study. It is a little bit confusing when you see the chart. But after digesting lots of different studies, the more time one looks at this chart the more comfortable it is. And this chart has a lot of information which hits right at the heart of why we have the problems we have today.

This particular chart highlights science. I have other charts that I won't show today that also highlight similar statistics for mathematics. But the statistics are very similar, whether it is reading, science or math that is being evaluated.

Let's look at science.

In the first column, it is grade 4. As the Senator from Arkansas said, the TIMSS study looks at grade 4, looks at grade 8, and looks at grade 12—all of those green lines going down in the print. There are different countries that are involved. So you will have a relative standing of how well the United States does in grade 4, 8 and 12 versus other countries.

Again, the studies are very good, very carefully controlled from a scientific standpoint, and right on target. For example, grade 4, at the top of the list is South Korea. In the fourth grade in terms of average score, in terms of science, the second one down is Japan; third one, is Austria; the fourth is the United States. The red line, both in grades 4, 8, and 12, is the United States.

So right off you see in the fourth grade we do pretty well relative to other countries. In the eighth grade, just as the Senator from Arkansas said, we didn't do nearly as well. And in the 12th grade, we fall way down.

You will also see on the chart a black line. The black line indicates the average for all countries.

So not only do we know where we stand relatively in terms of other countries, but we also know where we stand with the average of other countries.

Again, the observation is in the fourth grade, we are fourth when we compare ourselves to other countries, which is above average. In the eighth grade for science, we fall way down, yet we are still above the average. But look what happens by the time we get to the 12th grade. By the time we get to the 12th grade, Sweden is ahead of us, Netherlands is ahead of us, Iceland is ahead of us, Norway, Canada, New Zealand, Australia, Switzerland, Austria, and Slovenia, are ahead of us. Denmark is ahead of us, and so are Germany, the Czech Republic, and France. The Russian Federation is also ahead of us in the 12th grade in terms of science.

As we look to the future and we look at fields like reading and science and mathematics and we see this trend over time, that is really the call for us, as a nation, to focus on education, to do it in a bipartisan way, a way that really does focus on our children today, and recognize how are we going to be able to compete in the next millennium with this sort of trend over time. As the charts have indicated the United States is below the average of all these other countries, and the trend is getting worse the longer one stays in school in the United States of America.

Let me refer once again to what a pleasure it has been for me to participate in the education issue on this particular bill with Senator WYDEN of Oregon. He and I have been working on Ed-Flex expansion through a number of committees and task forces—the Senate Budget Task Force on Education, working with the chairman of the Health, Education, Labor, and Pensions Committee, which is the new name for that particular committee. We began to address this issue over a year ago when first explored it through the Senate Budget Task Force on Education.

The more we looked into it, the more we felt this bill could make a huge difference, and it is something that Government can and should do. The Federal Government needs to take the leadership role to untie the hands of our States, our schools, and our school districts so that they can carry out the sort of objectives that we all generally agree to, the sort of goals that we set in this body.

Again, what we are doing today, is to expand a demonstration project that began in 1994. As the Senator from Vermont outlined in his brief history of the program—it began in 1994 as a demonstration project with 6 States. It was extended later to another 6 States, so now 12 States have the opportunity to be Ed-Flex States. And what we are going to do in this legislation, which will pass, I am very hopeful, not too long from now, is extend that demonstration project from 12 States to all 50 States.

Behind me on the map, again, for the edification of my colleagues who may not be familiar with this program, you can see that Massachusetts is an Ed-Flex State, and we have, I think, good demonstrated results there. Texas has also had positive results with using its Ed-Flex waiver authority. Earlier this morning I had an opportunity to present some of the outcome data from that particular State. The color yellow on the chart indicates the States where Ed-Flex is currently available. But Tennessee, the State I represent, says, Why don't we have that same opportunity of increased flexibility for greater accountability? Let us have that same flexibility to get rid of the excessive regulations. Let us get rid of the unnecessary paperwork. Let us get rid of the Washington redtape.

Now, what they are saying is, Allow us to look at our local situation, which in Nashville is different than Jackson, which is different than Johnson City, which is different than Humboldt, which is different than Soddy-Daisy. Give us that opportunity.

And, again, you can see how it happens. All of us in this body have good intentions when we pass these statutes and we pass these laws and then they go through this regulatory machine. Everybody has good intentions. But the regulations get more and more complicated, which seems to be a common theme whenever one look at a variety of fields here in Government.

Now, one of the issues that we are going to be talking about is waivers. So what is the Ed-Flex program? There are currently 12 States participating. The Ed-Flex program, very simply, is a State waiver program which allows schools and school districts the opportunity to obtain temporary waivers to accomplish specific education goals but free of that Washington redtape, free of those unnecessary Federal regulations. And that in one sentence is a description of Ed-Flex.

Because the Ed-Flex program is currently a demonstration program, we have a lot of data available about it. Again, over the course of the debate, we will come back to some of the outcomes of Ed-Flex and give some examples of how it is being used. The key thing is that Ed-Flex gives flexibility to find some of the solutions to specific problems that vary from school to school, school district to school district, and community to community. It allows that element of responsiveness to specific needs. In addition, it allows a degree of creativity, and innovation. These things are critical especially when we see the trends that I just showed on TIMSS which clearly indicate that we can't just do more of the same; we can't just throw more money at existing programs; we can't accept the status quo; we can't do a lot of the things that at first blush we might think work, because we have tried it in the past and it hasn't worked.

Over the past 30 years, we have been flat in terms of our student performance in this country. Now, some people will stand up and say, yes that is true, but look at some results released last week or look at some from 5 years ago where there is a little bit of improvement. I will tell you—and I can bring those charts—if you plot it out year by year performance for students has been stagnant in the 4th, 8th and 10th grades. The problem is that the other countries that have allowed creativity and innovation are all improving and we are being left behind.

So I don't want to underestimate the power of that innovation, the power of that creativity. We like to think it all begins in this room here with the Congress; in truth, it begins in those classrooms with hard-working teachers, with hard-working school attendants, with those Governors who recognize that they really have made progress and need some flexibility.

We will hear a number of examples of how flexibility and accountability have worked. In Maryland, we have seen that the Ed-Flex program has allowed a school to reduce the teacher pupil ratios from 25 pupils to 1 down to 12 to 1. They felt that was important and they received a waiver that allowed them to accomplish this based on their particular needs.

In Kansas, waivers have been used to provide all-day kindergarten, because this was a priority for them. It was a dimension where they had a specific need.

They were also able to have a preschool program for 4-year-old children. They also saw they weren't doing very well in reading, so they were able to implement, through the waiver program, new reading strategies for all students.

Now, the waiver issue will come up, and whenever you hear ''waiver,'' people have to think, and they should

think, ''accountability,'' We are saying, accomplish certain goals, but do it in a way that meets your specific needs with programs that you believe will work at the local community level. It is critical that we build in strong, accountability measures.

If we look at the history, again referring to Senator WYDEN's initial request to have the General Accounting Office look at some of the Ed-Flex programs, we can see in GAO's report in November of 1998, that the ''Department of Education officials told us they believe that the 12 current Ed-Flex States have used their waiver authority carefully and judiciously.'' This is an important statement because we are going to hear some rhetoric, and we heard a little bit this morning, that if you give this freedom, people are going to abuse it. People say there is no evidence. Based on what the Department of Education has concluded and reported to us through the General Accounting Office, the waiver system has worked well.

Ed-Flex is a bipartisan plan. It is a common sense plan that will give States and localities and school districts the flexibility, which I have already been stressing. Now I want to stress the accountability provisions. Accountability is critical to the overall success of the program. It has to be built in. The two words I want my colleagues to remember are ''flexibility'' and strong ''accountability.'' Those are two important principles behind this bipartisan bill.

Now, the accountability measures in the current Ed-Flex programs—we have 12 programs with this 5-year history—are very good. I want my colleagues to understand that accountability has been strengthened. We have given even more teeth to ensure accountability in the bill and in the managers' package that has been put forward. Under current law there is less accountability than what we are proposing. Under current law, a State need only have what is called a comprehensive reform plan to participate in Ed-Flex. Even though the current 12 state program has less accountability than what we are offering, have been told by the GAO, that the Department of Education says there has been a judicious and careful use of this waiver authority.

Behind me is a chart which, again, is going to be difficult to read from far away. It is a pyramid and it is tiered, because we have accountability measures built in at the Federal level, which is at the top; we have accountability measures built in at the State level, which is the middle; and at the bottom of that, we have strong accountability measures built in at the base, at the local level.

At the local level, there is a requirement to demonstrate why the waiver is needed. You have to spell that out very specifically. The applicant has to say how that specific waiver will be used to meet the purpose of the underlying program. Again, we are not changing the purpose of the program. You have to specifically say how that waiver will be used, and then you have to have specific measurable goals written out in that waiver application. You will be held accountable for all of that. There are additional accountability measures in the bill, but I have summarized accountability at the local level.

At the State level, again we include strong accountability measures because we address things that are called ''content standards'' and ''performance standards'' and ''assessments.'' In addition to those content standards and performance standards, States are required to monitor the performance of local education agencies in schools which have received a specific waiver. That includes the performance of students who are directly affected by those waivers. Then, for those low-performing schools or school districts that are identified, the State must engage—and these are the key words—in ''technical assistance and corrective action.'' And then the last, in terms of the State level, the State can terminate a waiver at any time; the ultimate power. If the State says things are not going right, it may terminate the waiver.

At the Federal level, indicated on the chart at the top of the pyramid, we have an additional backup, an important element, I think, to demonstrate the pyramid effect of this. That is, the Secretary is required to monitor both the performance of the States and also to have the ability to, as you can at the State level, terminate that waiver at any time.

I think this three-tiered level of accountability is something that is very, very important when we give that flexibility to achieve the specific goals which are outlined. That, I believe, is a real recipe for success as we work towards educating our children and improving those scores that have been referred to already this morning.

I will just spend a couple of more minutes, I think, so we can move on with other people's comments. But as I pointed out, we have experience with this. This is not a program that we pulled out of the sky and said, let's try it out, some experimental program, rushing this through the legislative process. I think we need to recognize right up front that we have a 5-year history with it. It has been a demonstration project, it has been endorsed by the Department of Education, it has been endorsed by the President of the United States, it has been endorsed by Democrats and Republicans, and something which I think is critically important is the fact that all 50 Governors have said this program is right; it is what is needed to best educate that child who is in the school system in his or her State.

The Governors are in a position, I believe, both to judge but also to lead, as we go forward. I have behind me a resolution that passed just last week from the National Governors' Association. The headline or title is, ''Expansion of Ed-Flex Demonstration Program To All Qualified States and Territories.'' It was a resolution. NGA doesn't do a whole lot of resolutions, but this is a major priority for our Governors who understand, like we do, addressing as a nation, that we must put education at the very top of our priorities. Let me just read the first sentence:

> The governors strongly affirm that states are responsible for creating an education system that enables all students to achieve high standards and believe that the federal government should support state efforts by providing regulatory relief and greater flexibility.

Skip on down just a little bit to the second paragraph so we can look back to the past from the Governors' perspective. Again, this is Democrats and Republicans, bipartisan, which is the nature and the real power of this bill. They say:

> Ed-Flex has helped states focus on improving student performance, by more closely aligning state and federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

And then just their last sentence:

> Ed-Flex will provide states and territories with increased incentives to strengthen state efforts to adopt meaningful standards and assessments with greater accountability.

As I mentioned earlier, we ran out of time to pass Ed-Flex last year. It is coming back to the floor now. It has been passed in the Labor and Human Resources Committee and the now Health, Education, Labor, and Pensions Committee, where we had the opportunity to discuss many of these amendments. We have an opportunity to pass this legislation very, very early in this Congress so it will be to the benefit of hundreds of thousands of children in the very near future. That is why we really should not put this off. Some people have said, Why don't you consider this in the Elementary and Secondary Education Act? That is unnecessarily pushing a bill off that we know will benefit children today, putting it off for a year or a year and a half unnecessarily, given the tremendous consensus that has been reached around this particular bill.

In closing, let me just say I think the time really has come that we lend our efforts to give States and give localities and give schools and give school districts the flexibility they need, and the tools that they need, to accomplish the jobs that we, as a society, have entrusted them to do.

Ed-Flex is not the cure-all. It is not going to be the answer to all of our education challenges. But what it is, is a modest first step at moving toward that common goal that we all share.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think all of us in the Senate are looking forward to these next few days during which we will have an opportunity to address the fundamental issue which

is on the minds of most families in this country—certainly the working families in this Nation—and that is whether we, as a Federal Government, are going to be partners with state and local governments as we try to address the critical issues facing our public schools—whether our children are going to be able to make academic progress and have the opportunity to achieve their full potential.

Public education is basically a partnership, and one in which the Federal Government has had a very limited role, historically. The principal responsibility has been local governments, and the States have had some interest. The Federal Government has really had a limited interest. As has been pointed out, approximately 7 cents out of every dollar that is spent locally that can be traced back to the Federal Government. Two cents of that is actually in nutrition and the support of breakfast and lunch programs. It comes down to about 4 cents out of every dollar that is actually appropriated by the Federal Government.

So all of us are interested in how we can use scarce resources. What we are talking about here today is not expanding that in any way. We are talking about whether, of that 4 cents, maybe 2 cents will be able to have greater flexibility at the local level.

The question is what are the priorities for us at the Federal level? It has been generally agreed that the priority for us at the Federal level is going to be targeting the neediest and the most disadvantaged children in the country. We, as a society, feel that we have some responsibility, some extra responsibility—that it is not just a local responsibility to try to deal with those needy children, but that we have a national responsibility. That was the basis for the title I programs.

Over a long period of time, we have debated about how that money can most effectively be used to enhance academic achievement and accomplishment. As has been pointed out today, and as was pointed out in the President's excellent statement earlier today over in the Library of Congress, we know what needs to be done. It is a question now of whether we, as a country and a society and a people, are willing to do it.

During the next few days, we will have an opportunity to look at a number of different features of the education priority. We are dealing now with the Frist-Wyden legislation, and I want to speak to that for a few moments and make some observations and also address, later in the afternoon, what I think could be useful changes in the legislation.

I commend Senator FRIST and Senator WYDEN for their initiative, and I have voted for this legislation to come out of our committee both last year and this year—and, as a matter of fact, I was the author, with Senator Hatfield, in 1994 that initially set up the Ed-Flex—and I have followed it very closely. I am glad to have a chance to reflect on some of the observations that I have made over the years in watching that. But we will also have an opportunity to debate whether we, as a Senate, are going to go on record as supporting smaller classrooms from the early grades.

We will have a chance to hear an excellent amendment from the Senator from Washington, Senator MURRAY, on that particular issue. We made a commitment to the school districts across the country last year that we were going to start this process. It was going to go in effect for some 6 years. We made the commitment for the first year, but the school districts across the country are wondering whether this is going to be a continuum. Certainly it is extraordinarily timely that we provide that kind of authorization for smaller classrooms, so that the school districts all across the country will have some certainty as to what the education policy at the congressional level will be on that issue.

The President has included the resources to fund that initiative, in excess of $11 billion, in his budgets over the next 5 years. That is very important, and we will have an opportunity to address that issue.

Senator BOXER wants to address afterschool programs. I think we have seen, with a modest program in the last year, the beginning of the recognition of the afterschool problem. Every day, there are some 5 to 9 million children between the ages of 9 and 14, who too often find themselves not attending to their homework, but rather find themselves involved in behavior which is inappropriate.

What we have seen is that where these programs have been developed—where children are able to work in the afterschool situation, being tutored perhaps in their subject matter or encouraged to participate in literacy programs—those children are doing much better academically and socially as well. And when they have the opportunity to spend time with their parents in the evening time, it is quality time, rather than parents telling children as soon as they get home, ''Run upstairs and do your homework.'' This has been very, very important, and Senator BOXER has an important proposal to authorize and to enhance the commitment in those areas.

There will be modest amendments in other areas. I know Senator HARKIN has a proposal with regard to school construction. I know Senator BINGAMAN has an amendment about school dropouts. Some of these are programs that we have debated in the past and have been actually accepted by the Senate. There are other programs as well, issues involving technology and other matters that will eventually be addressed and brought up. We are not interested in undue delay, but we also believe that there is no issue which is of greater importance to American families, and we ought to be willing to address these issues.

We just passed an increase in military pay. There were 26 amendments on that particular proposal. I do not expect that we will have as many on this, but nonetheless it is important that we do have a chance through today and through the remainder of the week and through the early part of next week to address some of these issues. We welcome this chance to focus on the issues of education and also on what our policies are going to be.

Just to review very briefly, Mr. President, this chart demonstrates quite clearly a rather fundamental commitment. That is, for every dollar that is spent by the States, they spend 62 cents in addition to that for the needy children in their State. The corresponding Federal dollar amount is $4.73. This is a really clear indication of what we are talking about, primarily with Title I, which is the principal issue here—the resources that are being provided are going to the neediest children in this country.

And, interestingly, in the reauthorization bill of 1994, we changed the direction of Title I to very high poverty areas—very high poverty areas—not just poverty areas but very high poverty areas. And when we have a chance, as I will in just a few moments, to go through and see what the distinction has been in targeting more precisely the resources, there has been a very important indication of progress among the children in getting a much more targeted direction in terms of resources. This is part of the reason why some of us believe that, in addition to being able to get some kinds of waivers from the Federal programs in the area of Title I, we ought to insist that we are going to require that there be academic achievement and student improvement if we are going to move ahead. We are finding now, under the most recent report of Title I, that for the first time we are making noticeable and important gains on Title I. That has escaped us over the almost 30 years, but now we are making some real progress in the area of Title I. I will have a chance to review that, but this is basically an indication to show the targeting of Title I.

Secondly, Mr. President, while we are looking at the issue of flexibility at the present time, I just want to point out what we have done in terms of Ed-Flex. In 1994, we passed what was called the Hatfield-Kennedy amendment on the elementary and secondary education bill. That amendment provided that six States at that time would have Ed-Flex. The Governors then, once they were given that kind of approval, would be able to waive particular requirements if any community within the State wanted to do so. When we came to the Goals 2000, we added another six States and we permitted the Secretary of Education to provide Ed-Flex to any school district in the country.

So what we have seen is, with all of the various applications that have been

made in the period since then, some 54 percent have been approved; 31 percent, when they brought those measures up to the Department of Education, were shown to be unnecessary and therefore withdrawn; and only 8 percent were disapproved. This is a pretty good indication that any school district that wanted to seek a waiver of any of these rules and regulations has been permitted to do so. In the State of California, there have been more than 1,000 applications that have been approved. That is the current situation in which we find ourselves.

On the issue of accountability, the real question is, ''In the waiver of these regulations, are we going to be able to give the assurance that we are going to have student achievement?'' What we are basically saying is, if we are going to give you 5 years of waiving the regulations, which take scarce resources, and target it on needy children, are we going to insist that the children are going to have student achievement? That is what we are asking.

And I mentioned, at least to my colleague and friend, Senator WYDEN, that we could add those words in three different places in the legislation along with the language that is in here and resolve at least one of the concerns that I have, and that I think a number of others have as well.

We have seen since it has passed out of our Committee, as I am sure has been explained by the authors of the legislation, that they provide changes to try to reflect greater accountability. And we very much appreciate that. That is in the managers' package, and it is a good start. I believe the authors have gone through that in some detail. If not, I will take some time to do that briefly later in my discussion. But this is where we are, Mr. President.

What we are interested in is student achievement. What we are going to insist on is to make sure that if we are going to give over to the States the resources targeted for these particular areas, that they are going to be able to come back over the period of the following 2, 3, 4, 5 years and demonstrate the student achievement. That is what we are interested in and what we want to address here later this afternoon.

Mr. President, education is a top priority in this Congress, and few other issues are more important to the Nation than ensuring that every child has the opportunity to attend a good, safe, and modern public school. The Ed-Flex Partnership Act can be a useful step toward improving public schools, but to be effective, it must go hand in hand with strong accountability.

Current law already contains substantial flexibility. As I mentioned, the 1994 amendments to the Elementary/Secondary Act reduced paperwork and increased flexibility. Since then, two-thirds of the Act's regulations—two-thirds—have been eliminated. States now have an option to submit a single consolidated State application instead of separate applications, and all but one State has adopted this approach. Schools and school districts already have great flexibility today and paperwork is not their top issue.

According to the General Accounting Office report that was quoted earlier today, ''information, funding, and management,'' not paperwork, are the primary concerns of school districts. Provisions for increased flexibility, such as waivers, ''do not increase federal assistance to school districts, nor do they relieve districts of any of their major financial obligations.'' That is the finding of the General Accounting Office.

It is interesting to me, Mr. President. I would have thought there would be much more authority and much greater credibility if those who were talking about this would be able to demonstrate that the States themselves were willing to waive their statutes and regulations. That has not been the case. In some instances States have, but in many they have not. As the General Accounting Office report shows, even if you granted it, it would not make a great deal of difference, because there are so many State regulations and statutes that are in existence, that are related to this program, that it would not really have the kind of beneficial result many of us would like.

I am always glad to hear our good friends the Governors talk about reducing the regulations, when we have seen a reduction in the regulations by two-thirds since the authorization of 1994, and yet we have not really heard from them, nor have we heard here on the floor of the Senate, how the States themselves have changed their statutes and rules and regulations in order to be more flexible during this period of time.

In fact, in many cases it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. Ten States cannot waive their own regulations and statutes because State law does not permit it in order to match this.

It is good, as we start off on this, to have some idea about the scope of this whole debate. I think it is going to be useful if we get through this part of it in the next day or so. The real guts of the whole debate is going to be next week when we come to the questions of classrooms and afterschool programs.

But I do want to make some additional points. In fact, in many cases, as I mentioned, it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. That is why, if tied to strong accountability, expanding Ed-Flex makes sense, so all States can ease the burden on local school districts as they obtain increased Federal flexibility.

One requirement to be eligible for Ed-Flex is that a State must be able to waive that State's statutory or regulatory requirements which impede State or local efforts to improve learning and teaching. That step will ensure that the real paperwork burdens on local school districts are diminished. As I mentioned, we have 10 States that do not have that capacity or willingness to do so.

Families across the Nation want Uncle Sam to be a partner, a helping hand in these efforts. Parents want results. They want their communities, States, and the Federal Government to work together to improve public schools. In doing our Federal part, we should ensure that when we provide more flexibility, it is matched with strong accountability for results, so that every parent knows their children are getting the education they deserve.

I support the Frist bill because it provides flexibility and takes some steps towards holding States accountable. But it isn't enough. Congress has the responsibility to ensure that Federal tax dollars are used effectively to help all children learn. Just giving States more flexibility will not do the job. A blank check approach to school reform is the wrong approach. Our primary concern in this legislation is to guarantee that accountability goes hand in hand with flexibility. Strong accountability measures are essential to ensure that parents and communities across the country have confidence in the waiver process.

Another fundamental requirement is that States and districts must provide parents, educators, and other interested members of the community with the opportunity to comment on proposed waivers and make those comments available for public review. These public comments should be submitted with State or local waiver applications. What we are talking about is parental involvement. And we will have an opportunity to address that.

I am sure we will hear the response back, ''Why are we going to do that?'' That is going to require more action at the State level. We are going to have hearings in order to hear parents' views about it. But the fact of the matter is, unless you get the parents involved, you are not going to do the job. The parental involvement is essential. We will have a chance to go through that in the most recent title I report.

And you can't show me where in the Frist-Wyden proposal they are going to guarantee that the parents are going to have a voice in the final decision that is going to be made here. It just is not there. You show me a community where you have intense parental involvement, and you are going to see a school system that is moving in the right direction. You show me a community where parental involvement is distant or remote, and you are going to see a school that is in decline. Those are not my conclusions—those are the conclusions of the educational community. We want to make sure that parents are going to be involved when waivers are being proposed to get their kind of input. And there will be the transmission of their views to the Secretary.

Mr. President, it is essential that States and districts provide parents, educators, and other members of the community with the opportunity to comment on proposed waivers and make their comments available for public review. These public comments should be submitted with State or local waiver applications.

That is what we are talking about. Just make that change. Public comments should be submitted with State or local waiver applications. That would move us in a very, very important, very positive way—we get the student accountability and we get the parental involvement. Those are the measures we are looking at, Mr. President.

We must also ensure that all students, particularly the neediest students, have the opportunity to meet the high State standards of achievement. Fundamental standards should not be waived. Parents need to know how their children are doing in every school, and in the poorest performing schools, parents also need help in achieving change.

Under Title I, disadvantaged students have the opportunity to achieve the same high standards as all children. School districts must provide realistic assistance to improve low-performing schools. Flexibility makes sense, but not if it means losing these essential tools for parents and communities to achieve reform and improve their schools.

There were four very important changes in the 1994 authorization: first was a significant reduction in paperwork; second, the targeting of the highest incidence of poverty; third, the heavy involvement of parents in terms of the participation; and fourth, and perhaps most importantly, high standards.

We move away from dumbing down. We establish high standards for poor children as well as children that were coming from other communities. Those factors have had an important positive impact. We are finally getting there.

We must ensure that increased flexibility leads to improved student achievement. Accountability in this context means that States must evaluate how waivers actually improve student achievement—open-ended waivers make no sense. Results are what counts. Student achievement is what counts.

The Secretary of Education should be able to terminate a State's waiver authority if the student achievement is not improving after 5 years. States must be able to terminate any waivers granted to a school district or participating schools if student achievement is not improving. If waivers do not lead to satisfactory progress, it makes no sense to continue.

What I have been mentioning here is being practiced in one of the Ed-Flex States, and is showing remarkable improvement in terms of education. That state is Texas, where they have real student achievement, real accountability, parental involvement, and specific student achievement goals. That is true accountability.

If you review the different State annual reports, there is a dramatic contrast between what has been implemented by the State of Texas in using the greater flexibility to enhance student achievement and what has happened in many of the other States. True accountability is what we want to achieve if we are going to have the Federal funds.

Each of these requirements is sensible. No one wants a heavy-handed Federal regulation of State and local education. That is not the issue. The real issue is accountability. These important requirements are well designed to achieve it. We should do nothing to undermine these principles, especially when we have new evidence that they work, particularly for the neediest students.

''The National Assessment of Title I,'' released earlier this week, shows that student achievement is increasing and that the Federal Government is an effective partner in that success. The glass on the table is half full, not half empty as critics of public schools would have you believe. This is good news for schools, good news for parents, good news for students, and it should be convincing evidence to Congress that many of the reforms we put in place in recent years are working.

Since the reauthorization of Title I in 1994, a nonpartisan Independent Review Panel, made up of 22 experts from across the country, has overseen the program. Title I is the largest Federal investment in improving elementary and secondary schools. Title I helps to improve education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curriculums, and extend learning time so students meet high State standards of achievement.

Under the 1994 amendments to Title I, States were no longer allowed to set lower standards for children in the poorest communities than they set for students in more affluent communities. The results are clear: even the hardest-to-reach students will do well when expectations are set high and they are given the support they need.

Student achievement in reading and math has increased, particularly in the achievement of the poorest students. Since 1992, reading achievement for 9-year-olds in the highest poverty schools has increased nationwide by a whole grade level. Between 1990 and 1996, math scores of the poorest students rose by a grade level.

Students are meeting high State standards, too. Students in the highest poverty elementary schools improved in five of six States reporting 3-year data in reading, and in four out of five States in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest poverty schools. In 10 out of the 13 large urban districts that report 3-year trend data, there were increases in the number of elementary students in the highest poverty schools who met the district or State standards of proficiency in writing or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds, as I mentioned, away from low-poverty schools into high-poverty schools. Today, 95 percent of the high-poverty schools receive Title I funding, up from 80 percent in 1993.

The percent of schools with parent compacts—agreements between teachers and parents about how they will work together to help the children do better—rose from 20 percent in 1994 to 75 percent in 1998. A substantial majority of the schools find their compacts are important in promoting parents' involvement, especially in higher poverty schools. Parent involvement is a key element in terms of academic achievement, and that is why we believe their voice regarding waiving the requirements should be heard and at least considered.

Title I funds help improve teaching and learning in the classroom. Ninety-nine percent of Title I funds go to the local level; 93 percent of those Federal dollars are spent directly on instruction, compared to only 62 percent of all State and local education dollars that are spent on instruction.

We are going to hear a lot as we debate education about where the Federal money that is appropriated goes, in terms of Federal bureaucracy and administration, State bureaucracy and how much of the money goes to the local level. This is the most recent report that has been done by independents. It shows that local school districts get 95.5; State administration is 4 percent, Federal administration is one-half of 1 percent. State administration of their own programs are considerably higher, as the chart indicates.

All of these steps are working together to improve student achievement. The best illustrations of these successes are in local schools. In Baltimore County, MD, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, 80 percent of the students are poor. Title I funds were used to increase parent involvement, train teachers to work with parents, and make other changes to bring high standards to every classroom. Reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996.

During the same period, math scores soared from the 16th percentile to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile. That is remarkable.

What happened in this area? We got the parents involved and we enhanced the training of teachers to work more effectively with the parents to bring the high standards into every classroom.

The Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of the increases in teacher professional development and implementation of a reform to raise standards and achievement for all children.

In 1996, 66 percent of third grade students scored in the lowest levels in math. By 1998, 100 percent scored in the highest level. In 1997, 75 percent of fourth graders scored in the lowest levels in reading. By 1998, no fourth graders were at the lowest level, and 56 percent were at the highest level.

We have seen that the National Assessment of Title I shows that high standards and parental involvement get better results for children, particularly the neediest children. That is what we would like to see come through this legislation—where you get the flexibility, but you are also going to be able to demonstrate enhanced student achievement and parental involvement. Those are the two key requirements.

The improvements so far are gratifying, but there is no cause for complacency. Clearly, more needs to be done. We must build on these successes to ensure that all children have the best possible education. Increasing flexibility without accountability will stop progress in its tracks. But just increasing flexibility with accountability won't do the job either.

We must provide more support for programs like Title I to make these opportunities available to all children. We must do a better job of supporting the States and local communities in their efforts to hire and train teachers. The National Assessment of Title I found that too many students in too many Title I schools—particularly those with high concentrations of low-income children—are being taught by unqualified teachers.

The teacher shortage forced many school districts to hire uncertified teachers, and asked certified teachers to teach outside their areas of expertise. Each year, more than 50,000 underprepared teachers enter the classroom. One in four new teachers does not fully meet State certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

In addition, many schools are seriously understaffed. During the next decade, rising student enrollments and massive teacher retirement mean that the Nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

We must fulfill last year's commitment to help communities hire 100,000 new teachers, as part of our national pledge to reduce class size. Research has documented what parents and teachers have already known—that smaller classes enhance student achievement.

It is equally important to help communities recruit promising teacher candidates, provide new teachers with trained mentors who will then help them succeed in the classroom, and give current teachers the ongoing training they need to help keep up with modern technology and new research.

Another major need is in the area of afterschool activities. According to the National Assessment on Title I, opportunities for children to participate afterschool and summer school programs have grown from 10 percent of Title I schools to 41 percent in 1998. That has made an important contribution to the enhancement of these children's achievement. But more needs to be done. We must increase support for afterschool programs.

In addition, children who have fallen behind in their school work need opportunities to catch up, to meet legitimate requirements for graduation, to master basic skills, and to meet high standards of achievement. A high school diploma should mean something—it must be more than a certificate of attendance. It should be a certificate of achievement. High-quality afterschool and summer school academic improvement activities should be available to every child in every community in America.

Finally, we must do more to see that every child in every community is learning in safe and modern facilities. Across the country, 14 million children in one-third of the Nation's schools are learning in substandard buildings. Half of the schools have at least one unsatisfactory environmental condition. It will take an estimated $100 billion to repair the existing facilities.

Too many children are struggling to learn in overcrowded schools. This year, K through 12 enrollment reached an all-time high and will continue to grow over the next 7 years. Communities will need to build new public schools.

The agenda is broad, but the need is great. We are on the right track. There is no need to make a u-turn on education. We are making progress. We need to build on these successes and do what we can to meet the pressing needs of schools across the Nation, so that we can meet the high standards of achievement. When it comes to education, the Nation's children deserve the best that we can give them.

Mr. DODD. Will my colleague yield for 30 seconds?

Mr. KENNEDY. Yes.

Mr. DODD. I want to commend the distinguished Senator from Massachusetts who, for years, along with our colleague from Vermont, has been such a leader in these issues. I particularly thank him for raising the issue of the after-school program. Several of us have been talking about this. As my colleague from Massachusetts knows, I offered an amendment last year when we considered the Ed-Flex bill in committee to increase federal support for after-school programs. My colleague from California is interested in the subject, as well. We would like to bring this issue up. It is a very important one which we will talk about later. I thank him for including that in his remarks as he gave an overview of where we are on education issues.

Mr. KENNEDY. I thank the Senator from Connecticut. We are all mindful that our good friend and colleague is a leader in this body in many areas, but when it comes to children's interests, he is truly our leader. And on the issue of afterschool programs, Senator BOXER has been in the forefront of that effort. We look forward to having a good debate on that issue as we move ahead as well. I thank the Senator very much for his involvement. Hopefully we will have an opportunity to consider that in the next day or so. That is certainly our hope because it is a matter of enormous importance.

Mr. DODD. I thank the Senator.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. First, Mr. President, I want to thank the Senator from Massachusetts. We have been working with him on the questions of accountability. I am hopeful that we will reach agreement on an amendment, which he may propose, so that we will not have issues in that regard. I point out that the substitute amendment which I offered today includes many improvements with respect to accountability over the bill that we passed last year out of committee 17–1.

I will run through, very briefly, the areas where we have already improved the accountability and are still attempting to reach agreement with the minority.

First, the substitute amendment I offered strengthens the accountability features already included in S. 280. It adds State application requirements relating to the coordination of the Education Flexibility plan with the State comprehensive reform plan, or with the challenging standards and assessment provisions of title I of the ESEA.

This Managers Package adds emphasis that student performance is an objective of Ed-Flex. It adds provisions regarding annual performance reviews, by the State, of local educational agencies and schools which have received

waivers, and reemphasizes the authority of the State to determine waivers if LEAs or schools are not meeting their goals. It also adds provisions of public notice and comment, and provisions requiring additional reporting by the secretary regarding his rationale for approving waiver authority and the use of that authority. We will continue to work and, hopefully, we can reach agreement so that we will not lengthen the time necessary for passing this important legislation.

Mr. President, I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the distinguished Senator from Massachusetts has given, in my view, a very important address to the U.S. Senate. I want to take a few minutes and try to respond to a number of points. The Senator has made a number of points that I certainly agree with as a Democratic sponsor of this legislation, along with the Republican sponsor, Senator FRIST. But there are a number of areas where I think the record indicates that we ought to take another look.

For example, the distinguished Senator from Massachusetts has said that, in some way, the States are being free riders here, that they are asking the Federal Government to waive various regulations, but the States are somehow not willing to do that. As our colleagues will see on page 6, line 7, it is specifically required that the States are willing to do some heavy lifting and also be part of this effort to show that they are going to try to ratchet out of their systems some of the foolish bureaucracy. This ought to be a two-way street and I think the distinguished Senator from Massachusetts is absolutely right in insisting on that. What is thus required today, the legislation spells out on page 6, line 7, that the States are not going to be able to be free riders. They are going to have to waive some of these mindless regulations as well. I think that is an important point for the U.S. Senate to consider as we go forward.

Now, another area that has been raised is this question of smaller class size. I think the Senator from Massachusetts again is absolutely right in saying that we do need additional funds to reduce class size in America. I have, on several occasions, voted for just those kinds of measures to provide additional funds to reduce class size. But I think it is important to note that Ed-Flex, now in 12 States, is helping us to reduce class size using existing law. The Senator from Massachusetts is correct; we do need additional funds to reduce class size, but let us not pass up the opportunity to use existing law, existing Ed-Flex opportunities to reduce class size. For our colleagues who would like to have a good example of how Ed-Flex helps to reduce class size, we can turn to the Phelps Luck elementary school in Howard County, MD. There they put a special priority on reducing class size with their Ed-Flex waiver. They were able to lower the student-teacher ratio from 25-to-1 to 12-to-1.

As we go forward with efforts to try to get additional funding that we need to reduce class size in America, which we know is so critical in improving student performance, let us not pass up the opportunities to use the Ed-Flex program to make it possible with existing dollars to reduce class size in America.

Third, Mr. President and colleagues, there have been questions raised about whether the dollars are going to get to the neediest children, and particularly with respect to title I, which is one of the seven programs that are eligible for Ed-Flex but certainly is an especially important program to all of us.

What we have done—and we have outlined it here—is we have kept in place every single one of the core requirements with respect to title I protecting our neediest kids. It is off the table, folks, in terms of waiving any of those core requirements. You can't do it; it is off the table. And although it is hard for Members of the U.S. Senate to see these charts, we specifically outline the requirements that cannot be waived.

In addition, with respect to title I—I think there is some confusion perhaps at this point with respect to how the Ed-Flex funds can be used—under current law, you can only put those dollars into low-income school districts. That is the only place they can go. We keep that requirement. So today, and under this Ed-Flex legislation that is before the U.S. Senate, it is not possible to flex any dollars away from a program to help low-income youngsters and send them packing to another district that will not need them as much.

I would like to spend a little bit more time on this question of accountability, because this is an area where the sponsors of the legislation have been very open to trying to address the concerns of those who have begun to look at this program and may not have been familiar with it in the past.

But I want to say that we have made six changes in the legislation since it came out of the Senate Labor Committee last year by a 17 to 1 margin. In addition to the public notice and opportunities for citizen comments that the distinguished chairman of the committee, Senator JEFFORDS, touched on, there are requirements for specific measurable goals, which include student performance, which Senator KENNEDY is right to focus on. There are reports that would be required for the Congress every 2 years on how the Ed-Flex States are doing.

And then I am especially pleased that we have required now that a State review a State content and performance standard twice: First when it is decided that the State is eligible to participate, and again when deciding whether or not to grant approval for the waiver. This makes it clear that a State must be in compliance with title I. If it is not in compliance with title I, it isn't going to get a waiver. If at any point it has been given a waiver and it is not in compliance with title I, the Secretary has the authority to come forward and revoke it.

So the accountability provisions have been especially important to the sponsors of this legislation. And this idea that somehow Ed-Flex has relaxed the standard is simply not true on the basis of the clear language of the bill. These requirements are kept in place. We have added six requirements for accountability since the legislation came out of committee.

I would like to wrap up by giving the U.S. Senate an example of how I got into this issue, because I think it is important to get beyond some of the rhetorical arguments about this legislation and talk about real people, real people who benefit, especially the low-income kids of our country.

We have a high school about an hour from my hometown in Portland. They wanted poor kids to get help with advanced computing. The problem was that the school didn't have the instructors who could teach advanced computing and they didn't have the equipment. So under current law, those youngsters, low-income youngsters, wouldn't have had the opportunity to pick up those skills to put them on the path to high-skill, high-wage jobs.

But in this rural district an hour from my home town is a community college just a short distance away that would make it possible, with instructors and equipment, for those poor kids to get help with advanced computing. So instead of students who couldn't get what they needed without additional funds, without additional redtape and bureaucracy, what this town did in rural Oregon was simply say we are going to use the dollars that we aren't equipped for at the local high school to make sure that the kids get advanced computing at a community college just a short distance away.

That is what Ed-Flex is all about—taking this regulatory straitjacket off some of the thousands and thousands of school districts across the country. They can't use the money for pork barrel projects. They can't use it to waive standards. They have to comply with accountability. But they can teach advanced computing to poor kids. That is why it is going to make a difference when we extend this to 50 States.

I am looking forward to working with our friend and distinguished colleague, Senator KENNEDY, who knows so much about this issue, on his amendment with respect to the achievement standards. My understanding is we are getting fairly close on that. I want to make sure, in particular, that we can incorporate what the schools call the student performance standards, so it includes some of the things like dropout rates and issues like that in addition to the tougher test scores. But I think Senator JEFFORDS spoke for all of us a minute or so

ago where I think we are getting close, and I want Senator KENNEDY to know that we are going to go forward in good faith and try to work that amendment out.

Finally, the last point I want to make deals with the parental involvement issue. We keep in place all requirements for parental involvement—all of it. But it seems to me, Mr. President, and colleagues, that if we are talking about the best way to get folks involved in a convenient, accessible kind of way, it is to have these Ed-Flex programs that empower local communities to set up opportunities for folks to participate.

I know that people in rural areas who are 3,000 miles away from Washington, DC, find it a lot harder to come to one of the useful hearings and forums that are held by the distinguished Senator from Massachusetts. I can get to them. I find them very, very useful. But I can tell you that folks in rural Oregon would much rather be empowered to participate at the local level than to try to say we are going to in some way skew more of the parental involvement back to Washington, DC.

At the end of the day, what Ed-Flex is all about is a third path with respect to Federal-State relations. We now have two camps on this issue. There is one camp that says only the Federal Government has the answer, that those folks at the local level can't chew gum and walk at the same time, do not trust them, and run these programs at the Federal level. Then there are a group of people 180 degrees the other way. They say that everything the Federal Government touches turns into toxic waste, just give us all the money at the local level, and we can't possibly do any worse with those dollars than the Federal Government does.

What Ed-Flex is all about—and in Oregon, particularly with Senator Hatfield's leadership, we have done it in health, in welfare, with the environment—what we have said is that Ed-Flex is a third path. And we have told the Federal Government, in areas where we have received waivers, that we will meet all the requirements of the Federal laws, all of them, and the Federal Government can hold us accountable; but in return for that commitment to comply with all of the Federal laws, give us in Oregon the chance to tailor the approaches that we are using to meet the individual needs of our community.

I feel very strongly that poor kids need the funds that are available under title I. I will fight as hard as any Member of the Senate to make sure that there is no compromise there. But I do think that in coming up with approaches to best meet the needs of kids at the local level with respect to title I, what works in rural Oregon is going to be different than what works in the Bronx, and the opportunity to get away from that one-size-fits-all approach while holding communities accountable is what Ed-Flex is all about.

So I think this is an important debate. I said earlier most Americans have no idea what Ed-Flex is all about. I bet a lot of people at this point think Ed-Flex is a guy who is teaching aerobics at the local health club. We are going to have to spend some time talking about this issue to show why it is actually beneficial in the real world in terms of serving poor kids and meeting the needs of the communities. I think we can do that.

Mr. President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. It is, indeed, invigorating and encouraging to be in the Chamber today to talk about education, talking about an innovative proposal to try to reform education and also being able to have a principled debate about increasing the accountability that should be inherent in this proposal because the issue of flexibility alone without accountability could lead simply to sending funds to States without proper controls. And so I believe we will have to emphasize in this debate and ultimately in this legislation accountability as well as flexibility.

I have been working on these issues since my time in the other body on the Education and Labor Committee and here on the Labor and Human Resources Committee, and I have always tried to stress the notion of accountability because, sadly, there are too many children in this country today who are not receiving quality education, particularly in rural areas and in central cities. And if we simply transfer funds without some meaningful accountability, I think we will continue to promulgate that disadvantage and continue to do disservice to those children.

I would prefer, frankly, to look at all these issues in the context of the reauthorization of the Elementary and Secondary Education Act, because however innovative this approach is today with Ed-Flex, it is in my view a nod toward reform, a genuflection toward reform, but it is not the comprehensive reform, frankly, that we should be encouraging because that comprehensive reform requires improvement in teacher quality, the repair and modernization of schools, reduction in class size, strengthening parental involvement, equipping our libraries with the modern technology and the modern media, which is so necessary. And those are the hallmarks of real reform, and those we will encounter in a comprehensive and systematic way in the reauthorization of the Elementary and Secondary Act. But if we are to deal with and move forward on the issue of flexibility, we have to do it right, and we have to do it with respect to accountability.

I want to emphasize one other point in terms of this comprehensive approach to education reform. I hope that in this year's reauthorization we would take special strides to try to develop ways to involve parents in the process. This might be one of the most difficult issues we face, one of the most challenging issues we face, but, ultimately, if we get it right, could be the lever that moves significant reform and in a way which we all can afford, because I don't think there is any person in this body who would say that we can do less than improve the involvement of parents in the education of their children.

The Ed-Flex bill provides flexibility to States. But, as I have stressed before, flexibility must be a carrot for and matched up with accountability.

One aspect of this—and the debate is ongoing now in discussions—and I again commend the sponsors for their willingness to talk and to discuss and negotiate these amendments, these proposed amendments—I think we have to be very clear what we are trying to use the flexibility to achieve.

In my view, we are trying to improve student performance. Our focal point should be improved student performance, and this legislation should reflect that overriding focal point. It is one thing to provide relief from forms of regulation to make the life of a principal a little easier, the life of school committee people a little easier, and maybe free up a few extra dollars along the way, but if that does not result in improved student achievement, then we have missed the boat, we have missed the point. That should be our overarching goal, and I believe the amendment Senator KENNEDY and I are proposing is a key to that, and I hope we are making progress to come to a principled reconciliation.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. KENNEDY. I want to say how much I agree with the Senator from Rhode Island. Student achievement is measured by the individual State's program. I think it is important that we underline that student achievement is measured by what is happening in the States, not by some Federal standard. That is all we are asking. The State establishes its criteria, and all we are saying is if you are going to get the additional flexibility and you are going to get the resources, that at some place someone ought to know whether the students are achieving and making progress.

Mr. REED. I think that is precisely correct. We are not talking about a national standard, a national level of achievement. We are talking about letting the States propose their levels of achievement and then measuring how well this flexibility leads to the accomplishment of their goals.

Mr. KENNEDY. This is really all we are saying. We are taking Federal resources—resources that will go into the States and to the local communities—and communities are going to use these resources in ways that are going to be consistent with the overall purpose, which is targeting the needy children, and, over 5 years at least, there will be

some progress in student achievement according to what the State has established.

Would the Senator agree with me that an example which incorporates what we are intending to do is in the State of Texas, which has set numerical criteria that are closely tied to both schools and districts, and the specific students affected by the waiver? Texas expects all districts that receive waivers under Title I to make annual gains on test scores so that in 5 years 90 percent of all the students will pass State assessment tests in reading and mathematics. Texas districts must make annual gains so at the end of the same 5 years, 90 percent of African American students, 90 percent of Hispanic students, 90 percent of white students, 90 percent of economically disadvantaged students will pass these tests. Now, there is something specific. The State establishes the criteria. They say we want the flexibility to be able to do it, and we say fine. What we have found out is that they have made great academic achievement and progress for those students.

We have another State of the 12 that says on their waiver, ''We want a commitment to the identification and implementation of programs that will create an environment in which all students achieve academic potential.'' They got the waiver, they got the resources, and it will be a bold Secretary of Education that is going to terminate or take that away.

What we are trying to say is, as Texas has done right from the very beginning, it has got to be very specific. The State establishes their criteria and they have proposed measurable ways of evaluating whether those students are going to achieve. And they have met all their goals so far. Why do we have to spend so much time in this Chamber saying that makes a good deal of sense? We know it is something that is working. Why don't we try to accept it? That is all we are looking for—for the words ''student achievement'' to be included in the criteria.

I thank the Chair.

Mr. REED. I thank the Senator for his excellent comments.

I believe Texas is a great example of what we can do if we give flexibility and demand accountability. As the Senator from Massachusetts emphasized, this accountability is with respect to their own standards, but it is measurable, it is objective, and it has resulted in great success in the State of Texas. In fact, I suggest most of the proponents of this legislation point to Texas as the example of what Ed-Flex can be and should be. As the Senator from Massachusetts pointed out, part and parcel of that is not just the flexibility, it is rigorous accountability. I hope we can incorporate that notion in this legislation.

I think it is also important to recognize, too, that as we debate this Ed-Flex bill, we have yet to have the definitive results from many of the demonstration States confirming that what they have done with Ed-Flex has led to improvement in student performance or just overall improvement in the educational process. The GAO has looked at this issue. Their report certainly raises as many questions as it answers with respect to this issue as to whether Ed-Flex is working in those 12 States that already have the flexibility to do what we are proposing to do legislatively here.

The other thing I suggest, too, is it is a concern—and it is a concern that was expressed by my colleague from Oregon—about whether this may endanger funding for the neediest students. I don't think there is anyone in this body, again, who would encourage such a development. We recognize, particularly through title I, that these scarce Federal dollars are going into communities that need them desperately and, in many cases over the decades of this program, have provided a significant makeup for local funds that are not adequate to the purpose.

But what we are concerned about—and it is a concern that, again, I hope is worked out through the process of this debate and amendments—is that unwittingly we might undo some of that emphasis and effort. Again, I would not argue it is the purpose of anyone who has proposed this legislation, but we must be careful because, again, we are looking at the most vulnerable population in this country in terms of education. We are looking at a population that desperately needs the support and assistance of every level of government.

There is another aspect I would like to conclude with, and that is the participation of parents in this process. I mentioned initially, I believe one of the great challenges we have this year in our reauthorization of the Elementary and Secondary Education Act is finding ways to encourage more substantive, meaningful parental involvement. In the context of this legislation, along with my colleagues, I will propose an amendment that would allow for greater parental involvement, allow for parental input that would be available for public review and would be included in state or local waiver applications.

We are not trying to hamstring local authorities. Last year I had an amendment similar to this that had a 30-day public notice and comment requirement. That is not in this amendment. We are just suggesting, though, if we mean that we want to have parents involved, this is not only a symbolic but a very real and meaningful way to get that involvement—to encourage them to submit comments, to have those comments publicly available, and then have those comments submitted with the application.

Again, I am extremely encouraged that we are talking about educational reform. We are working together to come up with innovative ways to do what we all want to do, which is to give every child in this country access to an excellent education. Indeed, we hope to guarantee every child in this country access to an excellent education.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Education Flexibility Partnership Act. This legislation will help States and local schools to pursue innovative efforts to improve K–12 education. I commend my colleagues, Senator FRIST and Senator WYDEN, for bringing forth this legislation. Senator WYDEN has very effectively demolished the myths about this legislation. The fact is, the goal of this legislation is to improve—to improve the education that we are providing to kids all over this country. It is that simple. The legislation would accomplish that goal by extending educational flexibility to all 50 States.

The public schools in this country have made an immeasurable contribution to the success of our society and our Nation. We need to assure that future generations of Americans receive the same excellent public education that many of us were so fortunate to receive while we were growing up. Unfortunately, as the Federal Government has imposed an alarming number of well-intended regulations on our public schools, we have seen a decline in the overall achievements of our students in our public school systems.

I am very proud of the progress that Maine schools have made in improving the performance of our students through a challenging curriculum. For example, Maine students rank highly in the National Assessment of Education Progress tests. This achievement reflects the efforts of the Maine Department of Education, our teachers, our principals, our school boards, our State's elementary and secondary schools, and the University of Maine, to design and use challenging statewide learning results.

The NAEP test results show that the efforts in Maine are in fact succeeding. They show that our K–12 education system can produce high-achieving students when the standards, curriculum, and expectations are supported and designed by those closest to our schools.

The process that the State of Maine used was a burdensome one. It required seeking individual waivers from the Federal Department of Education. It was a lengthy process. It was one that involved a great deal of bureaucratic delay. It is that kind of process that would be changed by this legislation.

The fact is, Maine and the rest of our Nation still have a long way to go to improve the education of our students. America holds dear the tradition of State and local control of education. The basic responsibility for improving student achievement lies with the States, not the Federal Government. Indeed, perhaps a better name for this legislation would be ''The Return to Local Control Education Act.''

I believe that all of us, in all of our States, are trying to meet the challenge of greater student achievement. But our State administrators need help from the Federal Government. They do not need more dictates. They do not need more regulation. The Ed-Flex bill provides some of that help by reducing Federal intrusion into the local control of schools.

How will this legislation help? Let's look at the role of the Federal Government. Over the last 30 years, the Federal Government has layered new programs on top of old ones that themselves are not meeting their goals. This has been done with a blind commitment to the belief that yet another program devised in Washington will somehow reverse the decline in educational achievement.

We spend over $10 billion a year to support elementary and secondary education. This Federal money is spent through so many different programs that we can't even get an accurate count of how many there are. The General Accounting Office and the Congressional Research Service estimates range from 550 to 750 separate Federal education programs. Each of these programs comes with its own objectives, statutory requirements, and administrative regulations. Collectively, they create a huge administrative burden on local schools. Indeed, while the Federal Government funds only 7 percent of our public education system, it is responsible for 50 percent of the schools' paperwork.

By passing the Education Flexibility Act, we will allow States and local school districts the flexibility they need to pursue creative and innovative approaches in using Federal funds. And the Federal dollars that they do receive will become a genuine force for education improvement. Even more important, the bill will afford States and communities the flexibility that they need to craft local solutions. Instead of struggling to make programs designed in Washington fit local needs, States and localities will have the freedom to make the changes that they know are needed in each individual school.

Because, as the Senator from Oregon put it very well, the schools in an urban environment may be very different in their needs from a school in a rural community.

The Ed-Flex Act addresses the need for change within our public schools. It will provide a way for State and local education agencies to be freed from the multitude of Federal statutes and regulations that prevent them from breaking out of the Federal education mold and creating their own exciting programs. Expanding the opportunity for Ed-Flex to every State gives our school boards, teachers, parents, and State officials the opportunity to experiment and innovate, to chart a new path for better schools, and to provide Congress with the information it needs to help promote rather than hinder educational improvement.

In closing, I urge my colleagues to vote in favor of this legislation. I would also like to clarify that I don't think Senator KENNEDY deliberately gave me his cold from the hearing yesterday so I would be less effective in debating him today, despite the rumor to the contrary.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, does the manager of the bill want to say something?

Mr. KENNEDY. I just wanted to give the assurance to—if you will yield 15 seconds—to the Senator from Maine, as far as I am concerned, she is always effective, whether it is that clear voice that comes out from the northeast part of the country, we always listen and take great care what she says.

Ms. COLLINS. I thank the Senator.

Mr. JEFFORDS. Mr. President, I ask, with the concurrence of the Senator from Connecticut, that the Senator from Wyoming be recognized for a period of not more than 5 minutes in morning business.

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

Mr. KERREY. Mr. President, I yield to the Senator from Vermont for his request.

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

Mr. JEFFORDS. Mr. President, I ask that the Senator from Wyoming be allowed to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Wyoming.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 516 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THOMAS. Mr. President, I thank the chairman once again for the time, and I yield the floor.

Mr. KERREY. Mr. President, I rise in support of the Ed-Flex bill introduced by Senators FRIST and WYDEN. I believe it is a responsible way to help our nation's educators meet the challenges that we face in preparing our nation's young people for the 21st century.

Ed-Flex gives states the authority to grant waivers of certain Federal requirements to local school districts if such a waiver will help that school district better meet the needs of its students. But in exchange for this flexibility, the local school district must show results. If the district does not show results, the waiver is revoked. Ed-Flex gives school districts flexibility, but it also demands accountability—and we should discuss how to make the accountability measures even stronger.

In addition, under Ed-Flex states are limited in the kinds of requirements they are authorized to waive. They cannot waive health and safety requirements or civil rights requirements. And they cannot deny districts the funds they would ordinarily receive under these Federal programs. Furthermore, districts must prove that the waiver they receive truly helps them accomplish the goal it is designed to meet: helping more students learn better.

In Nebraska we have 604 public school districts. They range in size from the small rural districts such as Tryon—which has just over 100 students, kindergarten through 12th grade—and Omaha, which has approximately 45,000 students.

A couple of weeks ago I was visited by Bob Ridenour, principal of North Ward and West Ward Elementary Schools in McCook, Nebraska. In response to the question, What do you need to do a better job of educating your kids?'' his answer was simple: More money and the flexibility to help the kids at the lowest end of the economic scale in the best way possible.

But Ed-Flex is not just about flexibility. It's also about better coordination. It allows for better coordination between the variety of local, state, and Federal education programs available to schools.

All of the principals in Nebraska would agree that the Federal education dollars they receive are vital to well-being and success of the school children within that district. But different districts have different needs. And in some instances, different districts may need to take slightly different paths to reach the common goal that all districts share: Making sure that all students have the reading, math, and social skills to succeed once they leave the schoolhouse door.

Right now, 12 States have Ed-Flex. And the feedback we have shows that they are using it responsibly and that it is showing good results. Texas has implemented Ed-Flex more extensively than any other state in the nation. Achievement scores in Texas reveal that districts with waivers outperformed districts without waivers in both reading and math. And the gains for African American students were even greater.

And Ed-Flex has allowed States like Massachusetts to assure continuity of service to schools that were eligible for title I funding one year, ineligible the next year, but expect to be eligible in the following year. In the grand scheme of things, this is a minor waiver. But to a child in that school, the assistance provided through title I dollars makes a major difference.

Now let me be clear. Ed-Flex is a sound way to give local districts the flexibility they need to do a good job of educating students. But it's only one part of a complex puzzle.

Schools also need resources. They need to have the funds to hire and train qualified teachers. They need to have the ability to reduce class sizes in the lower grades. They need to be able to provide students with real classrooms in well-equipped buildings.

And schools need to be able to provide challenging afterschool programs

so that students can work on their math, science, reading, and technology skills between the hours of 3:00 and 6:00 in the afternoon.

Last summer we helped US West form a partnership with Project Banneker, a program that is helping raise the math and science achievement levels in Omaha Public Schools. Not only did students and teachers benefit from the hands-on technology skills training, but US West benefited because they played a role in training prospective employees. We are looking forward to another productive summer with US West as we work to expand the partnership.

The Federal government can't do it all—and the Federal government should not do it all. But we should be a helpful partner in the effort to improve our nation's schools. The Federal contribution to K–12 education is relatively small—less than 10 percent. That is why it's important that we make sure our investments in education are wise ones, that they complement efforts at the state and local levels, and that the investments yield results.

We need to make sure that the most disadvantaged students have the assistance and resources that they need to succeed in school. We need to continue to invest in title I, and also figure out how to make it stronger. Nebraska received $31 million year in title I funds last year. School districts use those funds in a variety of ways. We need to give districts the flexibility to educate those students using the best methods available, but we also must demand accountability.

I believe that the most important way in which the Federal Government can be a helpful partner is by making sure that when a young person finishes twelfth grade he or she has the skills to get a decent job. It may take a couple of years at a community college to fine-tune those skills, but the point is that only 60% of high school graduates nationwide go on to college, and by the time they are 25 years old, only about 25% have a college degree.

Now we need to do more to make higher education more affordable, and we just passed a Higher Education Act that makes significant steps toward that goal. But we also have to make sure that those who do not pursue a postsecondary degree have the skills to make a good living.

That's why I believe strongly in the value of vocational education. Two weeks ago I visited the vocational education program at Grand Island High School, in Grand Island, Nebraska. In the vocational education program at Grand Island High, students are receiving hands-on education that will translate into real jobs. Grand Island has formed a partnership with area manufacturers, and the manufacturers know that it's a good deal for them. They have said to Grand Island, You train the students, and there will be a job waiting for them when they get out of school.''

In one particular class students work together all year long to build an actual house. Every part of the house, with the exception of the foundation, is built by the students. Then, at the end of the year, they actually sell the house, taking pride in the fact that they have created a product that has tangible value to their community.

Mr. President, I believe we need to increase opportunities for these students. I support the Ed-Flex bill because I believe that if it is used wisely it can help schools accomplish important goals in educating students. But I want to make clear that it's just the tip of the iceberg. We also need to increase our investment in these students so that all students have a shot at the American Dream.

Mr. President, just briefly, I thank both the Senator from Vermont and the Senator from Massachusetts for their leadership on this as well. I want to try to briefly declare why I like this bill and what I think needs to be done in addition to it.

I had a recent conversation with one of the 604 school superintendents in Nebraska. Those schools are as small as 100 students, ranging all the way up to 46,000 students, with a lot of variation in between. I talked to a superintendent in one of the rural school districts—in my State there is more poverty in the rural areas than is in the urban areas among children—and asked what he wanted. He said, immediately, ''I need, in some cases, more flexibility to implement programs. I do not want any waivers from civil rights requirements, no waivers from health or safety. But sometimes with a Federal program, the State won't allow me to do what would reasonably accomplish the objective of what the Feds want.'' This bill allows it. He said, ''In fact, I would like to be held to even higher standards of accountability. I want you all to hold me accountable to make certain that we are getting the job done.'' This bill does that. It provides both flexibility and measures for increased accountability, which is precisely what we need.

I want to point out as well, Mr. President, that he went on to say that the greatest challenge is not only flexibility, but increased resources for those children of lower income working families in both rural and urban environments. He said, ''If you are insistent upon making certain that we have trade policies that are open, and if you want to keep the restrictions on business to a minimum so entrepreneurs can grow, what we are going to have to do is aggressively increase the skills of people that leave high school and go right into the workforce.'' The only way to get that done is to start very early. And I hope that in this bill, Mr. President, that we will have an opportunity to put some amendments on it that will give us some increased funding for lowering class size, that will allow us to do some afterschool programs.

I know the Senator from Connecticut has a bill dealing with child care. To me, child care and education are almost interchangeable. It is difficult to tell one from the other. A full third of my high school students in Nebraska go immediately from high school into the workforce, and there is an increasing amount of concern at the rural level and at the community level for the skills of these young people. If you do not start it early, it is impossible for us to close that skills gap. In my judgment, with the pace of our economy and the speed with which things are changing, there is a real urgency to get out there with flexibility, which this bill does. I hope we will have the opportunity to provide some additional resources so we can make sure that, with confidence, we are saying we are doing all we can to make sure that our young people, when they graduate from high school, are prepared and have the skills that they are going to need in a very competitive world economy.

Mr. President, I thank the manager of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I won't take a great deal of time. Senator KENNEDY, Senator JEFFORDS, Senator FRIST, Senator WYDEN and others have talked about many of the specifics of the bill before us—the Education Flexibility Partnership Act. I just want to take a few minutes to thank my colleagues for all their work on this bill.

I am very pleased that one of the first legislative matters we are taking up this year is education. This is about as significant an issue in the minds of most Americans as any. There are a lot of other questions which are very important, but none that I think dominates the concerns of Americans regardless of geography or economic circumstance as education, particularly elementary and secondary education.

Later this year, we will take up the Elementary and Secondary Education Act reauthorization, which contains the major federal programs to assist our schools. This bill requires reauthorization every 5 years. And this year is the year that we must reauthorize that basic fundamental piece of legislation that deals with the elementary and secondary education needs of America. So we will have a chance, I suspect, even then to review some of the issues that concern people. I had hoped that we could consider this initiative on Ed Flex as part of that larger bill given its relationship to those programs; however, I am still hopeful that we can include the review of this program in our work on the Health, Education, Labor and Pensions Committee.

Today, as we gather here, in many parts of the country students are still in school. Fifty-three million students, more or less, went off to elementary or secondary schools this morning, from Hawaii to Maine. Of the 53 million, 48 million are in public schools and about

5 million are in private or parochial schools across the country. The vast majority, of course, attend our public schools. And most attending our schools today are doing well and their schools are good.

I think too often we focus our attention on the things that do not work. Partly it is because that is our job. And there are a lot of gaping holes in the education reaching students across this country in the ability to learn and the opportunity to learn. But in many, many communities across this great country we find schools that are filled with learning and blessed with qualified, motivated teachers, and enriched with excellent resources from libraries to computers.

In recent years, more and more schools have joined these elite ranks. More schools are enjoying the benefits of these wonderful technologies; more schools have adopted strong and challenging standards-based reform strategies; and more fine, well-educated people are entering the teaching ranks.

But our job, as I said a moment ago, Mr. President, is not just to point out the things that are working well. If we are to improve our schools, we must also focus on the problems and how to encourage real solutions to these problems. And that brings us to this bill. It will bring us to the Elementary and Secondary Education Act as well.

Let me just share some statistics with my colleagues, briefly here, on the state of education in America.

The GAO estimates that one-third of all of the schools in the United States are in need of basic repairs and renovations. Two-thirds are in good shape. That is the good news. But still fully a third of them are in poor shape and in need of repairs and renovations.

Just to give you one example, in my home State of Connecticut, Mr. President, there was a study done on school conditions in the city of Waterbury, CT. I live in a very affluent State, but there are pockets of real poverty in Connecticut. It is a dichotomy of affluence and poverty living in a relatively small piece of geography. Waterbury, CT, has some very fine and affluent neighborhoods. But like many of our cities, there are parts of it that are not doing as well economically. Last year, in Waterbury, they found that 500 fire code violations occurred in our schools over the last five years—500 fire code violations.

Another statistic, nationwide, 53 percent of 3- and 4-year-olds participated in preschool programs.

Eight percent of second graders were detained in kindergarten or the first grade. Second Graders—it is hard to imagine why someone would be held back at that level. One could maybe see it later in the elementary grades, but by the second grade almost 10 percent are being held back.

Nearly 15 percent of middle and high school teachers in the United States do not minor or major in the area of their main teaching assignment. Again, we have 85 percent who do. But there is a growing number, about 15 percent, who are being asked to teach at the secondary school level in a curriculum that they have not received a significant formal education.

We see, as well, that 86 percent of 18-through 24-year-olds have a high school diploma. That number, again, is getting better. But is still too high. And is way too high when one looks at some of the sub-populations of students; over a third of Hispanic Americans are dropping out. This is the fastest growing ethnic group in the United States and one-third of them are dropping out of school.

At the end of the 20th century, Mr. President, we are going to have to do better in all these indicators if we are going to compete effectively.

So I am pleased we are turning our attention to education today. But let's not delude ourselves. The bill that we are talking about here is not the answer. I respect immensely the authors of this legislation. I have a high regard for them and the motivations which caused them to propose this legislation, particularly my good friend from Oregon, who had a long and distinguished career in the other body, and who cares about young people and their educational needs, and our colleague from Tennessee, and others who are a part of this legislation. But I want to raise some of the concerns that some of us have about this bill and am hopeful that we can work through some of these issues in the coming days.

Six years ago, in 1993, we enacted the Ed-Flex Demonstration program in the hopes that it would spur school reform in our states. It was a very tightly written program with just 6 states participating. We quickly expanded that to 12, recognizing 6 States probably was not a good enough laboratory to get some decent results back to determine whether or not this new waiver authority would prove to be worthwhile.

Ed-Flex was a major departure in education policy. We were allowing, for the first time, officials to waive Federal regulatory and statutory requirements. That is not a minor thing. I mean, we are responsible to see to it that the dollars, the Federal dollars that go to education, are going to be spent well and wisely.

Now, I don't question that we can get heavyhanded, and too bureaucratic. We are all painfully aware that can happen. But to allow state officials to waive statutory and regulatory requirements is a significant departure. It is one thing to modify, to amend, to drop certain regulations, but to allow a complete waiver of statutory and regulatory requirements was a dramatic departure from our education policy.

We included protections in the law at the time. The Secretary would have to approve applications for this waiver authority. Only States with strong standards-based reforms in place were eligible, and waivers could not override the intents and purposes of the laws or civil rights and other certain basic protections. But the idea was for flexibility in return for results. So we passed overwhelmingly this demonstration program.

But it was for a demonstration program—a test. Well, the results are not in. That is one of the difficulties here. It is not that anyone has studied this and said they are bad, they are just not in. We do not really know. It may be very good, or it may not—but raising the legitimate concerns about it is not inappropriate.

Texas is the only State, the only one, by the way, out of all 12 States, that has actually been giving us some details on how they are performing. Most others cannot produce, unfortunately, any results about student achievement results they have achieved through school reform and the Ed-Flex demonstration program.

The General Accounting Office, the GAO, has reviewed Ed-Flex and found little in the way to suggest that Ed-Flex is making a difference. Now, it may. Again, I find myself in a situation of hoping it does. I supported the demonstration program not because I anticipated it to fail, but I did it because I anticipated it to work. But I feel I have a sense of responsibility to the people of my State—that it is their dollars, in a sense, that are going to this—that I can look them in the eye and say why we are now going to pass legislation permanently establishing this. But if you ask me the question, ''Do I have the empirical evidence which draws the final conclusion that in fact this can work?'' I have to say, no, not yet.

Now, maybe it will come in, but it is not here yet. And so I hope my colleagues understand that those of us who are raising these questions are doing so with a deep sense of optimism that this will work, but also a deep sense of concern that we do not have the information yet to make these final conclusions.

While we don t know much about results, we do know a little about how this authority is being used. Seven of the participating 12 states have granted 10 or fewer waivers. The vast majority of waivers requested are about loosening title I requirements for targetting the neediest students. But generally, the finding suggests there is little being done with Ed-Flex that is not being done directly with the Secretary with his own waiver authority.

We hear anecdotes from Governors about how it is promoting creativity and spurring reform—but the evidence we have on how it has been used really do not back this up in the most states. But I have never had a Governor or mayor yet that wouldn't like to get all statutory and regulatory requirements of the Federal Government eliminated; that doesn't come as a great shock. They would like us to write a check, give it to them, and get out of the way. That is how Governors and mayors

think. I find it interesting that in States, when State legislatures or mayors ask Governors for similar waiver authority, I usually find the Governors are far more resistant to waiver authority at the local level than they are in asking us for it. It is where you are in the food chain in terms of your willingness to support waivers from regulation.

At any rate, we hear a lot of anecdotes from Governors and State education leaders about Ed-Flex changing the mentality of their systems and motivating school improvement efforts. I am for this. I hope it works. But I think we need to ensure that students are served by these changes. That is why we have the accountability amendments.

Senators KENNEDY, REED, and I will offer two simple amendments that I believe get to the core of improving accountability. These build on the changes that we were pleased to see the managers include the substitute bill they offered earlier today. Our staffs have been working together for weeks to beef up the accountability in this bill. I believe we have made good progress, but must do more.

The first amendment offered by Senators KENNEDY, REED and me will ensure that accountability is resulting in student achievement. Improving the performance of students is what this is all about. I am rather surprised we have been forced to offer what we think is a very common sense amendment, rather than having it just agreed to and accepted. I understand we continue to work on this and am hopeful that we will be able to resolve this without a vote.

The second amendment ensures involvement of one of the key players in school reforms, parents and the larger public. The Reed amendment ensures that parents and other local leaders can comment on applications for waivers and that these comments are given consideration.

Again, I would hope that parental involvement is one of the things all of us can agree on. In Head Start, we require that parents be involved from volunteering in classrooms to parent planning boards, then make key decisions about their community programs. We get about 80 percent parental involvement with Head Start programs. What has been terribly disappointing to me is that by the first grade parental involvement drops to about 20 percent. It immediately drops, which is terribly disturbing because there is no better way to increase a child's performance in education than to have a parent involved—visiting teachers, talking to them, going to the schools, learning what the child is supposed to be learning, involved in school governance and reform.

The requirement we would add would ensure that interested parents could be engaged in this process. I hope our colleagues would be supportive of that since it fits in with the growing concern among all Democrats and Republicans that parental involvement needs to be expanded rather than contracted. The Reed amendment does not give parents or others veto power. That is not the point. It gives them the power to comment knowing their comments will be considered, which is not too much to ask. It says their comments should be available and included in the application for waiver authority.

These are simple changes that broadly improve the accountability of this bill.

We will also have the opportunity to consider several other important education initiatives—not to belittle the importance some have placed on this Ed-Flex bill, but I have never had one parent or teacher or student raise it with me.

I have heard from many concerned about class size, districts looking for reassurance that the full promise of 100,000 teachers will reach them. Class size is a critical issue to families all across the country, whether in a rural school in Idaho, or urban school in Connecticut. Parents know that class size matters—how many teachers teach how many students, how well educated they are, and are these buildings that these kids are supposed to be learning in, in good shape. We also hear a great deal about the readiness of children to learn when they enter school. We hear about aftershool.

My colleague from California, Senator BOXER, has an interest in this. My colleagues from Vermont and Massachusetts will recall last July when this specific bill was in committee, I offered an afterschool amendment to this proposal—which I hope to be offering in this debate. My colleague from California has an interest in this subject matter, as well.

Eighteen years ago our former colleague from New Jersey, Senator Bradley, and I did the initial legislation on afterschool programs in the dropout legislation. Over the years I have been deeply involved in trying to reduce this afterschool problem, of the difficulties that occur with the lack of afterschool programs. This is an issue that many people in this country would like to see us do more about.

I think most of my colleagues are aware of this, but this chart points out when juveniles are most likely to commit violent crimes. The spike is around 2:30 or 3 o'clock. That is the peek time of violent crimes among young people. The hours between 2:30 and 6:00 is when we see the largest percentage of violent juvenile crime.

It is not uncommon for communities to have curfews. Invariably the curfew suggests some time after 9 or 10 o'clock at night. In fact, 9 o'clock or 10 o'clock at night is a relatively calm period of time. It is 2:30, 3 o'clock, 3:30, 4 o'clock—when kids are home from school, but parents are not—which is the critical time period. We are told by chiefs of police and others that violent crime among young people is on the increase. Afterschool programs, putting efforts into this, is something that we think would make a great deal of difference.

I hope to offer an amendment on my own or with Senator BOXER or others to deal with this issue.

Mr. President, Ed-Flex may make a difference in some States. Frankly, in my view the jury is still out for the reasons; I hope the jury comes back with good results and good reports on this. We think the accountability amendments will help here.

But this legislation on its own is no substitute for what our schools need and what parents and students across this country are demanding. I am hopeful that during these next several days we can have a real discussion on education and improve this bill with the addition of some critical timely initiatives.

I am happy to work with the chairman of the committee and the ranking member and move through these issues in an orderly way. I thank both Senators for their leadership. I commend my colleague from Tennessee and my colleague from Oregon for their fine work on this amendment.

I appreciate, again, the motivations that have given rise to this legislation. I think we can make it a better bill and add to it some of the elements that we think will strengthen the educational needs of all Americans by some of the suggestions I have made here and that others have made this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I'll use a few moments to take a look at last year. What we are talking about right now is where we ended last year as far as passing bills on education.

Let us take a look at what we did accomplish during that period of time. This chart lists all of the bills which we passed out of our committee, almost all of them by unanimous or close to unanimous votes. They all became law. They were very important.

First of all, we had the Individuals with Disabilities Education Act, for which we had tremendous bipartisan agreement, and we took time to do it. It came out and passed practically unanimously by both the House and Senate. That is what happens when we have good, bipartisan working together.

The next one was the Emergency Student Loan Consolidation Act of 1997. We had some important problems that came up with respect to student loans, but were able to take care of them. This Act passed with a very substantial vote.

Next, was the National Science Foundation Authorization Act, which had not been reauthorized for many years. An important component of the National Science Foundation is education; we sometimes forget that. But a tremendous amount of funding for the important areas of education, in

the areas of science, comes through this bill, and that was accomplished.

Then we had a real step forward with the Work Force Investment Act of 1998, including the Rehabilitation Act Amendments. That bill has turned this country around in its attitude and ability to prepare people for the workforce. Not only that, but it recognized that workforce training is nonstop at high schools and colleges. Training goes on and on and on. We now have the nontraditional students of the past who are actually outnumbering the so-called traditional students on the recommendation that a person's job is going to change many times during a lifetime. We had close to unanimous agreement on the Workforce Investment Act of 1998.

And for the first time in 5 years, we did a thorough review of the Higher Education Act, taking into consideration the needs of the Nation. Again, with very hard work and long, long hours, we were able to complete the Higher Education Amendments. Also included were the Education of the Deaf Act Amendments of 1998. The Higher Education Amendments took a close look at not only higher education, but what higher education was doing with respect to the teacher colleges. We found we had serious problems with the teacher colleges and things had to be changed. We also recognized that we had a huge problem trying to get our teachers in schools the kind of retraining that is necessary in order to bring them up to speed on the needs not only in the next century but this century. This Act passed close to unanimously.

The work being done now in professional development—we eliminated all the bills on professional development in there. They were useless. We have now created a very firm foundation for professional development in higher education institutions to assist us in our K-through-12 education.

The Reading Excellence Act was unanimous here. In close cooperation with the President, we came out with that act, and it is in law and already having an impact upon the serious problems we have with a number of young people graduating from high school who are presently functionally illiterate and do not have the basic skills necessary to warrant a diploma. We have had what is called social promotion, and the President emphasized that we have to do away with social promotion. The way that can be done is to try to make sure every kid can read, and the Reading Excellence Act will be an important part of that.

In addition, we had the Charter School Expansion Act. As we go forward, it is necessary to experiment in the kinds of institutions we can create to have the flexibility and dedication to be able to change the relatively low results we have been getting out of our K-through-12 educational system. Some of the charter schools are working well. We have learned a lot. Those will be models for what we can do in the public school system. It is an important step forward.

In addition, we had the Human Services Reauthorization Act of 1998. That is Head Start and other programs for the very young, as well as for those in special low-income areas. It was the first reauthorization of Head Start in many years. We came out with an excellent bill, all working together, Republicans and Democrats, and with the White House.

Finally—and this is an important act—is the Carl D. Perkins Vocational-Technical Education Act Amendments. We had not been able to get that amended in many years. We did a thorough review of its application. We upgraded it and brought it into the modern day situation.

I am pleased to say that we almost reached our goal on all the bills that we had. However, one bill didn't make it, and it was this Ed-Flex bill. The reason it didn't make it is not because the Members did not agree with what we had in the bill, but it was seen to be a vehicle on which perhaps many other ideas and thoughts about how to change education could be amended to it.

I hope that doesn't occur this time. I hope we don't find ourselves in the position of not taking a bill which everybody agrees is important. The President has said that he favors it. He gave strong words of support for it. The Governors have unanimously agreed that they want it. I hope we will be able to get this out in the next few days in order to be sure that we can give the flexibility to the States that they need.

My State has had it. It has worked very well. It is not a huge success in the sense that it is going to change that much that goes on, but it makes it easier for States to coordinate things. You have situations—at least in our State—where school districts are very close to the 50 percent or the 125 percent thresholds for poverty. If you don't quite make it, it fouls everything up. With the flexibility we have had in Vermont as one of those six States that have been able to use the flexibility, we have found that it has reduced the time and effort which go into trying to work with title I. That is all we are trying to do today.

I think we are hearing now an agreement on accountability. If we have learned anything over the past year, it has been the tremendous lack of accountability in this country in our educational system. If there is any area that we need to improve upon—and I serve on the Goals 2000 panel—it is accountability. One of the most disturbing things I have found is that we really don't know what is going on in this country. We still can't measure performance, still can't determine—in fact, in the report we have no evidence that there was any improvement from the date that we got the ''Nation at Risk'' report in 1983. Fifteen years and there is no measurable improvement in our schools. But then we found that the data we were using to determine whether or not there was any improvement was 1994 data, and here it was 1998.

So we have other improvements to make, and one of those is accountability and to be able to measure what is going on in our school system. The flexibility will help the States to be able to really ascertain and work better with their school systems to determine exactly what is going on, how to measure success. That is one of the reasons. So I am hopeful that that one bill we were unable to get passed last year in the area of education, which we knew was appropriate and necessary—I hope we can get it done quickly this week.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I will just take a few moments to expand upon a couple of issues that have been raised over the course of the morning and early afternoon. One has to do with accountability and the other, parental involvement. Both of these are very important issues as we proceed ahead in addressing both the underlying bill and the potential amendments that are coming forward.

The Ed-Flex bill itself, again, is a bill that expands a demonstration project, which has been very successful, from 12 States to 50 States. What it does is simple. It allows schools and school districts the opportunity to obtain a waiver, and that waiver would allow them to accomplish very specific goals as set out in programs but free of the redtape and excessive, burdensome regulations, and it also allows them to say we are going to meet those goals and objectives and be held accountable for those in very strict ways that identify our particular needs. Schools have different needs; a particular school might need access to computers and another might need to have a pre-kindergarten program. Another school might need to have an afterschool tutoring program. I think the point is that we don't want to tie the hands of our local communities and our schools if they say this is what it takes for us to increase student performance, this is how we have identified, based on our own needs to achieve, these very specific objectives. Again, we are not talking about a block grant. We are not talking about changing the goals that we set out. We are saying that given the resources that we are putting in a particular area, and given the specific goals, we are going to give the local communities the opportunity to have more flexibility and at the same time demanding accountability to meet those goals.

That, very simply, is what the bill does. We have this experience with it that historically we can look to; we can learn from it. We can expand upon it. And that is where we are today.

That is what I think real leadership in education is all about. I think it is an appropriate Federal role to give that flexibility and demand that accountability. ''Accountability'' is tied with ''flexibility.''

That accountability needs to be carried out at the local level, for which I have the next chart, which was spelled out earlier. We need to have the accountability built in at the local level. We need to have the accountability built in at the State level and at the Federal level, all reinforcing each other in an appropriate hierarchical way just to make sure we are holding those schools or school districts accountable for the waiver that they have spelled out.

I have gone through the specifics earlier, but as I keep this chart up, just so people can understand how it builds one on the other, let me also make it clear that the type of waivers that we are allowing are really two kinds. One is an administrative type of waiver. That is a waiver where you unshackle the paperwork on local communities, local schools, and school districts which say that they are bombarded with paperwork and time requiring activities which keep them away from accomplishing that goal. Those sorts of administrative waivers are very important. And that is one element of the waiver system.

Another element of the waiver system about which we have talked a great deal about today is where the schoolwide waivers take place, again accomplishing the specific goals consistent with the intent of the Federal law.

We have to keep in mind that not all waivers are about student performance per se, that some waivers are about—I will describe them first—lowering that paperwork burden on both schools and school districts and at the State level.

I say that because we have to be careful, if we start modifying this bill at all, so that we don't try to connect every single waiver with an increase in student performance and use that as the judge. There are certain areas that we cannot basically come back and link that particular waiver that produces paperwork to the performance of individual students in a school.

On the issue of student performance, I think it is important to point out that Ed-Flex, as is spelled out in the underlying bill, has more accountability that we have injected into it than the Elementary and Secondary Education Act which is in existence today. That particular act authorizes over $13 billion. We have injected in our bill, Ed-Flex, more accountability than is in that Elementary and Secondary Education Act.

I mention that again so people will know how hard we have worked in this peer approach to make sure that accountability is included.

Under current law, education programs that provide direct services to students are not specifically required to improve student performance. Ed-Flex has more accountability built into it than the largest single Federal education law in the land.

That is point No. 1.

No. 2, it is important to understand that the accountability provisions in our bill as written—I encourage my colleagues to read that bill as written—inject more accountability than the existing 12–State demonstration-project. It is important, because I want people to go back and read the bill and not just look at what is in the current Ed-Flex program and the 12–State demonstration project.

First, before a State may issue waivers, they must first provide public notice and comment. I am going to come back to that shortly because that will give me the opportunity to talk a little bit more about parental involvement. But it is very clear that by having that requirement that the community at large, including the parents, will be very much involved as they can express their concerns if they have such concerns about the waiver.

Second, before receiving any waiver in the State, local school and local school districts must establish specific measurable education goals, which may include student performance. But they have to have very specific goals spelled out.

That is important, again, so we can demand that accountability as to whether or not they meet those goals. As I pointed out before, those goals, as spelled out in the bill, may very well include student performance.

Third, every year States must monitor—this is at the State level—and review the performance of schools and school districts that have received those waivers. So we go from local up to the State level that the State must monitor. In addition, the States are required to make sure that the school and school districts that have received waivers are, indeed, making progress toward those goals; again, including school performance. Whatever those goals are they establish, consistent with the Federal intent, we need to show not only that the goals have been spelled out, but that progress on a regular basis is being met. If a school district or a school fails to meet that progress toward meeting the goals, the State at any time can revoke that waiver.

In addition, we have built in and spelled out here that the States have to offer technical assistance, if progress is not being made, and also take corrective action.

Fifth, every year the States must send a report on how Ed-Flex is working to the Department of Education; again, an accountability measure.

Sixth, again looking at the top of the chart at the Federal level, the Secretary of Education has the final say. He or she can terminate a waiver at any time.

Seventh, the Secretary must issue a report to Congress every 2 years on the performance of students affected by the waivers.

Eighth, State waiver authority to issue waivers is thoroughly reviewed every 5 years, and is contingent upon school performance.

Earlier today, the Senator from Oregon presented the accountability checks in the bill. These accountability checks are critical.

The second issue that I wanted to refer to, again because it has been talked about, is regarding the requirements that can or cannot be waived. Again, I encourage my colleagues to go back and see what is in the legislation, because it has been written very carefully with a huge amount of input from a broad number of people. The requirements that cannot be waived in Ed-Flex—again, spelled out in the bill—include such things as: The civil rights requirements, the underlying purposes of each program or act for which a waiver is granted.

The third one that I want to stress right now—I will not go through the rest of these—as requirements that cannot be waived under Ed-Flex, is parental participation and involvement. We have heard a lot about the parents, how important it is to have the parents involved. I agree. There is nobody that cares more about their children, about the future of their children, than those parents.

One important thing is the whole notion of public notice. We talked a little bit about public notice. This is one area that has been greatly improved, I think compared to a year ago—public notice of those waivers.

First of all, let's see what is currently being done in terms of public notice of the waivers. Let's look at Texas. In Texas, at the local level requests for waivers must be reviewed by campus and/or site-based decision making committees composed of parents, teachers, and other community representatives.

The same thing in Maryland. I won't go through the details. But, if you look at these examples, you will see that through public notice, comments and concerns by the parents are made known. The parents are involved.

To take another example of public notice in current Ed-Flex States, in Michigan, it has a waiver-referent group composed of representatives from a number of people: Michigan Department of Education, local and intermediate school districts, private schools—and importantly—parent organizations.

Furthermore, if you look at the public notice, among the criteria that the Secretary uses to evaluate a State's Ed-Flex application is,

> Did the State conduct effective public hearings or provide other means for broad-based public involvement in the development of the Ed-Flex plan? How has the State involved districts, schools and [very specifically] parents, community groups and advocacy and civil rights groups in the development of the plan?

These are the criteria that are used, which will be used as well under extension under our bill.

I can just go on. The other criterion that they have to use is,

How would the State provide districts, parent organizations, advocacy and civil rights groups and other interested parties with notice and an opportunity to comment on proposed waivers of Federal requirements?

Again, as you can see, parents are an integral part of this waiver process. And there is a good reason. As has been pointed out by both sides, we want parents involved. Nobody cares more about the education of the children of this country than those parents.

The National Education Association, (NEA), on February 25, 1999 made an important statement. I d like to look at how a group that is involved in education, that is objective, that is not on one side of the aisle here, that is not just a policymaker but is a group of people who are in the field, who have a vested interest in education and education policy—how do they view the direction we are going, in terms of that overall balance? I think we can go through this first statement on the chart. It says:

. . . the NEA believes the Ed-Flex legislation introduced by Senators Ron Wyden of Oregon and Bill Frist of Tennessee is a step in the right direction.

Remember, we are not trying to cure all of the problems in education today. That is not our purpose in this particular bill. That is a process underway in the Health, Education, Labor, and Pensions Committee right now as we are reauthorizing the ESEA, the Elementary and Secondary Education Act. That is the appropriate forum for that. This is a very targeted bill that can be passed to the benefit of hundreds of thousands of children if we do it right over the next several days.

But going back to the NEA, because again I want to stay on this issue of parents, how do they view what we are doing from the outside with their vested interest in education, the education establishment, and, most important, the education of our children? I will turn to the second quotation from their letter. They say:

The bill has been much improved through the addition of increased accountability and coordination measures and a public comment period that permits parents and members of the community to participate actively in education reforms.

I think this again is critically important, because it demonstrates objectively that we, as a body, on a bipartisan bill, have made absolutely sure to address the accountability issue and to address the issue of including parents.

I have to say, ''The bill has been improved. . . .'' Those are the words of the NEA, which shows we have taken a bill that really went through committee and passed, and have been willing to work again with all interested parties to make sure that accountability, through the eight steps I outlined, through the tiered approach of the pyramid, guarantees—guarantees—that accountability.

Just so people will know, because it is always hard for people to go back and read the bill, on the public notice and comment issue, which I think is very important—just so people will know specifically what is in the bill on public notice and comment, let me just read directly from the bill, page 13. The bill has been distributed.

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, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

I repeat, ''shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.''

There are a number of other issues. I wanted, again, to come back to the accountability issue and parental involvement, both issues that have been addressed. People who read the bill will find the accountability and parental involvement issues very, very strongly enumerated, supported, and substantiated in the bill, again with the input of the Department of Education, from whom we solicited direct input on how to assure that accountability, and many, many other interested parties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the afternoon is moving along, but we are making some progress. Even as we are trying to find some areas of common ground, let me just respond specifically to the Senator from Tennessee on his provisions in this and on his statement that the criteria in this results in greater performance standards than in Title I. It is difficult to see that, because, under the provisions under Title I, the State has developed and implemented the challenging State content standard, challenging student performance standards and aligned assessments described in the Elementary/Secondary Act, and therefore it has content standards and performance standards included, while, in this legislation, Ed-Flex, it says, ''made substantial progress as determined towards development.'' So, I think we are headed in the right direction, but I don't want anyone to think we have tougher standards in this particular proposal than we do in the underlying Title I.

Specifically in the managers' package, on page 3, you have findings:

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.

I agree. Amen. That is exactly what we want to try to use as a measurable fact. But it is only a finding, it is not part of the operative language. This is a good idea, and that is exactly what we are trying to do, to make sure that we are going to have the students' achievement and performance, as we have outlined in the earlier debate. Managers' amendment, page 6, says an ''Eligible State'' is a State that:

. . . 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.

We want to see the whole State, not just the local communities. We are able to take what the Senator has put as a finding—and we agree and put that into language—and to make sure that the State is going to have compliance, that particular provision says that a State will hold local districts accountable for results. It does nothing to say that the State will evaluate whether they have done so. It does nothing more to ensure that the State's overall waiver plans to achieve student achievement. If we have that, we have solved at least the major problem.

Look at page 9 in the managers' package, ''Local Application'' shall:

. . . describe for each school year, specific, measurable, educational goals, which may include progress toward increased school and student performance, for each local educational agency or school affected by the proposed waiver. . . .

We could solve at least one part of this by instead of saying ''may include'' saying ''shall include.'' ''Shall include.'' All we are trying to do is to make sure that—while giving the States and local communities flexibility—the fundamental purpose of Title I is going to be achieved for the reasons that have been illustrated in the very impressive report that has come out in the last 2 days about the successes of Title I. We want to make sure when we are providing this, that the principal criterion is going to be student achievement, and that is what we are going to do. The words are used but we do not find it applicable, in terms of the statewide program.

As I say here on page 9:

Local application shall describe for each school year specific measurable educational goals which may include progress toward increased school and student performance. . . .

Isn't this all about the performance of the children? Isn't that what we are attempting to achieve? That is why we are spending the resources, to enhance the students' performance. That is what we are doing. As we are prepared to see greater flexibility, we are simply saying: Okay, you get the flexibility, all we are asking for is student performance and achievement. That is what the basic debate on this is.

In the managers' package, on page 11 on State waiver approval, it says:

A State educational agency shall not approve an application for a waiver under this paragraph unless . . . 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.

This, again, applies to the LEA rather than the States.

Just to sum up, Mr. President, for those who support our particular amendment, all we are saying is, yes, we will have the flexibility, but in giving the flexibility, there is some assurance that there will be an improvement in student performance and student achievement, as measured by the State plan, not by the Federal plan, but by what Alabama wants to do or what Massachusetts wants to do or what Vermont wants to do. They are setting their plans. All we are saying is, according to your own State plan, that we are going to have measurable results in terms of the performance. That is what this amendment is really about.

We have the example which we have gone over in terms of Texas where they have spelled out exactly what they are going to do. It has been enormously impressive, and the students have made very significant and important gains. And that example is being replicated by other communities. The parents understand it. The parents know what is happening in their particular schools, and they are able to make some judgments about it. Mr. President, this is what we are all working towards.

I wanted to get back into reviewing, very briefly, the absolutely splendid independent evaluation that has just been released this past week on title I and their conclusions. Those will be valuable for our Education Committee as we are looking over ESEA. They have made some very, very important recommendations, and we ought to be responsive to those.

One of their very key elements is to do the evaluation in terms of student performance. We have that. I will go back into it at another time, Mr. President, but I see my good friend and colleague, the Senator from Minnesota, on the floor, and I yield the floor.

AMENDMENT NO. 32 TO AMENDMENT NO. 31

(Purpose: To preserve accountability for funds under title I of the Elementary and Secondary Education Act of 1965)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. KENNEDY, proposes an amendment numbered 32 to amendment No. 31.

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

Mr. JEFFORDS. I object. I prefer to have it read.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The legislative clerk read as follows:

On page 8, line 4, after ''determines'' insert ''that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and''.

On page 12, line 22, after ''hearing,'' insert ''that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or''

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the Elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

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

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

Mr. JEFFORDS. I ask unanimous consent that the Senator from Pennsylvania have 5 minutes as in morning business.

Mr. WELLSTONE. Mr. President, parliamentary inquiry for a moment. Certainly that is fine with me. The pending business is the amendment that I have on the floor; is that correct?

Mr. JEFFORDS. That is correct.

Mr. WELLSTONE. That remains the pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request? If not, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair and thank my distinguished colleague from Vermont.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 528 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed to speak in debate only for 10 minutes.

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

Ms. LANDRIEU. I thank my colleague from Vermont.

Mr. President, I rise today in support of S. 280, the Education Flexibility Partnership Act, which we have spent most of the afternoon speaking about today, for several reasons.

First, this Ed-Flex bill, as we have come to call it, represents a very solid bipartisan effort to provide greater flexibility in our public schools and, hopefully, improvement. Passage now at this early stage in this Congress sends a very positive message, I think, to the American people that we want to put first things first; we want education to be a priority. We are willing now, with the ordeal of the trial behind us, to work together across party lines for the things that are important to people back home.

Second, expanding the Ed-Flex program gives every State and school a chance to temporarily waive sometimes very restrictive specific Federal regulations to help them better meet their new standards and to help them to better utilize the tax dollars that we send to them and that they generate on their own.

Thirdly, for its timeliness, I am happy to join this debate because, next Monday, it will be my honor to host Secretary Riley in Louisiana for the first yearly conference on educational excellence in our State, as we reach out to develop stronger Federal-State partnership for reforms in education. As you know, Mr. President, it takes more than just the Federal Government's actions, but it takes our actions, with the States and local governments, to make real these kinds of reforms for the children in our schools. The conference this week in Louisiana and this bill will move us closer to that goal.

I also support Ed-Flex because it has proven to be effective over the last 4 years. As my colleague from Oregon has so eloquently pointed out, these pilot programs have worked, and that is why the bill is before us today. We know it works. States and local school districts under Ed-Flex have received waivers for several Federal education programs. These waivers will free States and school districts from unnecessary regulations that stifle innovation in education, while still ensuring the core principles that have been outlined so clearly; specifically, the civil rights principles will be honored with this bill.

At the same time, Ed-Flex is voluntary. No State, no school, no district has to apply for these waivers, but they will be available should a school or a district choose to apply. And for accountability's sake, waivers can be revoked under the current draft of the bill, if the Secretary of the Department of Education determines that these waivers granted have not improved significantly the performance of the students in that school or that district.

We know that the data resulting from certain demonstration States is very encouraging. For instance, in Texas, where this has seen its greatest use, students with Ed-Flex waivers outperform those in districts without the waivers in the Texas Assessment of Academic Skills in reading and math. In Maryland, the Ed-Flex waiver provided the opportunity for that State to provide for one-on-one tutoring in early grades in reading and math, in grades 1 through 5, and in lowering the student-teacher ratio from 25 to 1, to 21 to 1. Mr. President, with a 6-year-old who is in first grade now, let me tell you that those student-teacher ratios at that level are crucial as our young boys and girls, sons and daughters, learn the skills necessary in reading.

That is something I will speak about in a moment. But that is a flexibility that this waiver will provide.

Oregon has used the waiver authority to simplify its planning and application structure to allow districts to develop one consolidated plan that meets all State and Federal requirements.

Let me thank the distinguished authors of this bill for including language also that is already presented in the bill as drafted that will increase the accountability. Some people are worried that if you grant more freedom, we know that then comes more responsibility, and as more responsibility comes, obviously there is more accountability. We want this bill to hold us all accountable, and through the language that we were able to submit earlier, I think with an additional amendment that may be acceptable to both sides, that accountability piece will be made clear.

Let me be quick to say, as I conclude my remarks, that while Ed-Flex is a move in the right direction, much more must be done to improve education. We need to be very clear about this bill. It is a good step in the right direction. It tries to reduce bureaucracy, reduce regulation, give greater flexibility; but it is only one step. We need to do other things.

I urge this Congress, my colleagues on both sides, to support initiatives to decrease class size, particularly in the early grades. Let me share with you an alarming statistic from Louisiana that my acting superintendent and staff shared with me earlier. In the recent test of third graders in Orleans Parish in the basic reading test, 72 percent of the students failed their basic proficiency in reading at that level. In a parish outside of Orleans, a more suburban parish that is still struggling and growing, it was 14 percent. I think 14 percent is too high; I think 72 percent is tragic. We need to do everything we can to reduce class size in those early years—kindergarten, first, second and third grade—so we can prevent scores like this from being a reality.

So I urge that we pass additional amendments to decrease class size and modernize our school buildings so that our children believe what we say when we say they are important. We want them in an atmosphere to learn and not in buildings that are falling down around them, with roofs that are leaking and situations that are unsafe. I think the Federal Government has an obligation to help spend some of our dollars in that regard, in cost-effective ways.

We, as a Nation, face hundreds of issues that affect millions of lives every day, but no single issue is as important to our Nation's future as education and the challenges that our children face in the next century.

I was, as you were, Mr. President, a proud author of our pay raise increase for the military. We have a real problem, as the Senator knows, with our readiness in the military forces because the economy is so good. It is hard for us to maintain this voluntary, well-qualified active force. Why? Because the private sector competes.

Let me say, in Louisiana a beginning teacher makes $14,000, and in some of our parishes up to $24,000. That is bad enough, but even after teaching 15 or 20 years, with a good record, the salaries are not that much higher, unfortunately. Our State is doing what it can in that regard, but if we can come together and pass $10 billion additionally for the military, in terms of getting our troops ready for the new threats of the future, we most certainly can put our money where our mouth is and pass Ed-Flex and look forward to school construction and class size reduction, so that we can prepare our children for the threats that face them if they are not technologically literate, if they don't read well and communicate well. Our whole Nation will be at risk.

I am proud to join my colleagues in support of this important piece of legislation. I urge my colleagues to consider that this is a step in the right direction, but we need to do so much more. I hope we can make good progress in this Congress on these important issues. Thank you, Mr. President.

I yield the remainder of my time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

Mr. WELLSTONE. Mr. President, I ask that I might speak about the amendment.

Mr. JEFFORDS. Mr. President, reserving the right to object. This is for debate only.

Mr. WELLSTONE. Yes, the Senator is correct.

Mr. JEFFORDS. Then the Senator would be recognized for debate only.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't know whether we are going to reach agreement on this amendment or not. If we do, that is great. If we don't, then I will come back to these points again and debate it. I would like colleagues to know what is at issue here because I think this amendment goes to the very essence of accountability.

Mr. President, I have a couple of letters and talking points from the leadership conference on civil rights that I want to briefly mention to colleagues. Let me just start out and read a little bit here.

The Leadership Conference on Civil Rights has made the continuation of the standards-based reform adopted in title I of the Elementary and Secondary Education Act a top priority in the 106th Congress. In order to protect these reforms, we urge you to support amendments offered by Senators Kennedy, Reed, Dodd and Wellstone to the Ed-Flexibility Partnership Act that are urgently needed to protect the opportunities of economically disadvantaged children, children of color, children with disabilities, and other children who need the law's protection.

Next paragraph:

While the stated purposes of S. 280 are to advance the efforts to achieve comprehensive school reform, the bill as reported by committee does not assure that States will qualify for waivers only if they can demonstrate that they have complied with a strong record of reform in the 5 years since Congress with strong bipartisan majorities adopted standards-based reform as national policy in title I of the ESEA, nor does S. 280 assure that States once having achieved Ex-Flex status will not excuse local school authorities from fundamental requirements of title I, such as maintaining high quality teaching staffs and offering afterschool and summer programs for children who need them.

That is it. That is what this amendment says. This amendment is really simple, and my colleagues have stated in spirit that they support it. This amendment simply says that we take the core requirements, and we make sure that the core requirements, the fundamental requirements of title I, such as maintaining high quality teaching staffs, or offering afterschool and summer programs for children who need them, that no local school authority can be excused from meeting these standards.

Let me again just mention what we are talking about. The requirement that title I students be taught by highly qualified professional staff—who can be opposed to that? The requirement that LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet the high standards. Who can be opposed to that? The requirement that schools provide timely and effective individual assistance for students who are farthest behind; and, finally—this is it—the requirement that funded vocational programs provide broad educational and work experience rather than narrow job training. That also applies.

All this amendment says is that we will make it crystal clear by making sure that we will have flexibility with accountability, that no State will provide a waiver to a school district from the core requirements of title I.

My colleague, Senator WYDEN, has said to me that he agrees with that. I am hoping that my colleague, Senator JEFFORDS, will agree.

That is the reason for this letter by the Leadership Conference on Civil Rights. The reason that I have been out here on the floor for hours is twofold. One, I think we ought to be focusing on what we can really do for children that will make a real difference. This piece of legislation won't. But the second is

I don't want to turn the clock backwards. I don't want to go back to pretitle I, 35 years of good history. I don't want us to essentially say that we as a Federal Government, we as a national community are going to abandon poor children, that we are going to now say for the first time that we are going to allow a State to allow a school district to exempt itself from the core requirements of good teachers, high standards, and measurement of results.

My colleagues want to argue that there is already language in the bill that says this. I don't think so. The people who I think have been involved with this, the Leadership Conference on Civil Rights for years, have put a lot of sweat and tears into making sure that there are educational opportunities for disadvantaged children, low-income children, children of color. They are very worried about the lack of accountability. This amendment is specific. It says let's make sure that we keep this accountability.

Mr. President, I am hopeful that the amendment will be accepted. I guess that we will wait and see. I will have other supporting evidence, if we go into a debate. I guess we are now negotiating on this amendment. But it is really, I mean, simple. There are a couple of things. The States have to be in compliance with title I. Who could argue that we would be interested in giving States flexibility, exemptions and all the rest, if they are not in compliance with title I?

The second thing the amendment says is no State should be able to provide a waiver to a local school authority from these basic core values, the core mission of title I. And what are these requirements? That these students be taught by highly qualified professional staff, that schools be held accountable to making annual progress toward helping students, including students with limited English proficiency, that the schools provide timely assistance to those kids who need it the most. How can anybody oppose this?

If you do not want to have accountability, and you basically want to gut part of what title I has been all about for all of these years, a program that, as Senator KENNEDY has said, worked very well, go ahead and do it. Otherwise, this amendment should be accepted.

I will wait, for we will continue to talk, and I hope that there will be support for this.

Mr. President, I have had a chance to speak a long time today. So I yield the floor.

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

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

Mr. JEFFORDS. I ask unanimous consent that there be 15 minutes in order prior to the motion to table the pending amendment, No. 32, with 5 minutes under the control of Senator JEFFORDS, myself, and 10 minutes under the control of Senator WELLSTONE, and that no amendments be in order prior to the motion to table.

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

Mr. JEFFORDS. I further ask that following that vote, if the amendment is tabled, the only remaining amendments in order this evening be an amendment by Senator WELLSTONE regarding 75 percent and an amendment by Senator KENNEDY regarding accountability.

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

Under the previous agreement, the Senator from Minnesota now has up to 10 minutes for debate, the Senator from Vermont has 5 minutes for debate under his control.

Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I ask my colleague, I assume he would want me to take my time and then finish up; is that correct? Is that the way he would like to do it?

Mr. JEFFORDS. I would just as soon speak now.

Mr. WELLSTONE. That is fine.

Mr. JEFFORDS. Mr. President, I will take my 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, this is an amendment by Senator WELLSTONE. I will give you a little history. This bill was voted out of committee earlier this year. It was basically the same amendment which was passed out of the committee unanimously last year—I am sorry, with one objection last year. It is generally agreed to. However, there are some areas that some Members wanted to address. I rise in opposition and I will move to table the pending Wellstone amendment.

This issue was addressed in the managers' amendment package by including the eligibility of the State as a condition for approval and consideration. Also, under the eligibility requirement, States must have the very standards and assessments as laid out in title I. SEAs are prohibited from waiving statewide requirements for local school districts. And, finally, the States are required to implement corrective action pursuant to title I.

Therefore, we believe it is redundant and unnecessary. At the appropriate time I will move to table.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has yielded back all the remainder of his time. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all let me say I very much hope that there will be strong support for this amendment I have introduced along with Senator KENNEDY. If I could just make this request of my colleagues—and I will return to the letter from the Leadership Conference on Civil Rights in a moment—I don't know why in the world we don't just get away from the paper and the words, and why we do not accept an amendment that basically says we will do what we say we will do. What in the world can be the basis of the opposition to this amendment?

This is an amendment that is strongly supported by the Leadership Conference on Civil Rights. This is an amendment that speaks to, really, their central fear about this legislation in its present form. This is an amendment that makes it crystal clear, once again, that the mission of title I, an important mission, which is the improvement of educational opportunities for poor children, will not be weakened.

This is an amendment which says that when it comes to the core requirements of title I, when it comes to the essence of what this program is about, when it comes to the essence of accountability, no State will be allowed to exempt any school district from these core requirements.

We want to make sure that, in every school district in this country, title I students will be taught by highly qualified professional staff. We want to make sure that schools are accountable for making substantial annual progress. We want to make sure that students, low-income students and students with limited English proficiency, meet these standards. We want to make sure that schools provide timely and effective individual instruction for students who are farthest behind. We want to make sure there is specific language. This is the request of the Leadership Conference on Civil Rights. This is the request of people who have given their lives to title I in this legislation, that we have specific language that makes it clear that no State will allow any school district to be exempt from these core requirements, the core components of title I.

You say you want to do this but you don't want to support an amendment that makes it clear that we will do this. My question is, Why not? In all due respect, I may be the only vote against this legislation. I know I won't be the only vote for this amendment. I think there will be a strong vote for this amendment. But in all due respect, if you are not willing to support this amendment which goes to the core of accountability, then you are doing some serious damage to title I, to the title I mission. This piece of legislation will go too long a way towards abandoning a national commitment to poor children.

Now, for the first time ever, we are saying it will be possible for a State to

give a school district an exemption from the basic core requirements of title I—from the basic core requirements. And this amendment just asks you to support what it is you say you are for.

If you want to go toward block grants, and if you want to go toward moving us away from this mission, and you want to go toward weakening accountability, then go ahead and vote to table this amendment. But I certainly hope a majority of Senators will not do so.

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

Mr. WELLSTONE. I will be pleased to yield for a question or yield time to my colleague.

Mr. KENNEDY. What we are effectively doing under the existing proposal in Ed-Flex is focusing attention on needy children, but there are some specific guarantees under title I; for example, well-qualified teachers to ensure that we are going to seek the academic enhancement and achievement of the children. That is one example. There are a series of those. As I understand the Senator's amendment, without the Senator's amendment, they will be able to waive those as well.

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. This really has nothing to do with paperwork at all. We have already decided that there are going to be other kinds of safeguards to make sure that the funding is focused in terms of the needy students, but there are some specific guarantees that have been written in there, the ones that I have said. The purpose of the Wellstone amendment is to give assurance that those particular guarantees will not be waived for the neediest children, as I understand it.

Mr. WELLSTONE. My colleague from Massachusetts is absolutely correct, and I say to my colleague from Massachusetts, I will list these other core requirements. One of them has to do with title I students, that they be taught by highly qualified professional staff.

Another one is that the LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income students and limited-English-proficient students, to meet the same high standards, and the requirement that schools provide timely and effective individual assistance for students who are farthest behind.

I say to my colleague, the reason that the Leadership Conference on Civil Rights feels so strongly about this amendment and the reason my colleague from Massachusetts does, is we know this goes to the very mission of title I. Why in the world would we not want to have this accountability built into this legislation?

Mr. KENNEDY. This is entirely different than what we talked about in the general Ed-Flex where we had requirements that, for example, you could have a studentwide utilization of resources if it was 50 percent poor, and then if it went down to 45, we said, OK; 40, maybe yes. Those were the general kinds of waivers. But the point that the Senator from Minnesota is trying to say is those specific criteria which have been found by educators who have really spent their lifetime focusing on the needs of the neediest children, such as qualified teachers and some commonsense protections, effectively could be waived if the Senator's amendment is not agreed to.

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

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, the Senator from Massachusetts is absolutely correct, and this is why I speak with some indignation.

Mr. KENNEDY. Will the Senator yield for one more brief comment? I don't want to interrupt the thought line, but I have just been informed by the Administration that they support the Wellstone amendment and believe it is consistent with the Statement of Administration Policy. I ask unanimous consent to have printed in the RECORD a statement by the Administration in support of the Wellstone amendment.

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

STATEMENT OF ADMINISTRATION POLICY

S. 280—EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Administration has long supported the concept of expanding ed-flex demonstration authority to permit all States to waive certain statutory and regulatory requirements of Federal education programs in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results. The Administration supports amendments designed to: 1) ensure that State waivers of Federal requirements result in improved student achievement; and 2) enhance parental involvement.

In order to ensure consistency between ed-flex authority and the Elementary and Secondary Education Act of 1965 (ESEA), which will be undergoing reauthorization this year, the Administration urges Congress to sunset this legislation upon enactment of the ESEA.

The Administration strongly supports an amendment that is expected to be offered to S. 280 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

Mr. WELLSTONE. Mr. President, I thank my colleague from Massachusetts.

Mr. President, this is not on the whole question of funds and, frankly, I have been worried about the dilution of funds. I have an amendment that will be accepted tonight that says schools with over 75 percent low-income children have first priority to funds. And I say this to my colleague from Vermont, I really speak now with some sadness because he is going to move to table this because this goes to not technical issues, not formula, this goes to the very essence of what title I is about. This goes to the core requirements, the core mission, the core accountability, and you now have a piece of legislation that tosses that overboard.

You are overturning 35 years of important history. You are overturning 35 years of history of a commitment on the part of our National Government to poor children in America. You are overturning the hard work of many women and men who have written a title I program with accountability that has really worked well for children. That is why the Leadership Conference on Civil Rights is so strongly in favor of this amendment.

I hope my colleagues will vote against this motion to table this amendment. This is the central accountability amendment. If this amendment does not pass, we do not have the accountability that has been so important to the success of title I.

I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back on both sides.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Minnesota. 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 Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent attending a family funeral.

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 30 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 (HN)
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—42

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

NOT VOTING—3

Biden	Byrd	Torricelli

The motion to lay on the table amendment No. 32 was agreed to.

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

The PRESIDING OFFICER (Mr. HAGEL). The pending business is the substitute of the Senator from Vermont.

Mr. JEFFORDS. It is my understanding that two amendments would be in order, if offered—the Kennedy amendment and a Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct. Those are the two pending amendments that will be agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 33 TO AMENDMENT NO. 31

(Purpose: To prohibit waivers with respect to serving eligible school attendance areas in rank order)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 33 to amendment No. 31.

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

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

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

Mr. WELLSTONE. Mr. President, this amendment simply requires that schools with over a 75-percent low-income student population must receive funds first, as a matter of priority—first, in terms of the allocation of the title I money—and that those neediest schools with a population of low-income students over 75 percent would have first priority in receiving those funds.

It is accepted by both sides. I thank my colleagues, Senator KENNEDY, Senator JEFFORDS, Senator WYDEN, and Senator FRIST, as well.

Mr. JEFFORDS. Mr. President, I have no objection to the amendment.

Mr. HAGEL. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 33) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 34 TO AMENDMENT NO. 31

(Purpose: To ensure that increased flexibility leads to improved student achievement)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 34 to amendment No. 31.

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

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

The amendment is as follows:

On page 7, line 21, strike ''and'' after the semicolon.

On page 7, line 24, strike the period and insert ''; and''.

On page 7, after line 24, insert the following:

(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.

On page 9, line 22, strike ''which may include progress toward'' increased school and student performance.

On page 11, line 17, insert ''in accordance with the evaluation requirement described in paragraph (3)(A)(v),'' before ''and shall''.

On page 12, line 14, before the period insert '', and has improved student performance''.

On page 16, line 9, insert ''and goals'' after ''desired results''.

On page 16, lines 10 and 11, strike ''subsection (a)(4)(A)(ii)'' and insert ''clauses (ii) and (iii) of subsection (a)(4)(A), respectively''.

Mr. KENNEDY. Mr. President, I will just take a moment of the Senate's time. We had a good opportunity during the course of the afternoon to talk about the student performance. We have worked out language which I think responds certainly to my concerns and, hopefully, is consistent with what Senator FRIST and Senator JEFFORDS were doing. Now the States will be able to receive Ed-Flex, but they will also—in the application, there will be an indication about what their expectation in the State is in terms of the students' performance, consistent with what the overall State plan is to enhance academic achievement. It also will take in student performance after 5 years, should there be the request for the continuation of this legislation.

I thank my colleagues and friends. I think we really have the best of all worlds here. I am grateful to Senator JEFFORDS and Senator FRIST for working this through.

Mr. JEFFORDS. Mr. President, I think the amendment is a helpful addition to the bill. We appreciate the efforts of Senator KENNEDY and are happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 34) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, under the Wellstone and Kennedy amendments, would Michigan be able to continue their current Ed-Flex authority?

Mr. KENNEDY. Yes, Michigan would be able to continue its current Ed-Flex plans.

Mr. LEVIN. In January, 1998, Michigan moved to lower the poverty threshold statewide from the 50 percent poverty level in title I to 35 percent. Would either the Wellstone or Kennedy amendment prohibit Michigan from continuing to allow these waivers under Ed-Flex that is improving reform in the affected schools?

Mr. KENNEDY. No.

Mr. President, we have made some progress today. We are looking forward to having some debate on the Bingaman amendments tomorrow, followed by my friend and colleague, Senator KERRY. We will indicate to the membership that we will tentatively get started sometime around 11, and we will let the floor managers know at least in what order we will want to offer our amendments.

Obviously, they have their own rights. But we will try to keep them as fully informed as possible so that we can all be as prepared on these amendments as possible.

Mr. JEFFORDS. Mr. President, I thank my good friend and Senator from Massachusetts. I deeply appreciate the cooperation we have had today. We moved along well. We are well on our way. I look forward to seeing the wonderful cooperation that we will have as we proceed on this bill. I look forward to seeing you all again in the morning.

MORNING BUSINESS

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

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

Mr. JEFFORDS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, parliamentary inquiry. What business are we in right now?

The PRESIDING OFFICER. We are in morning business.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT

Mr. BROWNBACK. Mr. President, I rise in support of the Educational Flexibility Partnership Act, the Ed-Flex program that has been debated here today. I congratulate Senator FRIST and Senator JEFFORDS for their work on this bill of which I am a cosponsor.

Ed-Flex does the important work of granting waivers of certain statutory and regulatory requirements so that local schools can implement creative programs that are custom-tailored to the needs of their kids and allows some State education agencies to waive State requirements along with Federal mandates so that local schools can innovate effectively.

I think this is an extremely important program. We have been saying for some period of time that too much of education is directed out of Washington, that problems in education are not solved in Washington as much as they are at the local level. If we can allow people to have the flexibility in Kansas, Nebraska, Vermont, Tennessee, Texas or California to solve their education problems with these dollars, they will get more education done, and they will have more effective education done than if we direct it out of Washington. It is a basic premise. It works. It has worked on a number of programs. We allowed this to take place in welfare reform. We had a number of different experiments on welfare reform that led welfare rates to decline 50 percent. We solve it in Kansas differently than they solve it in other States. It worked. Education—we have a problem. But it is not a uniform problem that you can say, OK, if we just do this and this and this all across the Nation with programs, the problem is solved. It doesn't work that way. We have different educational needs in different places.

Ed-Flex is tried and true as a concept. It is a needed concept in education, because we need more flexibility to get these dollars into the classroom than people back here deciding how to spend it.

I might note that Ed-Flex is already in place in 12 States, including my home State of Kansas. Schools there have already submitted 43 waiver requests in an effort to better serve the unique needs of Kansas students. At this point, no waiver has been rejected. Around two dozen requests have already been granted, and others are pending. I would encourage the Department of Education to expedite those requests.

That speech and that point that I just gave sounds very reminiscent of a point that I made in 1995 about waivers that were being granted on welfare reform and asking that those be sped up so that States could solve the problem. We are at the same point in time with education. Let's let the States have the resources and have them solve the problem.

Kansas schools have used Ed-Flex for many reasons. One school district received a waiver in order to better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the needs of children of parents that are at Fort Leavenworth at the military facility. Emporia used an Ed-Flex waiver to implement new literacy programs in an intensive summer school program. That fit the needs and what we had for needs in Emporia. The list goes on.

These are all very different programs that address different needs. But that is just the point. Schools need this flexibility. We need education decisions made in Emporia, in Fort Leavenworth, in Topeka, and in Manhattan—not in Washington for Kansas. We need it made there. And the people there care for the students. They look in their eyes every day. They can say, ''We need this program here.'' What can we tell them in Washington? No. You don't need that program. What you need is something else when we don't even look into the eyes of that same child. People here in the Washington bureaucracy have great desires to help that child, but the person who is right there closest is the one who can best determine what that child needs. This is the sort of program that allows that to take place. Schools need that sort of flexibility.

While Ed-Flex is an important first step, there are other steps that we need to take as well. If we are going to make progress toward improving our schools, we need to give the States and communities far more flexibility and empower them to make decisions with what is best for their schoolchildren. As important as it is to make waivers to Federal regulations available, frankly, I believe it would be better if we would roll back those regulations altogether and provide the resources to Kansas and to the school districts, and say to them, ''You figure out how best to educate these students.'' Believe me. They will come up with the ideas to do it. They will implement them, and they will get them done without the regulation here.

I don't think anybody in this Chamber, or in this town, should think that somebody in Emporia, KS, doesn't care greatly about how that child is educated and won't do the absolute best they can to make sure that child is educated well.

We need to empower them. We need to empower the parents, the teachers, the school boards, the communities over the government bureaucracy. That is why I will vote in favor of the Ed-Flexibility Act. I urge my colleagues to do likewise.

I say let's not stop here. This is where we started with welfare reform—providing these waivers. Ultimately, when we gave the program to the States and the resources to the State, they cut the welfare dependency in half and had people who were on welfare being thankful that they are now out on the job and they are encouraged about that. Why don't we try that with education, letting the States and the locals decide this? We will get more for every education dollar that we put out there. And, more importantly, our students will be better, and they will achieve higher test scores in the key areas that they are not doing today.

Mr. President, one other point: I think we have finally started down the road of making some real reforms in education, and reforms that I think people have been afraid that we are going to dictate out of Washington. This, to me, is a positive step forward—letting the local school districts start to decide on how they can implement those reforms. We have a lot of bright students across this country who need a system that is as bright as that are to challenge them and help them move forward.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. MACK. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MACK. I ask unanimous consent to speak in morning business for not to exceed 30 minutes. I hope I will not use the full 30 minutes.

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

ISRAELI AND PALESTINIAN PEACE BASED UPON SECURITY, FREEDOM, AND A CHANGE OF HEART

Mr. MACK. Mr. President, I very recently traveled to Israel. It had been several years since my last visit, and I expected this year we would bring some

important measures to the Senate floor. The timeline on the Oslo accords expires in May, and Arafat has threatened to unilaterally declare an independent state. The supplemental appropriations for the Wye River accords will soon be before us, and the timetable on the Jerusalem Embassy Act requires that the President report to the Congress why the United States Embassy has not been set up in Israel's capital city, Jerusalem. I learned a great deal during the week and I rise today to share a few simple thoughts regarding what I saw and what went through my mind as the week in Israel unfolded.

Let me begin with the question that is on my mind today: How is it possible to engage in peace negotiations with people who maintain the right to obliterate you, who are filled with hatred toward you, and who harbor the dream of one day destroying your homeland? Peace is a matter of the heart. I believe in the depths of every person's heart is a desire to live in peace. But what I saw, which was the outcome of the Palestinian Authority rule, convinced me that their hearts and minds are set on other goals. The Palestinian leadership does not want peace. They want, first, their own state which they can control with total power. Then they want to use that state to eliminate the State of Israel.

Let's be clear. The peace process, to be meaningful, must be about more than rules and laws and lines on a map. We can reach a short-term agreement on these points, but if the Palestinian leadership fails to abandon incitement of hatred, persecution, and terrorism, then we are all dreaming, only dreaming, and our President's behavior must be labeled foolish appeasement. There will not be peace until hearts and minds are changed, and we must focus our attention on these issues.

Mr. President, many of my colleagues in the Senate and in the House are aware of the promotion of hatred contained in the Palestinian media, and more significantly in the Palestinian schoolbooks. Let me provide some examples.

This is a picture that was taken off of Palestinian Authority-controlled television. It is a picture of a young girl, probably 6 or 7 years old. This is a young girl singing into a microphone. She is on a television show that would be what we would refer to as kind of a Mickey Mouse Club type of show that would be shown to children by the Palestinian Authority. I want to read to you what this little girl is singing. Again, this is a program that was produced by the people who are sitting across the table from you, supposedly negotiating peace. This is what the little girl is singing:

When I wander into the entrance of Jerusalem,
I'll turn into a suicide warrior in battledress,
In battledress. In battledress.

There is no way I can convey to you the emotion of actually seeing that scene on television. There is no way I can put the emotion into what she was expressing and the emotion that she was expressing as she sang those words. And after her song, she got an ovation from her classmates and from her teacher.

This focuses us on the fundamental difference in approach between the Palestinians and the Israelis. I have a grandson about that age, about the age of that little girl. How would I feel if he were being taught hatred in school? If he were being taught hatred on television, how would I feel? How would you feel if your Government was teaching your children to hate? Could you conclude that they were serious about long-term peace with their neighbors?

I also have some examples from Palestinian textbooks for a third-grade grammar lesson. Here is the task: ''Complete the following blank spaces with the appropriate word.'' And the sentence is, ''The Zionist enemy blank civilians with its aircraft.'' The correct answer is, ''The Zionist enemy attacked civilians with its aircraft.''

For seventh graders: ''Answer the following question: Why do the Jews hate Muslim unity and want to cause division among them? Give an example of the evil attempts of the Jews, from events happening today.'' These are from Palestinian textbooks today.

One would expect, rather than focus on hatred, if they were serious about peace, they would focus on how the two peoples are working to live side by side. A history book for 12th graders published only last summer teaches: ''The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism.''

To see this taking place today is chilling. If you can, think about it in the context of being in Israel and being briefed by a member of the Government with respect to what is happening in what they refer to as the anti-incitement committee, which was set up by the Wye Agreement. To be sitting there and seeing this, I must say to you, was chilling. I found it to be extremely chilling.

While the Government of Israel makes good-faith efforts to come to a peace agreement, the Palestinian Authority teaches children hatred. This causes me to ask, How can peace be obtained when the children are being taught hatred?

Let me share another story. I attended Shabbat dinner at the home of Saul and Wendy Singer in Jerusalem. Saul worked on my staff for 7 years before moving with his wife to Israel. They just had their second child, a girl named Tamar. Wendy told the story of the day she was checking out of the hospital in Jerusalem, 2 days after giving birth. In a very ordinary and matter of fact way, the hospital gave her the necessities for bringing home a newborn baby. In addition to providing for diapers and other things we would expect, she was handed a gas mask for her baby. It is actually a tent which you put your baby under in case of a chemical weapons attack.

In Israel, this preparation is routine. Everyone in Israel knows to have a gas mask ready. It just becomes a part of the craziness of everyday life. But when you bring home a newborn baby, when you bring home your baby and you get the chemical weapons tent at the hospital, then you realize how unordinary life is in Israel today. You realize that you are really simply struggling for a normal life, hoping for peace and security, praying to God, while actually living in a war zone.

I had another profound meeting during this week. I met one evening privately—secretly—with Arabs who were being persecuted for their Christian faith. I met with about 10 Palestinian Christians. I will tell you just one of their stories, but I will change some of the details to protect the person I am describing.

I remember an energetic man, in his early 40s, at the end of the table. I remember him because he seemed so full of life and love. He had a great smile on his face and displayed a wonderful sense of humor. I say this was memorable because, frankly, after hearing what he had been through, I do not know if I could express the sense of peace and love he did. This is his story.

He had many children and very little money. He converted to Christianity in 1993. He clearly loved God, and he loved to tell people about his conversion. He described to me how in 1997, the Palestinian Authority asked him to come to the police station for questioning. When he arrived, he was immediately arrested and detained on charges of selling land to Jews. He denied this charge, since he was very poor and owned no land. He was beaten. He was hung from the ceiling by his hands for many hours. He showed me what I just said. He showed me how his hands were tied behind his back and then raised from the floor and hung that way for many, many hours.

After 2 weeks, he was transferred to a larger prison where he was held for 8 months without trial. He was released in February 1998, after his family borrowed thousands of dollars to pay off the local authorities. And even though he is free, they are keeping his father in prison. They believe it is for his son's beliefs. He feels his father is being held hostage to prevent him from talking with people about his faith. Needless to say, these Christians met with me at considerable risk. They conveyed to me a message of fear and desperation. But their mere presence in the room with me demonstrated their hope, and it also caused me to ask, how can the people of Israel find peace with the Palestinian Authority while the Palestinian Authority engages in coercion and torture based upon religious beliefs?

I also met with the parents of American children killed by Palestinian terrorists. In this meeting, I was struck by the courage displayed by these families after suffering the tremendous loss

of a child brutally murdered. These families told me of the hopes and dreams they had for their children. I couldn't help thinking about my own. My daughter, Debbie, traveled with me on this trip. She was in the room as these stories of brutality and murder were related. There was scarcely a dry eye in the room.

I am sure Debbie was thinking about her three little boys, ages 14, 11 and 5. We were moved by the comments made by the parents as they described to us what had happened.

I understand that the Palestinian Authority knows a great deal about these murderers, but they are not being punished. Some of them have gone to trial and were sentenced, but we don't know if they remain in prison. I was told that we know some have been released.

There are reports that the Palestinian Authority allows them to leave prison each day and return in the evening—like free room and board more than like prison. I was also presented with stories of the lionization of these murderers in the press and again in the classrooms. Try to imagine how you would feel, try to imagine what would be going through your mind when you are dealing with the grief of the loss of your child. You know who is responsible. You know they know who is responsible. You saw them go on trial. You saw them then released. You have to ask yourself, what are we going through this peace process for?

I would like to mention one story of many that I heard. Mrs. Dosberg sat directly across the table from me. When she told us of the loss of her daughter and son-in-law, the lesson of these murders became so clear—we must fight terror and we cannot back off. Mrs. Dosberg's family, her daughter, American son-in-law, and their 9-month-old daughter attended a wedding in central Israel on June 9, 1996. They decided not to bring their 2-year-old daughter along. Thank God. On the way home from the wedding they were stopped by Palestinian terrorists and killed in a so-called drive-by shooting. Fifty bullets were found to have been used in this murder, and yet, by some miracle, the baby survived. Even with a crime this gross, the Palestinian Authority did not arrest everyone involved or suspected in the shooting. One of those who remained free, it is believed, later took part in the bombing of the Apropos Cafe, killing many others.

Another suspected killer, according to the Israeli Justice Ministry, was under arrest but given permission to come and go as he pleases from prison.

Mohammed Dief, another suspected Palestinian terrorist, took part in the murder of two other Americans, at two different times, according to the mothers with whom I spoke. Mrs. Sharon Weinstock lost her 19-year-old son in a drive-by shooting masterminded by Dief. And only a year later, Mrs. Wachsman told me of the kidnap-murder of their son, also believed to have been planned by Dief.

I am told Mohammed Dief remains a free man today. The obvious lesson—terrorists kill and those who are not jailed remain free to kill and to kill again thanks to the Palestinian Authority.

How would I feel in their place? I couldn't keep the thought from my mind, as I listened. If I had lost a child and knew that the murderer or accomplices were on the loose, how would I feel? And if I knew the killer remained free to kill other people's children, how would I feel? It is so hard, hard to even consider, but I do know that I left there committed to doing whatever I could to help each of those families.

Once again, I began to better understand the way the Palestinian Authority leadership was approaching peace. How can one find peace with people who do not condemn terrorism? Mr. President, how is it possible to engage in peace negotiations with people who want to teach their children to die in a holy war against you? How is it possible to engage in peace negotiations with people who persecute those of other faiths? How is it possible to engage in peace negotiations with people who keep terrorists on the loose to wreak havoc and evil against you and praise them for heroism?

Today the Israeli people are exhausted by 50 years of violence against their homes and families, of sending their sons and daughters into the army, and they dream of a promised peace now. This is our hope and our dream as well. But we must not get confused. History is replete with examples of compromises which bring terror and destroy dreams.

In the United States, many people seem to think that if we do not confront these obstacles to peace and if we look the other way, then we will be able to come to an agreement. The reality, however, is just the opposite. If we do not acknowledge the attitudes and acts of those at the peace table, then the peace process is already over, and we just won't admit it.

In other words, the surest way to kill the peace process is to avoid confrontation, to fear upsetting a belligerent force and to avoid addressing incitement, violence, persecution and terrorism. The only way to keep the peace process alive is to focus on truth, freedom, security and justice.

Israeli efforts, to date, have sought to keep the peace process alive, improve security during the negotiating process, and obtain reciprocity as a vital element of implementation.

The process remains alive, but terrorism continues and is exalted by many in the Palestinian Authority, and reciprocity does not exist. The United States role has been to seek the middle ground. Unfortunately, this only rewards those willing to go to new extremes.

The middle ground between Prime Minister Netanyahu and Chairman Arafat is not halfway between the two. The United States must not engage in moral equivocation. We must not shy away from holding Arafat responsible for acts of violence, incitement and persecution.

The United States must demonstrate principled leadership and end the appeasement that perpetuates the cycle of violence. The peace process can only work when leaders uphold their agreements and answer to the people, and the United States remains a vigilant defender of the principles which bind us to Israel: freedom, democracy, and the rule of law.

What should we do? I believe there are three things. First, we should insist upon the strict adherence to Oslo and the reciprocity codified at Wye. The purpose of the Wye accord was at long last to force the Palestinians to comply with commitments before further territory would be turned over.

So at Wye, Israel agreed only to turn over territory in phases, in which it could verify Palestinian compliance at each and every step. In the first phase, Israel completed its redeployment after the Palestinian Authority completed its tasks. In phase 2, the Palestinians did not meet all their obligations and, therefore, Israel has not yet turned over the additional land. Reciprocity makes no sense unless it is based upon this formulation. Once Israel has ceded territory, it is unlikely it ever could recover it. The Palestinians, on the other hand, can turn on and off their promises. In fact, this is exactly what they have done.

Second, we should stop paying Arafat. Any funds provided to the Palestinian people should continue to go through private voluntary organizations. We should also monitor much more closely the rampant corruption and mismanagement of funds provided currently.

And third, we must aggressively seek the bringing to justice of Palestinian terrorists who killed American citizens. I am told that our Justice Department can do a better job here, that they have a great deal of information on the murderers of the Americans who are free in the Palestinian areas and, indeed, can make some requests for indictments. It is time to do this. Let's put the needs of the American families and other victims' families over the needs of those engaging in or supporting terrorism.

Mr. President, these are very basic principles. I am not discussing today the intricacies of the peace process, U.S. funding, embassies, or any other number of issues we will be discussing this year in the Senate. We need to focus on a more fundamental level first. And I hope that this message will be heard at 1600 Pennsylvania Avenue.

What I mean when I say this is that I hope the President will hear the message. I say this from a standpoint not of arrogance, not of confrontation, and I do not mean it in a political way. I just hope that the President will listen

and take another look at what he and his foreign policy team are trying to force the Israeli Government to do.

There cannot be peace until there is a change of heart. I returned from this trip with a newfound concern for the future of Israel. I saw examples of incitement. I heard examples of persecution and hatred being taught throughout Palestinian society by their leaders. When the people engaged in peace talks return from the negotiating table only to disparage compromise and incite violence, there can be no progress towards peace.

Israel has come a long way since I first began following the fate of this state and the people of Israel. In so many respects, life appears and feels normal. The economy is developing, the standard of living is growing and improving. But just below the surface of this normalcy, Mr. President, Israel still faces a threat to the state's very existence. Israel's survival remains, unfortunately, a very real and central concern 50 years after its independence.

Some people believe, however, that by ignoring this threat, that the peace process can succeed. Mr. President, it will fail. It is clear to me that many in the Palestinian leadership today see the peace process toward the goal of eliminating the State of Israel.

I suggest today that we get back to the basics. Peace is not possible while teaching children to hate and kill. Peace is not possible while persecuting those of other faiths. Peace is not possible while lionizing terrorism. We must stand up for freedom, security, and human dignity. We must stand up to ensure the security of Israel. We must stand up in the Congress, and we must insist that our President stand with us.

Today is the day to end American pressure on Israel to force a peace agreement. Today is the day to remember it is up to the people of Israel to determine their own fate—their own security. We should pressure those who fill children with slogans of hatred and holy war; we should pressure them to change. We should pressure those who torture; we should pressure them to change. We should pressure those who encourage and support terror and murder, and those who rejoice in hatred. That is where the pressure should be.

Now is the time, Mr. President, for a return to our principled stand. The only way to truly attain peace is to support freedom, democracy and justice, and oppose the cycle of hatred. We must face tyranny and oppression where it exists, condemn it, and stand up for peace—real peace based upon security, freedom, and a change of heart.

OCEAN SHIPPING REFORM

Mr. LOTT. Mr. President, on February 26, 1999, the Federal Maritime Commission (FMC) completed its rulemaking to implement the Ocean Shipping Reform Act of 1998. The regulatory framework for the liner shipping industry is now in place and ready for the May 1, 1999, start date.

The 1998 Act signals a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and ''me too'' requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the ''big picture'' of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open maritime commerce among our trading partners will become the oversight priority.

Mr. President, as FMC Commissioner Ming Hsu recently told a large gathering of shippers and industry representatives, ''This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs.'' I couldn't agree more.

The FMC regulatory process bore some resemblance to the legislative process that preceded it. A few early steps started to head off in the wrong direction, but through honest dialogue among the industry and the government parties, the course was corrected and the intent of the 1998 Act was embodied in the regulations. Now the FMC faces the challenge of implementing the new regulations in a manner consistent with Congressional intent.

Mr. President, through the 1998 Act, the Congress directed the FMC to spend less effort attempting to regulate the day-to-day business of ocean carriers and spend more effort on countering truly market distorting activities. This shift is made possible by giving exporters and importers greater opportunity and ability to use the marketplace to satisfy their ocean shipping requirements through less government intervention.

Recent efforts by some countries to protect their domestic maritime industries by imposing restrictive trade practices indicates that this shift in emphasis is well-timed. I am particularly concerned about China's efforts to impose greater regulatory control over the ocean shipping industry as the rest of the world is heading in the opposite direction. While the Maritime Administration seem to be nearing an agreement eliminating unfair practices by Brazil, continued vigilance is required. As we are seeing with Japan's port practices, the problem can remain long after such an agreement is reached.

Mr. President, I should point out that paradigm shifts are often painful, but enlightening, for involved organizations. To its credit, the FMC met the challenge of promulgating the new regulations by the March 1, 1999 deadline. Now, I recognize that Congress issues many deadlines for the Executive Branch, sometimes with little success. But I want to personally congratulate the FMC for its tremendous effort and responsiveness to complete these regulations on time. Not only did the FMC deliver its rules on time; the FMC's rules are clearly within the intent of Congress. I feel good about that.

I want to express my gratitude to the four FMC Commissioners, Chairman Hal Creel, Ming Hsu, John Moran, and Delmond Won, for their leadership and wisdom during this process. This band of four challenged the staff to think ''outside the box'' of the previous regulatory system and develop innovative methods to monitor the industry in a less intrusive manner. Also, I want to recognize the efforts of the FMC staff members who worked long and hard to meet Congress' deadline: George Bowers, Florence Carr, Jennifer Devine, Rachel Dickon-Matney, Bruce Dombrowski, Rebecca Fenneman, Vern Hill, Christopher Hughey, Amy Larson, David Miles, Tom Panebianco, Austin Schmitt, Matthew Thomas, Bryant VanBrakle, Ed Walsh, and Ted Zook. Their hard work and sweat will truly benefit this Nation by enabling industry and its customers to prepare for this new era of ocean shipping.

Mr. President, just as it took several years for the legislative process to bear fruit, I urge patience before evaluating the results of this rulemaking. I will continue to monitor the transition process for this fundamental change. The Ocean Shipping Reform Act can't fix international economic imbalances and uncertainties, but it will give the industry and its customers much-needed flexibility to work through many difficult situations.

Mr. President, The health of our Nation's economy depends on a healthy system for international trade, and therefore, a dependable ocean shipping industry. The FMC rules will provide the necessary certainty in a manner consistent with Congressional intent. Again, I salute the FMC for being responsive.

GRASSLEY-WYDEN INITIATIVE LETTER

Mr. LOTT. Mr. President, I ask unanimous consent that a letter sent to all Senators today addressing the procedures governing the use of holds, signed by the Democratic leader, Senator DASCHLE, and myself, be placed in the RECORD. This letter is a result of ongoing negotiations between Senators GRASSLEY and WYDEN, the Democratic leader and myself, beginning early in the 105th Congress, and encourages all Members to make their legislative holds known.

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

U.S. SENATE,
Washington, DC, February 25, 1999.

DEAR COLLEAGUE: As the 106th Congress begins,we wish to clarify to all colleagues, procedures governing the use of holds during the new legislative session. All Senators should remember the Grassley and Wyden initiative, calling for a Senator to ''provide notice to leadership of his or her intention to object to proceeding to a motion or matter [and] disclose the hold in the Congressional Record.''

While we believe that all Members will agree this practice of ''secret holds'' has been a Senatorial courtesy extended by party Leaders for many Congresses, it is our intention to address some concerns raised regarding this practice.

Therefore, at the beginning of the first session of the 106th Congress, all Members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns. Further, written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination. Holds placed on items by a Member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

We look forward to working with you to produce a successful new Congress.

Best regards,

TRENT LOTT,
Majority Leader.
TOM DASCHLE,
Democratic Leader.

DEPARTURE OF SANDRA STUART AS ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. LEVIN. Mr. President, last week the Defense Department and the Congress lost the services of an outstanding public servant when Sandi Stuart stepped down as the Assistant Secretary of Defense for Legislative Affairs.

For the last six years, beginning in 1993, Sandi Stuart has served as the senior legislative advisor to three Secretaries of Defense—our former colleague the late Les Aspin; Dr. Bill Perry; and the current Secretary of Defense Bill Cohen. During this time she has earned a well-deserved reputation as a skilled legislative strategist and an effective spokesperson for the Secretary of Defense and for the interests of the men and women in uniform and their families.

At the same time, because of her extensive experience over almost 15 years in senior staff positions in the House of Representatives, Sandi had tremendous credibility on Capitol Hill as someone who understood how Congress worked. She knew that to be successful working with Congress—particularly in the area of national security policy—requires an ability to work closely with members and staff on both sides of the aisle. She did that very well, and leaves the Defense Department with the respect and gratitude of Democratic and Republican members and staff alike.

Mr. President, I have worked closely with Sandi Stuart for the past six years on a broad range of national security policy issues. She has done an outstanding job of meeting the needs of the Armed Services Committee, and I have come to rely heavily on her advice and counsel.

Mr. President, Sandi Stuart has also become a good friend, and we will miss her. I want to take this opportunity to thank her for her service to the country, and to wish her continued success in the private sector as she leaves the Department of Defense.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 2, 1999, the federal debt stood at $5,649,288,631,596.74 (Five trillion, six hundred forty-nine billion, two hundred eighty-eight million, six hundred thirty-one thousand, five hundred ninety-six dollars and seventy-four cents).

One year ago, March 2, 1998, the federal debt stood at $5,514,791,000,000 (Five trillion, five hundred fourteen billion, seven hundred ninety-one million).

Five years ago, March 2, 1994, the federal debt stood at $4,554,852,000,000 (Four trillion, five hundred fifty-four billion, eight hundred fifty-two million).

Ten years ago, March 2, 1989, the federal debt stood at $2,743,744,000,000 (Two trillion, seven hundred forty-three billion, seven hundred forty-four million).

Fifteen years ago, March 2, 1984, the federal debt stood at $1,468,923,000,000 (One trillion, four hundred sixty-eight billion, nine hundred twenty-three million) which reflects a debt increase of more than $4 trillion—$4,180,365,631,596.74 (Four trillion, one hundred eighty billion, three hundred sixty-five million, six hundred thirty-one thousand, five hundred ninety-six dollars and seventy-four cents) during the past 15 years.

IMPROVING HUMAN RIGHTS IN CHINA

Mr. ABRAHAM. I would like to call to the attention of my colleagues an article on ''Improving Human Rights in China'' written by Jim Dorn, vice president for academic affairs at the Cato Institute. Dorn advocates that Congress return to legislation ''designed to change China's stand on human rights and to liberate the Chinese people from religious and political persecution.'' This call is particularly timely given the most recent wave of repression against those inside China who seek to widen freedom and political discourse in that country. Higher taxes in the form of higher tariffs is not the answer, as Dorn points out. However, that does not mean America and the U.S. Congress, and, indeed, the President, should not be strongly advocating the rule of law and respect for political dissent in China. I recommend Jim Dorn's piece to my colleagues and encourage continued vigilance in the defense of civil liberties and freedom for the Chinese people. I ask unanimous consent that the text of the article be printed in the RECORD.

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

[From the Journal of Commerce, Feb. 8, 1999]

IMPROVING HUMAN RIGHTS IN CHINA

(By James A. Dorn)

The use or threat of trade sanctions to advance human rights in China has done relatively little to change policy in Beijing. Congress should consider alternative measures to improve human rights in China.

Trade sanctions are a blunt instrument; they often fail to achieve their objectives and end up harming the very people they are intended to help.

In the case of China, placing prohibitively high tariffs on Chinese products entering the United States in order to protest Beijing's dismal human rights record would cost U.S. consumers billions of dollars.

It would also slow the growth of China's nonstate sector, which has allowed millions of Chinese to move to more productive jobs outside the reach of the Communist Party. Isolating China would reverse the progress that has been made since economic reform began in 1978 and would create political and social instability.

A better approach is to continue to open China to the outside world and, at the same time, use non-trade sanctions and diplomacy to advance human rights. When China violates trade agreements or intellectual property rights, however, it should be held accountable, and carefully targeted trade sanctions may be warranted.

The piracy of intellectual property is a serious problem for Western firms. China has been a major offender of copyright laws and needs to comply with the rule of law. China's membership in the World Trade Organization should be conditioned on Beijing's adherence to international law.

The problem is that most less-developed countries, and even some developed countries, violate intellectual property rights. Using economic sanctions to punish pirates sounds good in theory, but in practice sanctions are seldom effective.

The real solution to piracy may have to wait for technological changes that make it very costly to steal intellectual property. And it may have to wait for the rule of law to evolve in China and other less-developed countries.

As China develops its own intellectual property, there will be a demand for new laws to protect property rights. The uncertainty created by China's failure to protect these rights can only harm China in the long run. Investors will not enter a market if they cannot reap most of the benefits of their investments.

Fan Gang, an economist at the Chinese Academy of Social Sciences, predicts that things will change in China as people discover that clearly defined and enforced property rights are to their advantage.

People, he said, ''are bound to find that all this cheating and protecting yourself from being cheated consume too much time and energy, and that the best way to do business is playing by a set of mutually respected rules. New rules and laws will be passed, and people will be ready to abide by them.''

The United States has considerable leverage in dealing with China and should not let it dictate U.S. foreign policy or allow human rights to be a nonissue.

The United States is China's largest export market, and U.S. investors rank third in terms of foreign direct investment in China.

Clearly China would be harmed by any significant cutback in trade with an investment from the United States.

The problem is that any sizable cutback would also harm the United States and the world economy.

To avoid the high costs (and low probable benefits) that stem from the use of trade sanctions, Congress should consider using non-trade sanctions such as cutting of the flow of taxpayer-financed aid to China—including aid from the International Monetary Funds, the World Bank, and the Asian Development Bank.

Another possible non-trade sanction is making public the names of companies known to be using prison labor or companies run by the People's Liberation Army so that U.S. consumers can boycott their products.

The China Sanctions and Human Rights Advancement Act, S. 810, introduced in the 105th Congress by Sen. Spencer Abraham, R-Mich., lists those and other measures designed to move China toward a free society.

The 106th Congress should return to that and other legislation designed to change China's stand on human rights and to liberate the China people from religious and political prosecution.

(The passage of H.R. 2647, one of four ''Freedom of China'' bills enacted by the 105th Congress as part of the 1999 Defense Authorization Act, is a step in the right direction. That bill requires publication of the names of PLA-run companies operating in the United States.)

Congess should recognize that advancing economic freedom in China has had positive effects on the growth of China's civil society and on personal freedom.

According to Chinese dissident Wang Dan, ''Economic change does influence political change. China's economic development will be good for the West as well as for the Chinese people.''

MESSAGES FROM THE HOUSE

At 1:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 221. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products.

H.R. 514. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

H.R. 818. An act to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small business.

H.R. 882. 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 beginning farmers or ranchers, and for other purposes.

H.J. Res. 32. Joint resolution expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century.

The message also announced that pursuant to the provisions of section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965, as amended by section 346(e) of Public Law 105–83, the Speaker appoints the following Member of the House to the National Council on the Arts: Mr. BALLENGER of North Carolina.

The message further announced that the provisions of subsection (c)(3) of the Trade Deficit Review Commission Act (division A, Public Law 105–277), the Speaker appoints the following person on the part of the House to the Trade Deficit Review Commission: Mrs. Carla Anderson Hills of Washington, D.C.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 221. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

H.R. 514. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 818. An act to amend the Small Business Act to authorize a pilot program for the implementation of disaster litigation measures by small business; to the Committee on Small Business.

H.J. Res. 32. Joint resolution expressing the sense of the Congress that the President and Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 350. An act to improve congressional deliberations on proposed Federal private sector mandates, and for other purposes.

S. 508. A bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1968. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on the military expenditures of countries receiving U.S. assistance in 1998; to the Committee on Appropriations.

EC–1969. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a notice of proposed refunds or recoupments of offshore lease revenues dated February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1970. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, certification that the Future Years Defense Program fully funds the support costs of the E–2C ''Hawkeye'' multiyear procurement program; to the Committee on Armed Services.

EC–1971. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions'' (FRL6062–4) received on February 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election in Respect of Losses Attributable to a Disaster'' (Rev. Rul. 99–13) received on February 22, 1999; to the Committee on Finance.

EC–1973. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (99–14 to 99–18); to the Committee on Foreign Relations.

EC–1974. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (64 FR7107) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1975. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (64 FR7109) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1976. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (Docket FEMA7272) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1977. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Freedom of Information Act Regulation'' (RIN3069–AA71) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1978. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report under the Superfund Amendments and Reauthorization Act for fiscal year 1998; to the Committee on Environment and Public Works.

EC–1979. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control

Program'' (FRL6236–1) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1980. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Michigan: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL6236–2) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1981. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Changes to Quality Assurance Programs'' (RIN3150–AG20) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1982. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the Report of Activities required by the Architectural Barriers Act for 1988; to the Committee on Environment and Public Works.

EC–1983. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1984. A communication from the Secretary of Defense, transmitting notice of a routine military retirement in the Navy; to the Committee on Armed Services.

EC–1985. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Comptroller General's Annual Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1986. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in January 1999; to the Committee on Governmental Affairs.

EC–1987. A communication from the Chairman of the Council of the District of Columbia, transmitting a report on D.C. Act 12–633, ''Closing of Public Alleys in Square 51, S.O. 98–145, Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–1988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–574, ''Home Purchase Assistance Step Up Fund Act of 1998''; to the Committee on Governmental Affairs.

EC–1989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–631, ''Annuitants' Health and Life Insurance Employer Contribution Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–1990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–632, ''Bethea-Welch Post 7284, Veterans of Foreign Wars Equitable Real Property Tax Relief Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–1991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–629, ''TANF-related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–1992. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–628, ''Advisory Neighborhood Commissions Management Control and Funding Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–1993. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–607, ''Health Benefits Plan Members Bill of Rights Act of 1998''; to the Committee on Governmental Affairs.

EC–1994. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–586, ''Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1995. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–576, ''Closing of a Public Alley in Square 371, S.O. 96–202, Act of 1998''; to the Committee on Governmental Affairs.

EC–1996. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–576, ''Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1997. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–380, ''Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1998. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–609, ''Comprehensive Plan Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1999. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice that on January 31, 1999, the Deputy Director of Intermodalism, and first assistant to the Associate Deputy Secretary, was Designated to serve in the vacant Associate Deputy Secretary position in an acting capacity; to the Committee on Commerce, Science, and Transportation.

EC–2000. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The Hazardous Material Transportation Safety Reauthorization Act''; to the Committee on Commerce, Science, and Transportation.

EC–2001. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits'' (I.D. 100798B) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2002. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (I.D. 012999B) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2003. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (I.D. 020999B) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2004. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea'' (I.D. 021799A) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2005. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (I.D. 021699B) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2006. A communication from the Director of the Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: Raising Exemption Level for Annual Survey of Foreign Direct Investment in the United States'' (RIN0691–AA32) received on February 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2007. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Policies and Rules for Alternative Incentive Based Regulation of Comsat Corporation'' (Docket 98–60) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Sheridan, Wyoming and Colstrip, Montana'' (Docket 98–134) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (St. Marys, West Virginia)'' (Docket 97–245) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Dayton, Washington and Weston, Oregon'' (Docket 98–90) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Marine Terminal Operator Schedules'' (Docket 98–27) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. BRYAN):

S. 513. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans Affairs.

By Mr. COCHRAN:

S. 514. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. TORRICELLI, and Mr. SCHUMER):

S. 515. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMAS:

S. 516. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Ms. MIKULSKI, Mr. DEWINE, and Mr. ROBB):

S. 517. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 518. A bill for the relief of Patricia E. Krieger of Port Huron, Michigan; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 519. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 520. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

By Mr. INOUYE:

S. 524. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. 525. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. KERREY):

S. 526. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 527. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty with respect to the personal effects of participants in certain athletic events; to the Committee on Finance.

By Mr. SPECTER:

S. 528. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. BRYAN):

S. 513. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans' Affairs.

IOANIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I rise today to introduce a bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Medical Center in Reno, Nevada, in honor of Mr. Jack Streeter.

Jack Streeter is Nevada's most decorated veteran from World War II. He was born on December 1, 1921 in Ely, Nevada. For his valiant service, he was awarded five Silver Stars, five Purple Hearts and the two Bronze Stars. He was a combat infantryman and served with the 1st Infantry Division (Big Red One). He left the service as a captain, U.S. Army.

Mr. Streeter has an incredible life history of business and professional success. Mr. Streeter is an attorney at law, practicing for over forty years in the State of Nevada.

Jack graduated from the University of Nevada Reno in 1943, where upon after completing Officer Candidate School at Fort Benning, Georgia, he entered the U.S. Army as a second lieutenant. He saw combat throughout Europe in the Second World War in such places as the Normandy invasion on D-Day, the Battle of the Bulge, the St. Lo Breakthrough, Battle of Mortain, Battle of Mons, Battle of Aaachen, and the Battle of Hurtgen Forest.

After leaving the Army in 1945, Jack attended Hastings Law School in San Francisco, California, graduating in 1948. He returned to practice law in Nevada. In 1950 he entered politics and was elected district attorney in Reno. As District Attorney he compiled an impressive prosecution record and founded the National District Attorney Association.

During the next 43 years of private legal practice, jack specialized in business law representing a variety of different enterprises. He was active in many civic groups serving as president of the Nevada State Jaycees, Sertoma Club, Reno Navy League, and Chairman of the Commissioning Committee for the U.S.S. *Nevada* trident submarine.

Jack is on the boards of directors of the Society of the First Infantry Division, the University of Nevada Foundation, Saint Mary's Hospital Foundation, and he is a Knight of Malta. He also serves as the president of the World Association of Lawyers.

Veterans in northern Nevada have long needed this new wing to their VA Medical Center and it is only fitting that it be named in honor of Nevada's most decorated veteran from World War II.

The new facility I am requesting be named in honor of Jack Streeter is located in the complex known as the Ioannis A. Lougaris Va Medical Center. Mr. Lougaris was the first living individual to have a VA Medical Center named in his honor.

Before World War II, John Lougaris remembered the veterans of World War I and the lack of medical aid, especially in Nevada. As a National Executive Committeeman from Nevada, he made many trips to Washington, DC, sixteen of them at his own expense, endeavoring to get a Veterans Hospital established in Reno.

The first success was a 26-bed unit, built in 1939 with a $100,000 federal grant. In 1944, John's efforts led to increasing the facility to 125 beds. He did not stop working and today the Reno VA Medical Center which bears his honorable name, serves Nevada's veterans well as a 107 bed facility which includes a 60 bed nursing home facility and 12 intensive care unit beds. The new bed replacement facility, which the bill I am offering today seeks to name after Jack Streeter, was built at the cost of $27 million and brings this hospital to a modern day standard.

In recognition of John Lougaris's devotion, deep interest, and untiring efforts in the development of a hospital to serve veterans in Nevada and Northern California, the Congress of the United States, by Public Law 97–66, rededicated the Reno VA Medical Center as the Ioannis A. Lougaris VA Medical Center on December 17, 1981.

It was certainly a well deserved gesture when Congress designated the VA Medical Center in honor of Ioannis A. Lougaris. It would now be equally fitting to name the new hospital wing in honor of Mr. Jack Streeter for his outstanding record of service to this Nation.

Mr. BRYAN. Mr. President, I am proud to join with my friend and colleague from Nevada, Senator REID, in introducing this important legislation today to honor an individual whose extraordinary military service record and faithful commitment to his community warrants special recognition.

As Senator REID has explained, in the next few months a new wing will be dedicated at the Ioannis A. Lougaris VA Medical Center in Reno, Nevada. This five-story, 110-bed tower is a welcome addition to the Reno VAMC, and will provide veterans in northern Nevada with the modern facilities and quality inpatient care they so clearly deserve. The purpose of the legislation we are introducing today is to name that new wing after Mr. Jack Streeter, an individual whose lifetime is hallmarked by his exemplary service record, his steadfast dedication to the veterans community and his leadership in numerous charitable and nonprofit organization.

I have had the opportunity to know Jack for many years now, dating back to my tenure as governor of Nevada. Anyone who has come into contact with Jack Streeter, and who had the occasion to talk with Jack and learn more about his experiences, can understand and appreciate what an extraordinary individual this man is.

Jack Streeter's military service record is quite well known in the state of Nevada. He is, in fact, the most decorated World War Two veteran in Nevada, having earned five Purpose Hearts, five Silver Stars, and two Bronze Stars in the European Theater. Let me repeat that Mr. President, because it truly is an astounding record. Five Purple Hearts, five Silver Stars, and two Bronze Stars.

As a young second lieutenant during the war, Jack saw action from the Allied invasion of Normandy to the decisive Battle of the Bulge in the winter of 1944–45. Upon leaving the service in 1946, Mr. Streeter earned a law degree from Hastings Law School in San Francisco and later returned to Reno, where he was soon elected as district attorney. He later found the National District Attorney Association and participated in numerous civic organizations and foundations.

Jack Streeter's distinguished military service record, coupled with his unyielding dedication to his community, merits the sort of recognition and rememberence that this legislation will provide. To all Nevadans who have had the opportunity to know Jack, he is a friend, a civic leader, and most importantly, a champion of the community.

I look forward to working with Senator REID and the entire Nevada delegation in passing this proposal and naming this new wing after a true American hero.

By Mr. COCHRAN:

S. 514. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION TO REAUTHORIZE THE NATIONAL WRITING PROJECT

Mr. COCHRAN. Mr. President, today, I am introducing legislation to reauthorize the National Writing Project, the only Federal program to improve the teaching of writing in America's classrooms.

Literacy is at the foundation of school and workspace success, of citizenship in a democracy, and of learning in all disciplines. The National Writing Project has been instrumental in helping teachers develop better teaching skills so they can help our children improve their ability to read, write, and think.

As the United States continues to face a crisis in wiring in school heightened by the growing number of at-risk students due to limited English proficiency and the shortage of adequately trained teachers, continued Federal support for a program that works such as the National Writing Project is imperative.

The National Writing Project is a national network of university-based teacher training programs designed to improve the teaching of writing and student achievement in writing.

Through its professional development model, the National Writing Project recognizes the primary importance of teacher knowledge, expertise, and leadership. The National Writing Project operates on a teachers-teaching teachers model. Successful writing teachers attend Invitational Summer Institutes at their local universities. During the school year these teachers provide workshops for other teachers in the schools.

Teachers of all subjects benefit from the training, and the success of students who are taught by Writing Project teachers is evident: they score better not just on writing examinations, but in reading, mathematics, and in other subjects.

Since 1973, the National Writing Project has served over 1.8 million teaches and administrators. Each year over 150,000 participants benefit from the National Writing Project programs in 1 of 156 United States sites located in 46 States and Puerto Rico. The National Writing Project generates $6.47 for every Federal dollar.

I am pleased, that for the first time since the National Writing Project was authorized for federal funding in 1991, the President has requested funds to expand the National Writing Project in his budget for Fiscal Year 2000.

This program has proven to be one of the most effective in education today. I am proud to be associated with it, and I compliment those who have made it so successful across the nation.

When I first introduced this bill in 1990, it was cosponsored by 40 Senators, both Republicans and Democrats. I hope it will receive equal or greater support in the 106th Congress. I invite other Senators to join me in sponsoring this legislation.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. TORRICELLI, and Mr. SCHUMER):

S. 515. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DOWNED ANIMAL PROTECTION ACT

Mr. AKAKA. Mr. President, today I am introducing the Downed Animal Protection Act, a bill to eliminate inhumane and improper treatment of downed animals at stockyards. The legislation prohibits the sale or transfer of downed animals unless they have been humanely euthanized.

Downed animals are severely distressed recumbent animals that are too sick to rise or move on their own. Once an animal becomes immobile, it must remain where it has fallen, often without receiving the most basic assistance. Downed animals that survive the stockyard are slaughtered for human consumption.

These animals are extremely difficult, if not impossible, to handle humanely. They have very demanding needs, and must be fed and watered individually. The suffering of downed animals is so severe that the only humane solution to their plight is immediate euthanasia.

Mr. President, the bill I introduce today requires that these hopelessly sick and injured animals be euthanized by humane methods that rapidly an effectively render animals insensitive to pain. Humane euthanasia of downed animals will limit animal suffering and will encourage the livestock industry to concentrate on improved management and handling practices to avoid this problem.

Downed animals compromise a tiny fraction, less than one-tenth of one percent, of animals at stockyards. Banning their sale or transfer would cause no economic hardship. The Downed Animal Protection Act will prompt stockyards to refuse crippled and distressed animals, and will make the prevention of downed animals a priority for the livestock industry. The bill will reinforce the industry's commitment to humane handling of animals.

The problem of downed animals has been addressed by major livestock organizations such as the United Stockyards Corp., the Minnesota Livestock Marketing Association, the National Pork Producers Council, the Colorado Cattlemen's Association, and the Independent Cattlemen's Association of Texas. All of these organizations have taken strong stands against improper treatment of animals by adopting ''no-downer'' policies. I want to commend these and other organizations, as well

as responsible and conscientious livestock producers throughout the country, for their efforts to end an appalling problem that erodes consumer confidence.

Despite a strong consensus within industry, the animal welfare movement, consumers, and government that downed animals should not be sent to stockyards, this sad problem continues, causing animal suffering and an erosion of public confidence in the industry.

Mr. President, this legislation will complement industry effort to address this problem by encouraging better care of animals at farms and ranches. Animals with impaired mobility will receive better treatment in order to prevent them from becoming incapacitated. The bill will remove the incentive for sending downed animals to stockyards in the hope of receiving some salvage value for the animals and would encourage greater care during loading and transport. The bill will also discourage improper breeding practices that account for most downed animals.

My legislation would set a uniform national standard, thereby removing any unfair advantages that might result from differing standards throughout the industry. Furthermore, no additional bureaucracy will be needed as a consequence of my bill because inspectors of the Packers and Stockyards Administration regularly visit stockyards to enforce existing regulations. Thus, the additional burden on the agency and stockyard operators will be insignificant.

By Mr. THOMAS:

S. 516. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RESTRUCTURING EMPOWERMENT AND COMPETITIVENESS ACT OF 1999 (EURECA)

Mr. THOMAS. Mr. President, I rise today to introduce the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999. This legislation empowers the states to restructure their electric industries at the rate and in the way they decide. My legislation imposes no ''retail choice mandate'' or deadline on the States so as to fully allow the best market ideas and approaches to occur. As well, EURECA removes Federal impediments to competition and deregulates and streamlines the industry.

My bill gives the States the leading role in implementing competition in the electric power industry. This approach contrasts with the bills introduced in the House and Senate last Congress that required competition nationwide by a date certain. A Federal mandate on the States requiring retail competition by a date certain is not in the best interest of all classes of consumers. I am concerned such an approach would cause increased prices for low density States with relatively low cost power. This bill will protect States' rights and allow States maximum latitude to adapt competition to their own individual needs.

I believe States are in the best position to deal with this complex issue. Although the cost of electricity varies across the country, electric industry restructuring can result in lower consumer prices for everyday goods and services, the development of innovative new products and services, and a growing, more productive economy.

We have spent the last two Congresses holding hearings to review the state of competition in the electric power industry and discussing numerous pieces of legislation dealing with restructuring. Meanwhile, 20 individual States have passed their own legislation introducing competition into the retail electric industry and many other States are considering such proposals. According to industry statistics, nearly 50 percent of all Americans now live in States committed to retail competition. States are clearly taking the lead—they should continue to have that role—and this bill encourages more innovation by affirming States' ability to implement retail choice policies.

It is critical to the welfare of the States that each one have an opportunity to ready and equip themselves for a successful transition to a deregulated environment. By learning from the States which have already implemented competition, other states can take precautions and adopt laws that will best protect them as they adjust to this new competitive environment. With FERC's Order 888, which created competitive wholesale power supply markets through the availability of non-discriminatory open-access transmission service under tariff, we have seen at both the State and Federal levels that we are now in a critical testing period in the implementation of market-based policies. Specifically, we saw the price spikes that occurred last summer in the Midwest. After holding a hearing on the subject, the experts agreed that we are indeed in a transition period. Although no one could point to one specific reason for the occurrence, and many were suggested, all seemed to agree for the need of national reliability standards.

Traditionally, reliability of the transmission system was managed by a voluntary, industry-led organization known as the North American Electric Reliability Council. We have added many new players to the transmission grid, making for an increasingly decentralized and competitive U.S. electricity industry. And, as determined by a recently issued DOE Task Force Report, ''the old institutions of reliability are no longer sufficient.'' I have added a section on reliability to my legislation. The industry collectively came up with a legislative proposal that would transform NERC from a voluntary system of reliability management to NAERO, an organization that is mandatory in nature and subject to FERC oversight. Sustaining system reliability is crucial for protecting all classes of consumers and such an organization can help ensure that power markets function efficiently.

One of the most important aspects of this debate—assuring that universal service is maintained—is a critical function that each state PUC should have the ability to oversee and enforce. In my legislation, nothing would prohibit a state from requiring all electricity providers that sell electricity to retail customers in that state to provide electricity service to all classes and consumers of electric power. All classes of consumers should have access to adequate, safe, reliable and efficient energy services at fair and reasonable prices, as a result of competition.

Mr. President, my proposal will create greater competition at the wholesale level by prospectively deregulating wholesale sales of electricity. We did this in natural gas and it worked—I am confident it will work in electricity. Although everyone talks about ''deregulating'' the electricity industry, it is really the generation segment that will be deregulated. The FERC will continue to regulate transmission in interstate commerce, and State PUCs will continue to regulate retail distribution services and sales.

When FERC issued Order 888, it allowed utilities to seek market-based rates for new generating capacity. This provision goes a step further and allows utilities to purchase wholesale power from existing generation facilities, after the date of enactment of this Act, at prices solely determined by market forces.

Furthermore, the measure expands FERC authority to require non-public utilities that own, operate or control transmission to open their systems. Currently, the Commission cannot require the Power Marketing Administration (PMAs), the Tennessee Valley Authority (TVA), municipalities and cooperatives which own transmission to provide wholesale open access transmission service. Since approximately 22 percent of all transmission is beyond open access authority, requiring these non-public utilities to provide this service will help ensure that a true wholesale power market exists.

One of the key elements of this measure is streamlining and modernizing the Public Utility Regulatory Policies Act of 1978 (PURPA) and the Public Utility Holding Company Act of 1935 (PUHCA). While both of these initiatives were enacted with good intentions, there is widespread belief that the Acts have fulfilled their original obligations and have outlived their usefulness.

My bill amends Section 210 of PURPA on a prospective basis. Current PURPA contracts would continue to be honored and upheld. However, upon enactment of this legislation, a utility

that begins operating would not be required to enter into a new contract or obligation to purchase electricity under Section 210 of PURPA.

With regard to PUHCA, I've included Senators SHELBY's and DODD's ''Public Utility Holding Company Act of 1999.'' This language is identical to the bipartisan legislation reported by the Committee on Banking, Housing, and Urban Affairs in the 105th Congress. Under this proposal, PUHCA would be repealed. Furthermore, all books and records of each holding company and each associate company would be transferred to the Securities and Exchange Commission (SEC)—which currently has jurisdiction over the 19 registered holding companies—to FERC. This allows energy regulators, who truly know the industry to oversee the operations of these companies and review acquisitions and mergers. These consumer protections are an important part of PUHCA reform.

Mr. President, an issue that must be resolved in order for a true competitive environment to exist is that of utilities receiving ''subsidies'' by the federal government and the U.S. tax code. For years, investor owned utilities (IOUs) have claimed inequity because of tax-exempt financing and low-interest loans that municipalities and rural cooperative receive. On the other side of the equation, these public power systems maintain that IOUs receive benefits in the tax code such as accelerated depreciation, investment tax credits and deferred income tax and many use tax-exempt debt for pollution control bonds. Are these in a way, ''subsidies?'' The jury is still out on how best to tackle these difficult issues but without a doubt, we will need to come to a resolution.

Finally, my bill directs the Inspector General of the Department of the Treasury to file a report to the Congress detailing whether and how tax code incentives received by all utilities should be reviewed in order to foster a competitive retail electricity market in the future.

Mr. President, with respect to federal comprehensive restructuring legislation, it is the states themselves that hold the key to ultimate success. EURECA allows states to continue to move forward and craft electricity proposals that best fit their own particular needs. This legislation is the best solution to move forward with a better product for all classes of consumers and the industry as a whole.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Ms. MIKULSKI, Mr. DEWINE, and Mr. ROBB):

S. 517. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Health, Education, Labor and Pensions.

ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today with my colleagues Senators CHAFEE, ROBB, and MIKULSKI, to introduce the Emergency Medical Services Act of 1999. Americans today are routinely denied coverage by their managed care plans for visits to the emergency department for legitimate emergency medical conditions. This legislation establishes a national definition, known as the prudent layperson standard, for the purposes of receiving emergency room treatment. The Balanced Budget Act of 1997 applied this definition to the Medicaid and Medicare programs. The proposal would simply ensure that all private health plans afford their consumers the same kinds of protections available to Medicaid and Medicare beneficiaries.

Mr. President, current law places patients in the unreasonable position of fearing that payment for emergency room visits will be denied even when conditions appear to both the patient and emergency room personnel to require urgent treatment. For example, a patient who is experiencing chest pains and believes that she is having a heart attack may not be covered by a health plan if the diagnosis later turns out to be indigestion. Enactment of the ''prudent layperson'' definition would end this phenomena by ensuring coverage when a reasonable person, who believes that she is in need of care, presents herself at an emergency room and is treated.

Federal law, the Emergency Medical Treatment and Active Labor Act (EMTALA), already requires that all persons who come to a hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency, and if so, that they receive stabilizing treatment before being discharged or moved to another facility. As a result, emergency, room doctors and hospitals face a catch-22. Practitioners are required by EMTALA and their own professional ethics to perform diagnostic tests and exams to rule out emergency conditions, but may be denied reimbursement due to HMO prior authorization requirements or a finding after diagnosis that the condition was not of an emergency.

This legislation also provides a process for the coordination of post-stabilization care. Consider this example: a patient goes into the emergency room complaining of chest pains, in an obvious emergent condition. Subsequently, the chest pains subside, therefore, the patient is considered clinically ''stabilized.'' However, this does not mean that the patient is out of danger. At that point the emergency room physician may recommend a follow up test, such as an EKG, but is frequently unable to get the health plan to authorize any follow-up care.

This portion of the bill would require that treating emergency physicians and health plans timely communicate with each other to determine what the necessary post-stabilization care should be. Health plans, in conjunction with the treating physician, may arrange for an alternative treatment plan that allows the health plan to assume care of the patient after stabilization. For instance, the plan may recommend that the patient by transferred to an in-network hospital, or it may agree to cover the tests recommended by the emergency room physician.

Our legislation has been strongly endorsed by Kaiser Permanente, one of our nation's oldest, largest, and most respected managed care plans, and the American College of Emergency Physicians. The legislation has also received the strong support of the American Osteopathic Association, the Federation of American Health Systems, and the National Council of Senior Citizens, among many others.

I would ask that my colleagues join us in supporting this important legislation.

By Mr. DURBIN:

S. 520. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. DURBIN. Mr. President, I rise today to introduce a private bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas. My bill would grant permanent resident status to Janina and Diogenes, who face deportation later this month to the Dominican Republic as a result of a technicality in current federal immigration law.

Janina has been denied citizenship because her mother was the child of a U.S. citizen female and foreign male. Previous law allowed only children of U.S. citizen males and foreign females to claim U.S. citizenship.

In 1994, Senator Paul Simon passed the Immigration and Nationality and Technical Corrections Act, which allowed individuals born overseas before 1934 to U.S. citizen mothers, and their descendants, to claim U.S. citizenship. As a result of that 1994 law, Janina's mother received U.S. citizenship in January 1996.

However, when Janina attempted to attain citizenship as a descendant of a direct beneficiary of this legislation, her application was denied. Despite the 1994 law, the Immigration and Naturalization Service required that Janina's mother meet transmission requirements: she must have been physically present in the U.S. for 10 years prior to Janina's birth, 5 of which over the age of 16 years, in order for Janina to derive citizenship. Since her mother was prohibited from becoming a U.S. citizen until 1996, however, this requirement is unreasonable.

While 60 years of discriminatory law was corrected in 1994, the citizenship qualifications of the line of descendants of those U.S. citizen females remain adversely impacted. The private relief bill I introduce today will grant Janina and her husband Diogenes permanent resident status to continue

their lives in this country until this provision can be amended.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

LEGISLATION TO IMPROVE THE BULLETPROOF VEST PARTNERSHIP GRANT ACT

Mr. LEAHY. Mr. President, I am introducing legislation to improve the Bulletproof Vest Partnership Grant Act and am especially pleased to be joined by Senators FEINGOLD, TORRICELLI and SCHUMER as original sponsors on this law enforcement effort. I am also pleased that the senior Senator from Colorado, Senator CAMPBELL, is joining us, again, in this effort. We worked together closely and successfully last year to pass the Bulletproof Vest Partnership Grant Act into law.

The Bulletproof Vest Partnership Grant Act, which President Clinton signed into law on June 16, 1998, authorizes the Department of Justice to award grants to pay for half of the cost of providing bulletproof vests for State and local law enforcement officers. Beginning this month, the Department of Justice plans to open the Bulletproof Vest Partnership Program so that State, county and local law enforcement agencies may receive grants to pay for half of the cost of providing body armor for their officers. The entire application and payment process for the program will occur electronically via the Internet at http://vests.ojp.gov. I am confident that this innovative process will be a great success at harnessing the power of the information age to assist law enforcement do its job better, safer and more cost effectively. I want to commend the Attorney General and the Department for making this effort.

To build on the success of the Bulletproof Vest Partnership Program, our bipartisan legislation would permit the Department of Justice to waive, in whole or in part, the matching requirement for law enforcement agencies applying for bulletproof vest grants in cases of fiscal hardship. Some police departments in smaller jurisdictions may be unable to contribute half of the cost of buying body armor for their officers. This waiver provision was included in the Campbell-Leahy version of the Act introduced last year, but was unfortunately eliminated by others during House-Senate consideration of the final legislation.

Our bipartisan bill is strongly supported by Federal Bureau of Investigation Director Louis Freeh and the International Association of Chiefs of Police.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives, and I believe this new law will put vests on our State and local law enforcement officers who put their lives on the line.

I look forward to working with all Senators to ensure that each and every law enforcement community in Vermont and across the nation can afford basic protection for their officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the portion''; and

(2) by adding at the end the following:

''(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1999

Mr. LAUTENBERG. Mr. President, today I am introducing the Beaches Environmental Assessment, Closure, and Health (BEACH) Act of 1999, legislation which would amend the Clean Water Act to require states to adopt water quality standards for coastal recreation waters and to notify the public of unhealthy conditions. I am pleased to be joined by Senator TORRICELLI, Senator BOXER, and Senator LIEBERMAN in sponsoring this legislation.

Mr. President, coastal tourism generates billions of dollars every year for local communities and beaches are the top vacation destination in the nation. A recent survey found that tourists spend over $100 billion in coastal portions of the twelve states that were studied. Travel and tourism to the beaches of the Jersey shore alone generates over $7 billion annually to local economies.

Unfortunately, the increased use of the coastal waters at our public beaches and coastal parks for swimming, wading, and surfing can cause increased risk to public health if these recreational waters are not properly managed. Water pollution and waterborne bacteria and viruses from overflowing sewage systems can cause a wide range of diseases, including gastroenteritis, dysentery, hepatitis, ear, nose, and throat problems, E. coli bacterial infections, and respiratory illness. Upon contracting one of these water-borne diseases, the affected individual often remains contagious even when out of the water and may pass the illness to others. The consequences of these swimming-associated illnesses can be especially severe for children, elderly people, and the infirm. In Maryland, the outbreak of the toxic Pfiesteria organism in several Chesapeake Bay tributaries prompted the state to close several rivers for public health reasons. Fishermen and swimmers who were exposed to Pfiesteria complained of short-term memory loss, dizziness, muscular aches, peripheral tingling, vomiting, and abdominal pain.

In a 1998 report on beach water quality, entitled Testing the Waters, the Natural Resources Defense Council reported over 5,199 closings or advisories of varying durations at U.S. beaches due to detected or anticipated unhealthy water quality in 1997. Many beaches closures and health advisories were a result of sewage spills and overflows.

The number of beach closings and advisories, while large, may represent only a small portion of the actual problem. This is because of an inconsistent approach among the states toward monitoring the water quality of public beaches and notifying the public of unhealthy conditions. In fact, as of 1999, only nine states have comprehensive monitoring programs and adequate public notification. Thirteen states have regular monitoring and public notification programs for a portion of their recreational beaches. Among the remaining coastal and Great Lakes

states, some lack any regular monitoring of beach water quality, while others have monitoring programs, but no programs to close beaches or notify the public. As a result, a high bacteria level can cause a beach closure in one state while, in another state, people may be allowed to swim in the water, despite the health risks.

Due in part to my urging, in 1997, the Environmental Protection Agency (EPA) established its Beaches Environmental Assessment, Closure and Health (BEACH) program to recommend appropriate monitoring criteria and public notification of beach water quality. While this program is a good start, the reality is that the majority of states have not adopted EPA-recommended criteria to protect swimmer's health, and the agency does not possess the authority to require states to adopt their recommended criteria.

Mr. President, my legislation would provide EPA the authority to require states to develop beach water quality monitoring and public notification programs that adequately and uniformly protect public health. The BEACH Act would require EPA to conduct studies for use in developing a more complete list of potential health risks associated with unhealthy beach water quality, develop more effective testing methods for detecting the presence of pathogens in coastal recreation waters, and revise its water quality criteria for pathogens in such waters. The legislation would also direct EPA to establish regulations requiring monitoring of water quality at public beaches to determine compliance with water quality and public safety criteria. The bill would require states to notify local governments and the public of current beach water quality. Where a state wishes to delegate its testing, monitoring, and notification requirements to local governments, EPA must issue delegation guidance to a state and the state must make resources available to the local government. Lastly, the BEACH Act would authorize $9 million dollars in grants to the States for the purposes of carrying out the requirements of this Act.

Mr. President, a day at the beach shouldn't be followed by a day at the doctor. I invite my colleagues to join me in supporting this legislation to ensure safe and healthy beaches for the citizens of New Jersey and the nation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

S. 522

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 ''Beaches Environmental Assessment, Closure, and Health Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the beaches and coastal recreation water of the United States are valuable public resources that are used for recreation by millions of people annually;

(2) the beaches of coastal States host many out-of-State and international visitors;

(3) tourism in coastal zones generates billions of dollars annually;

(4) increased population and urbanization of watershed areas have contributed to the decline in the environmental quality of coastal water;

(5) pollution in coastal water is not restricted by State or other political boundaries;

(6) coastal States have different methods of testing and parameters for evaluating the quality of coastal recreation water, resulting in the provision of varying degrees of protection to the public;

(7) the adoption of consistent criteria by coastal States would enhance public health and safety, including the adoption of consistent criteria for—

(A) testing and evaluating the quality of coastal recreation water; and

(B) the posting of signs at beaches notifying the public during periods when the water quality criteria for public safety are not met; and

(8) while the adoption of consistent criteria would enhance public health and safety, the failure to meet consistent criteria should be addressed as part of a watershed approach to effectively identify and eliminate sources of pollution.

(b) PURPOSES.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to require uniform criteria and procedures for testing, monitoring, and notifying users of public coastal recreation water and beaches—

(1) to protect public safety; and

(2) to improve environmental quality.

SEC. 3. BEACH AND COASTAL RECREATION WATER QUALITY.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end:

''TITLE VII—BEACH AND COASTAL RECREATION WATER QUALITY

''SEC. 701. DEFINITIONS.

''In this title:

''(1) COASTAL RECREATION WATER.—The term ''coastal recreation water'' means water adjacent to public beaches of the Great Lakes and of marine coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal zone) used by the public for—

''(A) swimming;

''(B) bathing;

''(C) surfing; or

''(D) other similar body contact purposes.

''(2) FLOATABLE MATERIALS.—The term ''floatable materials'' means any foreign matter that may float or remain suspended in water, including—

''(A) plastic;

''(B) aluminum cans;

''(C) wood;

''(D) bottles;

''(E) paper products; and

''(F) fishing gear.

''SEC. 702. ADOPTION OF COASTAL RECREATIONAL WATER QUALITY CRITERIA BY STATES.

''(a) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall adopt water quality criteria for coastal recreation water that, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(1).

''(b) DEVELOPMENT OF CRITERIA.—Water quality criteria described in subsection (a) shall—

''(1) be developed and promulgated in accordance with section 303(c);

''(2) be incorporated into all appropriate programs into which a State would incorporate other water quality criteria adopted under section 303(c); and

''(3) not later than 3 years after the date of publication of revisions by the Administrator under section 703(b), be revised by the State.

''(c) FAILURE OF STATES TO ADOPT CRITERIA.—If, not later than 3 years and 180 days after the date of enactment of this title, a State has not complied with subsection (a), the water quality criteria issued by the Administrator under section 304(a)(1) shall—

''(1) become the effective water quality criteria for coastal recreational water for that State; and

''(2) be considered to have been promulgated by the Administrator under section 303(c)(4).

''SEC. 703. REVISIONS TO WATER QUALITY CRITERIA.

''(a) STUDIES.—Not later than 3 years after the date of enactment of this title, and after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, studies to provide new information for use in developing—

''(1) a more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;

''(2) appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational water;

''(3) appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation water that are harmful to human health; and

''(4) guidance for the State-to-State application of the criteria issued under subsection (b) to account for the diversity of geographic and aquatic conditions throughout the United States.

''(b) REVISED CRITERIA.—Not later than 5 years after the date of enactment of this title, based on the results of the studies conducted under subsection (a), the Administrator, after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested parties, shall—

''(1) issue revised water quality criteria for pathogens in coastal recreation water that are harmful to human health, including a revised list of indicators and testing methods; and

''(2) not less than once every 5 years thereafter, review and revise the water quality criteria.

''SEC. 704. COASTAL BEACH WATER QUALITY MONITORING.

''(a) MONITORING.—

''(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall promulgate regulations requiring monitoring by the States of public coastal recreation water and beaches for—

''(A) compliance with applicable water quality criteria; and

''(B) maintenance of public safety.

''(2) CONTENTS OF REQUIREMENTS.—Monitoring requirements established under this section shall specify, at a minimum—

''(A) available monitoring methods to be used by States;

''(B) the frequency and location of monitoring based on—

''(i) the periods of recreational use of coastal recreation water and beaches;

''(ii) the extent and degree of recreational use during the periods described in clause (i);

''(iii) the proximity of coastal recreation water to known or identified point and nonpoint sources of pollution; and

''(iv) the relationship between the use of public recreation water and beaches to storm events;

''(C) methods for—

''(i) detecting levels of pathogens that are harmful to human health; and

''(ii) identifying short-term increases in pathogens that are harmful to human health in coastal recreation water, including the relationship of short-term increases in pathogens to storm events; and

''(D) conditions and procedures under which discrete areas of coastal recreation water may be exempted by the Administrator from the monitoring requirements under this subsection, if the Administrator determines that an exemption will not—

''(i) impair compliance with the applicable water quality criteria for that water; and

''(ii) compromise public safety.

''(b) NOTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—Regulations promulgated under subsection (a) shall require States to provide prompt notification of a failure or the likelihood of a failure to meet applicable water quality criteria for State coastal recreation water, to—

''(A) local governments;

''(B) the public; and

''(C) the Administrator.

''(2) INFORMATION INCLUDED IN NOTIFICATION.—Notification under this subsection shall require, at a minimum—

''(A) the prompt communication of the occurrence, nature, extent, and location of, and substances (including pathogens) involved in, a failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and

''(B) the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public—

''(i) of a failure to meet applicable water quality criteria for the water; and

''(ii) the potential risks associated with water contact activities in the water.

''(c) REVIEW AND REVISION OF REGULATIONS.—Periodically, but not less than once every 5 years, the Administrator shall review and make any necessary revisions to regulations promulgated under this section.

''(d) STATE IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (a) and (b).

''(2) REVISION OF PROGRAM.—Not later than 2 years after the date of publication of any revisions by the Administrator under subsection (c), each State shall revise the program established under paragraph (1) to incorporate the revisions.

''(e) GUIDANCE; DELEGATION OF RESPONSIBILITY.—

''(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall issue guidance establishing—

''(A) core performance measures for testing, monitoring, and notification programs under this section; and

''(B) the delegation of testing, monitoring, and notification programs under this section to local government authorities.

''(2) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS.—If a responsibility described in paragraph (1)(B) is delegated by a State to a local government authority, or is delegated to a local government authority before the date of enactment of this section, State resources, including grants made under section 706, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Administrator.

''(f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall—

''(1) provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation water; and

''(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

''(g) OCCURRENCE DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means—

''(1) a national coastal recreation water pollution occurrence database using reliable information, including the information reported under subsection (b); and

''(2) a listing of communities conforming to the regulations promulgated under subsections (a) and (b).

''SEC. 705. REPORT TO CONGRESS.

''Not later than 4 years after the date of the enactment of this title and periodically thereafter, the Administrator shall submit to Congress a report that contains—

''(1) recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation water; and

''(2) an evaluation of State efforts to implement this title.

''SEC. 706. GRANTS TO STATES.

''(a) GRANTS.—The Administrator may make grants to States for use in meeting the requirements of sections 702 and 704.

''(b) COST SHARING.—For each fiscal year, the total amount of funds provided through grants to a State under this section shall not exceed 50 percent of the cost to the State of implementing requirements described in subsection (a).

''(c) ELIGIBLE STATE.—Effective beginning 3 years and 180 days after the date of enactment of this title, the Administrator may make a grant to a State under this section only if the State demonstrates to the satisfaction of the Administrator the implementation of the State monitoring and notification program under section 704 of this title.

''SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

''(1) for use in making grants to States under section 706, $9,000,000 for each of fiscal years 2000 through 2004; and

''(2) for carrying out the other provisions of this title, $3,000,000 for each of fiscal years 2000 through 2004.''.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

Mr. INOUYE. Mr. President, six thousand miles from where I am standing today, The Queen's Health System of Hawaii is providing health care services that benefit the residents of all the Hawaiian Islands. This year, approximately 18,000 inpatients and more than 200,000 outpatients will seek health care from The Queen's Health Systems. The organization maintains an open emergency room; admits Medicare and Medicaid patients; operates a 536-bed accredited teaching hospital; operates Molokai General Hospital; operates clinics on various islands; provides home health care; supports nursing programs at Hawaiian colleges and universities; and promotes good health practices in many other ways.

In 1885 Queen Emma Kaleleonalani, wife of King Kamehameha IV, bequeathed land which in large part composes the assets of The Queen Emma Foundation, a non-profit, tax-exempt, public charity. The Foundation s charitable purpose is to support and improve health care services in Hawaii by committing funds generated by Foundation-owned properties to The Queen's Medical Center, the Queen's Health Systems and other health care programs benefiting the community.

Much of the land bequeathed by Queen Emma to the Foundation is encumbered by long-term, fixed rent commercial and industrial ground leases. As these leases expire, the land and improvements revert back to the Foundation. The existing, aged improvements thereon will need to be upgraded in order to enhance and continue the revenue-generating potential of the properties. However, the Foundation's available cash and cash flow are insufficient to implement these improvements which would result in increased financial support to The Queen's Medical Center, The Queen's Health Systems and other health care programs benefiting the community. If the Foundation borrows the funds, any income generated from those improvements would be subject to the debt-financed property rules of the unrelated business income tax provisions of the Internal Revenue Code. Since the income would be taxed at the corporate rate, the amount ultimately available to The Queen's Health System would be greatly reduced.

Consequently, the generosity and intent of Queen Emma more than 100 years ago are being frustrated by federal tax provisions intended to prevent abuses. I am sure the Congress never intended the unfortunate consequences these provisions are having on what is virtually the sole source of private financial support for this sound and unique system of providing and delivering health care to the people of Hawaii.

Current law already allows an exception from the debt-financing rules for certain real estate investments of pension trusts as well as an exception for educational institutions and their supporting organizations. The legislation I am introducing today grants similar relief to institutions like The Queen Emma Foundation which provide and deliver health care to the people of our nation.

I request unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any indebtedness, a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 170(b)(1)(A)(iii) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by gift or devise, and

''(II) consisted of real property,

''(ii) the fair market value of the organization's unimproved real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the indebtedness was incurred, and

''(iii) no member of the organization's governing body was a disqualified person (as defined in section 4946 but not including any foundation manager) at any time during the taxable year in which the indebtedness was incurred.

In the case of any refinancing not in excess of the indebtedness being refinanced, the determinations under clauses (ii) and (iii) shall be made by reference to the earliest date indebtedness meeting the requirements of this subparagraph (and involved in the chain of indebtedness being refinanced) was incurred.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 524. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly three years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within three days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive Order. It was also populated by then-American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: (1) $20,000 for death; (2) $7,000 for personal injury; and (3) $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war and who made previous claims but have since died. The specific damage benefits would be as follows: (1) $7,000 for personal injury; and (2) $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This Act would also establish a Guam Trust Fund from which disbursements will be made. Any amount left in the fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended ''to make Guam whole.'' The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required Congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a one-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage of less than $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for its ''inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks.'' Secretary Ickes termed the procedures as ''shameful results.''

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80–896), which provided reparation relief to American prisoners

of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this Act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide benefits to claimants who were nationals at the time of the war and later became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the now inactive Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided more than $390 million in reparations to the Philippines, and more than $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan.

In addition, the United States provided more than $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States government liquidated more than $84 million in Japanese assets in the United States during the war for the specific purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under Article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 755, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian government through local enactments of legislative bills and resolutions, and discussed with Congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this Act would recognize our government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD.

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

S. 524

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 ''Guam War Restitution Act''.

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

''SEC. 35. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

''(a) DEFINITIONS.—For purposes of this section:

''(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

''(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

''(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

''(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

''(A) Death.

''(B) Personal injury (as defined by the Commission).

''(C) Forced labor, forced march, or internment.

''(5) GUAMANIAN.—The term 'Guamanian' means any person who—

''(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944, and

''(B) was a United States citizen or national during such portion.

''(6) PROOF.—The term 'proof' relative to compensable injury means any one of the following, if determined by the Commission to be valid:

''(A) An affidavit by a witness to such compensable injury;

''(B) A statement, attesting to compensable injury, which is—

''(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

''(ii) made before a committee of the Guam legislature;

''(iii) made in support of a claim filed with the Guam War Reparations Commission;

''(iv) filed with a private Guam war claims advocate; or

''(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

''(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

''(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

''(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

''(A) the name and age of the claimant;

''(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

''(C) the approximate date or dates on which the compensable injury occurred;

''(D) a brief description of the compensable injury which is the basis for the claim;

''(E) the circumstances leading up to the compensable injury; and

''(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

''(2) GENERAL DUTIES OF THE COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

''(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

''(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

''(c) ELIGIBILITY.—

''(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

''(A) The claimant is—

''(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

''(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

''(B) The claimant meets the requirements of paragraph (3).

''(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

''(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

''(B) The claimant meets the requirements of paragraph (3).

''(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

''(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

''(B) The claimant furnishes proof of the compensable injury.

''(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

''(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS—

''(A) AWARDS.—

''(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

''(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

''(B) BENEFITS.—

''(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

''(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

''(d) PAYMENTS.—

''(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits

that the Commission determines are payable under this section.

''(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

''(A) $20,000 if the claim is based on death.

''(B) $7,000 if the claim is based on personal injury.

''(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

''(A) $7,000 if the claim is based on personal injury.

''(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

''(5) FORM OF PAYMENT.—

''(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

''(B) BENEFITS.—In the case of a claim for a benefit—

''(i) IN GENERAL.—Payment under this subsection shall consist of—

''(I) provision of a scholarship;

''(II) payment of medical expenses; or

''(III) a grant for first-time home ownership.

''(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in subparagraph (B).

''(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

''(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

''(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

''(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

''(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

''(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

''(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

''(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

''(9) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards paid to eligible claimants—

''(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

''(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

''(e) GUAM TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

''(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

''(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

''(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

''(A) the funds are invested as described in paragraph (2);

''(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

''(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

''(f) GUAM TRUST FUND COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

''(2) USE OF GUAM TRUST FUND.—The Commission may make disbursements from the Guam Trust Fund only for the following uses:

''(A) To make payments, under subsection (d), of awards and benefits.

''(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

''(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

''(3) MEMBERSHIP.—

''(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

''(B) TERMS.—

''(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a length determined pursuant to subparagraph (F).

''(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay as such, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

''(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

''(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

''(F) SUBSEQUENT APPOINTMENTS.—

''(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

''(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

''(4) STAFF AND SERVICES.—

''(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

''(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

''(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

''(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

''(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

''(6) TERMINATION.—The Commission shall terminate on the earlier of—

''(A) the expiration of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

''(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

''(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

''(h) REPORTS.—

''(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

''(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

''(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

''(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

''(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

''(B) the status of the Trust Fund and the amount of any existing balance thereof.

''(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

''(B) the final status of the Trust Fund and the amount of any existing balance thereof.

''(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums appropriated to the Department of the Interior, such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.''.

SEC. 3. RECOMMENDATION OF FUNDING MEASURES.

Not later than 1 year after the date of the submission of the first report submitted under section 35(h)(1) of the Organic Act of Guam (as added by section 2 of this Act), the President shall submit to the Congress a list of recommended spending cuts or other measures which, if implemented, would generate sufficient savings or income, during the first 5 fiscal years beginning after the date of the submission of such list, to provide the amount of compensation necessary to fully carry out this section (as determined in such first report).

By Mr. WARNER:

S. 525. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

LIBERTY DOLLAR BILL ACT

Mr. WARNER. Mr. President, I rise today to reintroduce the Liberty Dollar Bill Act.

Last year, students at Liberty Middle School in Ashland, Virginia came up with an idea. The measure I introduce today simply implements their vision. This bill directs the Treasury to place the actual language from the Constitution on the back of the one dollar bill.

Our founding fathers met in 1787, to write what would become the model for all modern democracies—the Constitution. Washington, Madison, Franklin, Hamilton and many other great Americans met for four months that year to ignite history's greatest light of government.

They argued, fought, and compromised to create a lasting democracy, built on a philosophy found in the preamble of the constitution. And they protected this philosophy and these ideals by creating three branches of government and divisions of power between the federal and state governments found in the articles and the amendments of the Constitution.

Although our currency celebrates the men who first drafted the Constitution, it doesn't celebrate their most nobel achievement. Shouldn't this greatest of American achievements be in the hands of all Americans?

All presidents, likewise all public officers, swear to ''preserve, protect and defend'' the Constitution. No country can survive if it loses its philosophical moorings. The freedoms and liberties we enjoy give substance, value and meaning to the laws by which we live. Our Nation's philosophy can be taken for granted in the daily business of lawmaking. Yet we can hear in John F. Kennedy's inaugural address that we do not defend America's laws, we defend its philosophy—a philosophy embodied in the Constitution.

Seventy-five percent of Americans say that ''The Constitution is important to them, makes them proud, and is relevant to their lives.''

So important is this document that we built the Archives in Washington to house and safeguard it. Hundreds of thousands go there each year to see it. However, ninety-four percent of Americans don't know all of the rights and freedoms found in the First Amendment. Sixty-two percent of Americans can't name our three branches of government.

Six hundred thousand legal immigrants come to America each year. Often their first sight of America is the Statue of Liberty, holding high her torch, symbolizing our light and our freedom. Many of these immigrants become American citizens by the naturalization process and learn more about the Constitution than many natural born citizens.

If America's most patriotic symbol—the Constitution—were on the back of the one dollar bill, wouldn't we all know more about our Government? The Constitution should be in the hands of every American.

Our Constitution is a beacon of light for the world. People everywhere should be able to hold up our one dollar bill as a symbol of the freedom of modern democracy.

I am proud to join my colleague in the House of Representatives, Chairman TOM BLILEY, and reintroduce the companion legislation in the Senate. The Liberty Dollar Bill Act directs the Secretary of the Treasury to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of the one dollar bill.

Mr. President, I agree with the students of Liberty Middle School. The Constitution belongs to the people. It should be in their hands.

I want to commend the students of Liberty Middle School and their teacher, Mr. Randy Wright for their contribution to our Nation. I hope all my

colleagues in the Senate will see the wisdom of these students and join me as a cosponsor of this legislation. Let the Nation hear that the younger generation can provide ideas that become the laws of our land.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. KERREY):

S. 526. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

THE PUBLIC SCHOOL CONSTRUCTION PARTNERSHIP ACT

Mr. GRAHAM. Mr. President, I rise today along with Senators GRASSLEY, KERREY, DEWINE, TORRICELLI, and HUTCHISON to introduce the Public School Construction Partnership Act. As teachers, students, parents, and school administrators know, the United States faces a school infrastructure crisis. Many of our schools are more than 50 years old and crumbling, and the General Accounting Office estimates that it will cost about $112 billion to bring them into good repair. Moreover, this estimate does not take into account the need for new construction. The U.S. Department of Education projects that some 1.9 million more students will be entering schools in the next 10 years. At current prices, it will cost about $73 billion to build the new schools needed to educate this growing student population. Mr. President, I might add that my own State is gaining 60,000 new students each year. By the end of the decade, Florida's student enrollment will have increased 25 percent more than the population as a whole.

Education is rightfully a state and local matter, but the federal government can play a helpful, non-intrusive role in assisting communities overwhelmed by explosive increases in student enrollment. We at the federal level should help empower local school districts to find innovative, cost effective ways to finance new schools and repair aging ones.

The bill I am introducing today with Senator GRASSLEY provides new flexibility to state and local efforts to finance new schools and repair older ones. I believe that we should be providing a ''cafeteria plan'' of options to choose from in order to enable local and state governments to have a variety of financing tools available to them. An innovative means of financing the building or renovation of a school in an urban area like Miami won't necessarily be the best option for a rural town in Iowa. Therefore, our legislation provides four different alternatives to ease the burden of financing public school construction.

One alternative is to add educational facilities to the list of 12 types of facilities that can use private activity bonds. As you can see, these bonds are used to finance a wide range of public projects: from airports and mass commuting facilities, to qualified residential rental projects and environmental enhancements of hydroelectric generating facilities.

The importance of adding public educational facilities to this list is that these bonds would be tax exempt. And I emphasize the word public because private non-profit elementary and secondary schools already have the ability to issue tax-exempt facility bonds. Public schools should have the same tax treatment. Our legislation gives public schools parity with private schools.

The public/private partnership in school construction through the use of private activity bonds is already being used in the Canadian Province of Nova Scotia. Here is how it works: a private corporation builds the school and leases it to the school district at a reduced rate. The private entity supplements the cost of the building by leasing it for other uses during non-school hours.

This approach has been a success. According to a study by Ron Utt at the Heritage Foundation, 41 new schools have either been completed or approved for construction under the Public/Private Partnership Program. In the next three years, Nova Scotia expects to replace 10 percent of its schools through such partnerships.

I am optimistic that enabling communities in the United States to have the same opportunity will foster the same results.

Another portion of this legislation would help relieve some of the burdens on small and rural school districts.

Current law relieves small issuers of tax-exempt bonds for qualified school construction from onerous federal arbitrage regulations, but more relief is needed. The calculations required to determine the amount of arbitrage rebate are extremely complex and often require that a local government hire an outside consultant. Despite the trouble and expense of compliance, rebate amounts are usually quite small. Local governments sometimes spend much more to comply with the rebate rules than the amount actually rebated to the Treasury.

This legislation would permit school districts to keep funds earned on bond proceeds instead of reimbursing the Treasury Department if the bonds offered by the district totalled less than $15 million that year, or if the bonds are spent within four years.

Our legislation would also increase the amount of bonds banks can hold and still receive tax exempt status. Currently, banks may deduct their interest expense for loans if the bonds are less than $10 million in a one year period. We would increase that limit to $25 million, allowing school bonds to be bought directly by the banks without having to undertake the complexities of accessing the public capital markets.

Changing these current tax laws would help local school districts throughout the United States. Our legislation would foster even more innovative approaches to finance the building and refurbishment of our public schools. Such public-private partnerships would speed construction of new schools and reduce costs to communities.

Mr. GRASSLEY. Mr. President, today, I am joining my colleague from Florida, Senator GRAHAM, in introducing the School Construction Financing Improvement Act of 1999.

The single most important source of funding for investment in public school construction and rehabilitation is the tax-exempt bond market. Tax-exempt bonds finance approximately 90 percent of the nation's investment in public schools. In my home state of Iowa over $625 million in tax-exempt bonds were issued to school districts in 1998 alone.

There is a well-recongized need throughout the country for billions of additional new dollars in school construction and rehabilitation. A report from the General Accounting Office says urban schools alone need $112 billion in repairs over three years to bring their buildings back into working order. That same study says about 14 million children attend U.S. schools in need of extensive repairs, and about 7 million attend schools with life threatening safety code violations.

American schoolchildren attending schools with leaky roofs, inadequate bathrooms, poor air quality, and unreliable fire protection equipment is an unacceptable state of affairs. We need to step up to the plate and address this issue, not only promptly, but also properly. The administration's proposed use of tax credit bonds is inherently unworkable and inefficient. The school districts in states all across this land need greater flexibility not more federal regulations and controls.

Tax-exempt bonds have proven to be an effective financial instrument to fund school rehabilitation and construction. Therefore, it is appropriate and necessary to examine tax code limitations on the use of tax-exempt bonds for schools and to consider ways to amend the code to give school districts even greater access to the capital they earnestly need and deserve. Let's expand on something that works.

The administration has proposed policy initiatives to enhance and expand the use of tax credit bonds called ''Qualified Zone Academy Bonds'' or QZABs. However the QZAB program has proven incapable of attracting investors due to inherent flaws in tax credit bonds that make them extremely illiquid and unpredictable investments, and specific limitations on the use of these bonds imposed by the federal government on the states. These significant and crippling limitations include the exclusion of individual investors from purchasing QZABs,

the requirement that school districts secure hard to come by ''private business contributions'', and prohibitions on the use of QZABs to fund new school construction projects.

Experience and study has shown that tax exempt bonds are a more workable, more efficient, and more popular alternative to QZABs. This bill reflects my belief that the wisest course to achieving the goal of providing schools with necessary capital to build and rehabilitate our nation's schools is to continue refining tax code limitations on the use of tax-exempt bonds.

The legislation Senator GRAHAM and I are introducing today is designed to narrowly target the use of tax-exempt bonds to school construction alone and do not change any tax code provisions designed to prevent abuse of bond issuance authority.

The first provision would allow school districts to make use of public-private partnerships in issuing tax-exempt bonds for public school construction or rehabilitation. The bonds would be exempt from the annual state volume caps. This will allow schools to leverage private investment in school facilities and would encourage school districts to partner with private investors in new and creative ways.

The second provision addresses the current two year construction spend-down exemption in arbitrage rebate regulations. This policy allows the exemption of bonds from arbitrage rebate if the issuer spends virtually all its bond proceeds within two years of the time these bonds for construction projects are issued. We recommend an extension of this exemption from two years to four years for school bonds. Often the two year limit is insufficient to cover major construction projects, especially when multiple projects are funded from a single bond issue. The extension of time limit on the exemption provision will also improve the flexibility of school districts that use bonds and relive the school bond issuer from superfluous and burdensome tax compliance costs.

The second provision would also raise from $10 million to $15 million the volume of school construction bonds a small school district could issue each year and still qualify for the small-issuer arbitrage rebate exemption. This provision expands the benefits of the small-issuer rebate exemption to a much broader universe of small school bond issuers.

The third provision of the bill would permit banks to invest in certain qualified tax-exempt school construction bonds without penalty. Before the Tax Reform Act of 1986 that imposed a tax penalty on banks that earn tax-exempt interest, commercial banks were one of the most active groups of investors in the municipal bond market. This provision would directly reduce the cost of borrowing for new school construction and would result in more investment in public schools.

I urge my colleagues to join Senator GRAHAM and myself in trying to help schools receive the crucial funds necessary to build and repair America's schools.

By Mr. HATCH:

S. 527. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty with respect to the personal effects of participants in certain athletic events; to the Committee on Finance.

TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS

Mr. HATCH. Mr. President, I am introducing today an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States. My amendment would allow athletes participating in world events, such as the Salt Lake 2002 Winter Olympic Games, to bring into the United States, duty free, such personal effects as equipment expressly used in the sporting events, and then re-exported with departing athletes at the termination of the events.

This bill is needed to relieve both Customs officials and event participants of immense amounts of documentation required in the past for such exceptions to Customs laws and practices. However, this amendment does not exempt such items from inspection by Customs officials, inspections which can be made entirely on their discretion, nor does it allow the entry of items barred under current law. This same bill, which I introduced in the prior, 105th Congress was favorably reported out by both the House Ways and Means Committee and the Senate Finance Committee, and incorporated in the Omnibus Trade Bill which failed passage.

By Mr. SPECTER:

S. 528. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Finance.

UNFAIR FOREIGN COMPETITION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of introducing the Unfair Foreign Competition Act of 1999. This legislation is in response to a crisis facing the steel industry in the United States as a result of subsidized and dumped goods coming into the United States from a variety of countries—from Russia, from Brazil, from Japan, from Indonesia—where steel is being sold in the United States at far under cost of production and far under the price steel is being sold for in those countries.

We know the financial problems which are present now in Russia where they are very anxious to have dollars and are selling steel in America for anything, virtually, that they can get for it. A similar problem has arisen with respect to other countries.

The steel industry has modernized, spending some $50 billion, and simply cannot compete with this kind of subsidy on dumped goods. Thousands of steelworkers are losing their jobs. A few years back there were 500,000 steelworkers in the United States; now that number is down to about 160,000, and more are going daily and weekly as a result of this dumped steel coming into the United States.

The existing laws are totally insufficient. When the administrative procedures are taken under existing law, it takes months. For example, complaints filed in September of 1998 will not be heard, adjudicated, decided, until May. Then there will be some retroactive duty imposition. Meanwhile, thousands of steelworkers will be losing their jobs. The steel industry will be suffering tremendous losses from which it cannot recover.

Beyond the issue of the industry itself and the workers, we have the paramount issue on national defense, the industrial base for the United States.

My legislation would provide a private right of action so that injured parties could go into a Federal court, into a court of equity, and get immediate relief. This legislation is similar to legislation which I have introduced as far back as 1982 where I sought injunctive relief. It now appears that injunctive relief is not consistent with GATT, although GATT international trade laws are consistent with U.S. trade laws which prohibit subsidized or dumped goods from coming into the United States.

The remedy which is provided in this bill would be that tariffs would be imposed at the direction of the Federal court as the form of equitable relief, and these tariffs would then be paid over to the damaged parties—to the steelworkers who had sustained damages as a result of losing their jobs and to the steel companies which had sustained damages from loss of sales as a result of this illegal steel coming into the United States which is dumped or subsidized.

There have been rallies held across the United States and on the west end of the Capitol not too long ago. The Senate Steel Caucus, which I have the privilege to chair, has had a series of hearings, including one in Pittsburgh on February 18.

There are a variety of legislative proposals now pending before the Congress: Tariffs, changing the U.S. law to conform to international laws to make it easier to get relief under 201 and 301. But there is nothing on the books which would be as effective as the kind of equitable relief which would be provided by this private right of action. There is litigation pending now in the Federal court in Ohio brought by Wheeling-Pittsburgh where, after I conferred with the officials of that company, they brought an equity action in the State courts seeking equitable relief, and it has since been transferred to the Federal courts. I believe that cause of action, that claim for relief in the Federal court, is well founded.

This legislation would remove any doubt that the injured parties—the

workers, the companies, injured parties—would have a right to go into Federal court to get this relief on a prompt basis.

In a court of equity, as the distinguished Presiding Officer knows, having litigated extensively himself, it is possible to get a temporary restraining order, a TRO, on an ex parte basis by the filing of affidavits. When that is done, then there has to be a hearing within 5 days where the moving party then seeks a preliminary injunction. Then the court hears the evidence and makes a determination as to a preliminary injunction, and then further hearings to make a determination as to a permanent injunction. I outline that very, very briefly to signify the speed that you can have action if you go into the Federal court.

A court of equity is designed to provide prompt relief upon the showing of the requisite proofs. The difficulty with waiting for administrative action, action by the executive branch, is that we know as a matter of experience that the executive branch defers to foreign policy or defense policy.

There is grave concern in the administration, expressed by a variety of administration officials, about what will happen to the Russian economy. Of course, there are grounds for concern about the Russian economy but not sufficient concerns so as to override what will happen to the American steel industry. What happens to the Russians is important but, frankly, not as important to this Senator as what happens to Pennsylvanians or to people in West Virginia or to people in Indiana, Ohio, or Illinois—to mention only a few of the States which are impacted by these subsidized and dumped goods.

I am reminded, Mr. President, about an event back in 1984 when there was a favorable ruling for the steel industry from the International Trade Commission. The President had the authority to override that determination. My then colleague Senator Heinz and I made the rounds of the International Trade Representative, William Brock, and of the Secretary of Commerce, Malcolm Baldrige, and we found great sympathy with having the laws of the United States and the international trade laws enforced. When we talked to the Secretary of State and the Secretary of Defense, they were more concerned about their problems—foreign policy and defense policy. Ultimately, the President overruled the International Trade Commission to the detriment of the American steel industry. Regrettably, that is what happens.

We have had meetings of the Steel Caucus with the key officials of the executive branch. When it comes to the Secretary of Commerce or the Trade Representative, there has been a certain amount of sympathy for the position of the steel industry.

What we need to do is to take this issue out of international politics—politics at the highest level, where there are concerns for foreign policy or defense policy—and move it into court, where the rule of law will govern and where, on a showing that there is a violation of U.S. trade laws, a showing of a violation of international trade laws, and there is a remedy which is GATT consistent, which is to impose tariffs. The approach of having the tariffs then paid over to the damaged parties is an idea which was originated by the distinguished Senator from Ohio, Senator DEWINE, on legislation which he has introduced.

When we had sought injunctive relief, it had been sufficient just to stop the steel from coming into the United States immediately, and then there would have been no further damage. That is not GATT consistent. It is GATT consistent to have duties imposed, and then if any steel comes in, those duties ought to be a deterrent to stop dumped and subsidized steel from coming into the United States. But to the extent any further steel comes in, those duties would be collected by the Treasury and then paid over to the injured parties—the steelworkers who have lost wages or lost their jobs, or the industry which has been damaged by this illegal dumping and this illegal subsidy.

Mr. President, I have sought recognition to reintroduce legislation to provide for a private right of action for an injured party to sue in Federal court to stop goods from coming into this country which are subsidized, dumped or otherwise sold in violation of our trade laws. My legislation, the Unfair Foreign Competition Act of 1999, is based on legislation I have introduced since 1982 and most recently during the 103rd Congress in 1993.

I have revised the legislation so that at the conclusion of the case and upon the finding of liability, the court will direct the Customs Service to assess an antidumping duty on the dumped or subsidized product. Duties collected will be distributed to steelworkers for damages sustained from loss of wages resulting from loss of jobs due to illegal imports, and the affected domestic producers of the product for qualifying expenditures which may include equipment, research and development, personnel training, acquisition of technology, health care benefits, pension benefits, environmental equipment, training or technology, acquisition of raw materials, or borrowed working capital.

I am introducing this legislation to respond to the substantial dumping of foreign goods on the U.S. market, particularly steel. As Hank Barnette, chief executive officer of Bethlehem Steel, wrote as early as in an August 6, 1998 op-ed in the Washington Times, the United States has become ''The Dumping Ground'' for foreign steel. He noted that Russia has become the world's number one steel exporting nation and that China is now the world's number one steel-producing nation, while enormous subsidies to foreign steel. As one example, Mr. Barnette cited the Commerce Department's revelation that Russia, one of the world's least efficient producers, was selling steel plate in the United States at more than 50 percent or $110 per ton below the constructed cost to make this product, which ultimately costs our steel companies in lost sales and results in fewer jobs for American workers.

As chairman of the Senate Steel Caucus, I am well aware that the current financial crisis in Asia and elsewhere has generated surges in U.S. imports of steel. Recently released statistics by the Department of Commerce note that the year-to-date final statistics through November of 1998 show steel imports of 35.1 million metric tons, an increase of 8.7 million metric tons over the 26.4 million metric tons through November 1997. While the preliminary data on steel imports for December 1998 shows a decrease in imports of hot-rolled steel products, one month is not a trend. In fact, overall steel imports in 1998 were considerably higher than in 1997, and total imports of hot-rolled steel were up 73 percent from 1997 to 1998. The flooding of steel on the U.S. market from Asian countries, as well as countries of the former Soviet Union and Brazil, have led the Senate and House Steel Caucuses to hold joint hearings and receive testimony from steel company executives and union representatives on the growing problems of steel imports and their troubling effect on our economy and our ability to retain high-paying jobs.

I believe in free trade. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. Where you have dumping—the sale of goods in the United States at prices lower than the price at which such goods are being sold by the producing companies in their own country or in some other country—it is the antithesis of free trade. We have too long sacrificed American industry and American jobs in the name of foreign policy or defense policy, without having the proper enforcement of the laws because the executive branch, whether it is a Democratic administration or a Republican administration, has made concessions for foreign policy and defense interests.

For many years, foreign policy and defense policy have superseded basic fairness on trade policy. I received a comprehensive education on this subject back in 1984 when there was a favorable ruling by the ITC for the American steel industry, but it was subject to review by the President. At that time my colleagues, Senator Heinz and I visited every one of the Cabinet officers in an effort to get support to see to it that International Trade Commission ruling in favor of the American steel industry was upheld. Then-Secretary of Commerce Malcolm Baldrige was favorable, and International Trade Representative Bill Brock was favorable. We received a favorable hearing in all quarters until we spoke with then-Secretary of State Shultz and

then-Secretary of Defense Weinberger who were absolutely opposed to the ITC ruling. President Reagan decided to overrule the ITC, and U.S. trade policy and workers again took second place to foreign policy concerns.

In the current environment, I believe more than ever that it is necessary for an injured industry to have an opportunity to go into federal court and seek enforcement of America's trade laws, which are currently not being enforced adequately by the executive branch.

The only way to handle these important issues is to see to it that there is a private right of action, which is a time-honored approach in the context of antitrust law. I believe this is absolutely necessary if the steel industry and other U.S. industries subject to unfair foreign competition are to have fairness and to be able to stop foreign subsidized and dumped products from coming into this country.

CURRENT ADMINISTRATIVE REMEDIES

I have long been concerned about the export of subsidized or dumped goods to the U.S. market and its impact on U.S. jobs and industries. Even when our government does act aggressively to enforce U.S. trade laws, the process is extremely time consuming. It can take months after filing a dumping action for the Commerce Department to complete its investigations, from the summary investigation to determine the adequacy of the petition, to the formal investigation of the evidence presented. The Commerce Department then issues a preliminary determination that products are being sold in the United States at less than fair value. The Department must then make a final determination, which can consume several more months. In order to secure any relief, though, the International Trade Commission (ITC) must also independently review the case and make a determination about whether the imports materially injure, or threaten to injure, the U.S. industry. If the ITC finds injury or threat of injury, the Commerce Department instructs the Customs Service to collect antidumping duties.

In the current hot-rolled carbon steel case currently before the Administration, the petitioners filed on September 30, 1998. The investigation by the Commerce Department's International Trade Administration was not initiated until October 15, 1998. On November 23, 1998, the Commerce Department found ''critical circumstances'' in the case. Commerce determined that there was a surge in imports from Japan and Russia. This determination, coupled with the preliminary injury decision, allows the Commerce Department to assess duties retroactively 90 days from the preliminary determination. On February 12, 1999, the Department of Commerce determined the preliminary dumping margin for Japan and Brazil. Later, on February 22, a preliminary dumping margin for Russia was determined. The Commerce Department then instructed U.S. Customs to require deposits or bonds on imported steel from these countries for 90 days prior to the dumping margin determination and for any steel from these countries brought in after the determination. The Department of Commerce is not expected to make a final determination until May 5, 1999; however, the assessment of duties is contingent on a favorable determination on injury to the domestic industry made by the International Trade Commission on June 12, 1999.

Assuming that all decisions are favorable, the petitioning industry will have waited for months before any action is taken to remedy the injury done to the industry and its workers. Therefore, a private right of action is necessary to enable our domestic industries to counter foreign subsidies, dumping, and customs fraud in a timely manner. My bill accomplishes this by providing timely relief by allowing for the recovery of tariffs as a result of the illegal import.

We have seen a long history where American industries have been prejudiced, and American jobs have been lost, due to subsidized and dumped goods coming into this country. There is no adequate remedy at the present time to provide domestic industries with timely relief from the damage caused by such imports.

HISTORY OF THE PRIVATE RIGHT OF ACTION LEGISLATION

Since entering the Senate, I have been actively involved on this issue. On March 4, 1982, I introduced S. 2167 to provide a private right of action in federal courts to enforce existing laws prohibiting illegal dumping or subsidizing of foreign imports. Hearings were held on this bill before the Judiciary Committee on May 24 and June 24, 1982. On December 15, 1982, I offered the text of this bill on the Senate floors as an amendment, which was tabled by a slim margin of 51 to 47.

During the 96th Congress, I reintroduced this legislation as S. 416 on February 3, 1983. The Judiciary Committee held a hearing on this bill on March 21, 1983. I offered the text of S. 418 as an amendment to the Omnibus Tariff and Trade Act of 1984 on September 19, 1984; the amendment was tabled.

During the 99th Congress, I reintroduced this legislation as S. 236; I expanded the scope of this bill to include customs fraud violations and introduced S. 1655 on September 18, 1985, and the Judiciary Committee favorably reported the bill by unanimous voice vote on March 20, 1986. The Finance Subcommittee on International Trade held a hearing on S. 1655 pursuant to a sequential referral agreement. Significant progress was made toward reaching a unanimous consent agreement for full Senate consideration of S. 1655 prior to adjournment of the 99th Congress, but the press of other business prevented its coming to the floor for action.

In the 100th Congress, I reintroduced comprehensive legislation, S. 361, to provide a private right of action in Federal court to enforce existing laws prohibiting illegal dumping or customs fraud.

I expanded the scope of this bill in S. 1396, which I introduced on June 19, 1987, to revise the subsidy provision to include a private right of action to allow injured American parties to sue in Federal court for injunctive relief against, and monetary damages from, foreign manufacturers and exporters who receive subsidies and any importer related to the manufacturer or exporter. This bill would have provided a comprehensive approach to address three of the most pernicious, unfair export strategies used by foreign companies against American companies: dumping, subsidies, and customs fraud.

During full Senate consideration of the Omnibus Trade and Competitiveness Act (S. 490), I filed the text of S. 1396 as Amendment No. 315 on June 19, 1987, and offered it as an amendment to the trade bill on June 25, 1987. This amendment, however, was tabled. I again filed the text of this bill as an amendment to the Textile and Apparel Trade Act, S. 2662, on September 9, 1988, and to the Technical Corrections Act, S. 2238, on September 29, 1988.

On July 15, 1987, I joined Senator Heinz as an original cosponsor of an amendment to S. 490 to provide a private right of action in the U.S. Court of International Trade for damages from customs fraud. Although the amendment was accepted by the Senate, it unfortunately was dropped in conference.

In the 102nd Congress, I introduced similar legislation, S. 2508, because the Voluntary Restraint Agreements program was allowed to lapse in spite of the fact that no multilateral steel agreement was in place. In fact, as announced by the United States Trade Representative, talks on the steel accord had broken down. I might add that this was somewhat strange, Mr. President, if not incomprehensible. The steel industry had been awaiting an agreement on a multilateral steel accord which would have prevented subsidized and dumped goods from coming into the United States, and then there was a specific recognition by the Trade Representative, that the effort failed. Not to extend the voluntary restraint program at that time was a bit mystifying. In any event, the Judiciary Committee favorably reported S. 2508 by unanimous voice vote on August 12, 1992. Again, the press of other business prevented the Senate from taking up this legislation on the floor.

In the 103rd Congress, I introduced this legislation again, S. 332, in an effort to move the legislative process forward. The legislation was referred to the Judiciary Committee, but once again, the press of Senate business prevented further action on the bill.

UNFAIR FOREIGN COMPETITION ACT OF 1999

In the 104th Congress, Senator KOHL and I introduced legislation to criminalize economic espionage, which was

ultimately enacted into law. The bill that I am introducing toady, the Unfair Foreign Competition Act of 1999 will help to combat another form of illegality—the illegal subsidization and dumping of foreign products into U.S. markets, which steal jobs from our workers, profits from our companies and economic growth from our economy.

This legislation provides a private right of action in federal courts for individuals or corporations who have been injured by dumping, subsides, or customs fraud violations. The bill will enable industries to seek relief through the Federal courts to halt the illegal importation of products.

There is nothing like the vigor of private plaintiffs when it comes to the enforcement of our trade laws. We need vigorous private enforcement—that this bill would spur—if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports.

I believe the bill I am introducing today would have an important deterrent effect on the practices of our foreign trading partners. Under this bill, an injured party could file suit in the U.S. federal district court for the District of Columbia or the Court of International Trade. If dumping or subsidies and injury are found, the court would then direct the Customs Service to assess duties on future importation of the article in question.

Since current administrative remedies are not consistently and effectively enforced through the Commerce Department and the World Trade Organization, this private right of action is necessary to enforce the spirit of the law.

A reason to support this bill lies in its simplicity. We can enact this legislation immediately without interfering with or precluding more complex set of initiatives. The essence of this bill is to promote enforcement of existing trade laws and agreements, and, therefore, use our existing trade laws as our best defense against unfair foreign practices. My bill will free private enterprise to pursue remedies without delay and put a halt to many discriminatory trade practices.

I ask my colleagues to join me now in supporting this legislation to provide relief to he unfair trade practices which constrain our nation's industry. We should be proud of the many improvements made by our industrial base over the past decade. Our corporations invested capital and the quality of our products has risen dramatically; however, our nation's workers have suffered significant job losses while our corporations have tried to become more lean and competitive. Clearly our business sector and each and every American has participated in and borne the burden of improving our competitive position.

Even these significant advances however, are insufficient to compete in the face of illegal trade practices such as dumping, subsidies, and customs fraud. The best way to handle these trade issues is to provide a private right of action which will allow U.S. industries the ability to stop foreign subsidies and dumping on the U.S. market in a timely fashion.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

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

Mr. SPECTER. I thank the Chair and I thank my colleague from Vermont.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 85

At the request of Mr. BUNNING, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. SESSIONS], and the Senator from Ohio [Mr. DEWINE] 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. 174

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 247

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 280, supra.

S. 319

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 319, a bill to provide for childproof handguns, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mr. ROBB, his name 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.

At the request of Mr. GRAHAM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 346, supra.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 371

At the request of Mr. GRAHAM, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 371, a bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes.

S. 391

At the request of Mr. KERREY, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from California [Mrs. FEINSTEIN], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 427

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 434

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Kentucky [Mr. BUNNING] were added as cosponsors of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 446

At the request of Mrs. BOXER, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Arkansas [Mrs. LINCOLN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 470

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 470, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction.

S. 477

At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 477, a bill to enhance competition among airlines and reduce airfares, and for other purposes.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 494, a bill 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.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 11

At the request of Mr. SMITH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Joint Resolution 11, a joint resolution prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Florida (Mr. GRAHAM), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Mexico (Mr. BINGAMAN) 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.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

JEFFORDS AMENDMENT NO. 31

Mr. JEFFORDS proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

In the pending bill, strike all after the enacting clause and insert the following:

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; and

(iv) a description of how the State educational agency will meet the requirements of paragraph (8).

(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, educational goals, which may include progress toward increased school and student performance, 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) 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).

(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, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

(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) use of Federal funds to supplement, not supplant, non-Federal funds; and

(G) 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 described in the application submitted pursuant to subsection (a)(4)(A)(ii).

(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.

WELLSTONE (AND KENNEDY) AMENDMENT NO. 32

Mr. WELLSTONE (for himself and Mr. KENNEDY) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 8, line 4, after ''determines'' insert ''that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and''.

On page 12, line 22, after ''hearing,'' insert ''that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or''

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

WELLSTONE AMENDMENT NO. 33

Mr. WELLSTONE proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

KENNEDY (AND OTHER) AMENDMENT NO. 34

Mr. KENNEDY (for himself, Mr. REID, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 7, line 21, strike ''and'' after the semicolon.

On page 7, line 24, strike the period and insert ''; and''.

On page 7, line 24, insert the following:

(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.

On page 9, line 22, strike ''which may include progress toward'' increased school and student performance.

On page 11, line 17, insert ''in accordance with the evaluation requirement described in paragraph (3)(A)(v),'' before ''and shall''.

On page 12, line 14, before the period insert '', and has improved student performance''.

On page 16, line 9, insert ''and goals'' after ''desired results''.

On page 16, lines 10 and 11, strike ''subsection (a)(4)(A)(ii)'' and insert ''clauses (ii) and (iii) of subsection (a)(4)(A), respectively''.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 4, 1999, at 10 a.m. for a business meeting to consider legislation to reform the congressional budget process.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings entitled ''Deceptive Mailings and Sweepstakes Promotions.'' These hearings are the first of an anticipated series of hearings the subcommittee plans to hold regarding deceptive mailings. The focus of these first hearings will be an examination of the use of sweepstakes by mass marketers and how these mailings impact consumers.

The hearings will take place on Monday, March 8th and Tuesday, March 9th, at 9:30 a.m. each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999, at 2 p.m., in open session, to receive testimony on 21st century seapower vision overview and maritime implications of 21st century threats.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 3, 1999, at 10 a.m. on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. 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 Wednesday March 3 for purposes of conducting a joint oversight hearing with the Senate Committee on Indian Affairs which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is receive testimony on the American Indian Trust management practices in the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 3, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 3, 1999, at 10 a.m. for a hearing on the Independent Counsel Act.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on ''Older American Act: Oversight and Overview'' during the session of the Senate on Wednesday, March 3, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to mark up the Committee's Budget Views and Estimates letter to the Budget Committee regarding the FY 2000 Budget Request for Indian programs. (The Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian

Trust Management Practices in the Department of the Interior will immediately follow the markup). The Meeting/Joint Hearing will be held in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to conduct a Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior. The hearing will be held in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999 at 1:30 p.m. in open session, to receive testimony on Army modernization.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct an oversight hearing on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act Wednesday, March 3, 9 a.m., hearing room (SD–406).

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

SUBCOMMITTEE ON WATER AND POWER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 3, for purposes of conducting a Water & Power Subcommittee 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 Bureau of Reclamation and the Power Marketing Administrations.

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

ADDITIONAL STATEMENTS

RABBI ALVIN WAINHAUS

• Mr. LIEBERMAN. Mr. President, I rise today to honor Rabbi Alvin Wainhaus of Congregation Or Shalom in Orange, Connecticut. On March 19th and 20th, he will be honored by Congregation Or Shalom on his 18th anniversary as spiritual leader of the synagogue.

This is a significant milestone for Rabbi Wainhaus and his congregation. Through his leadership at Congregation Or Shalom he has constantly worked to reach out to every member of the congregation, young and old, and keep them involved in all aspects of congregation life. He has particularly reached out to young adults as they have left home for college and careers in order to keep them connected to their families and community.

He has helped provide guidance and insight to innumerable people not just at Congregation Or Shalom but within the community as a whole. We currently face difficult times, and it is our families and friends, combined with our churches and synagogues, that provide the support systems which allow us to confront and overcome the challenges set before us. Through his service, Rabbi Wainhaus has helped many families over the years surmount these obstacles and make positive contributions to their communities.

As this congregation has grown over the years, with God's divine assistance, Rabbi Wainhaus has touched many lives throughout the community. The people of Connecticut thank Rabbi Wainhaus for his service, dedication, and contribution to our state.•

TAX TREATMENT FOR DOMESTIC DISTILLERIES

• Mr. BUNNING. Mr. President, today I signed on as a cosponsor of S. 434, Senator BREAUX's proposal to equalize the tax treatment for domestic distilleries compared to their foreign competitors.

This is a good bill, and I hope it passes Congress. It would help cut unnecessary taxes for our domestic distilleries, and eliminate a competitive advantage that our current tax rules give to foreign distilleries. I will certainly do what I can to help pass Senator BREAUX's bill.

Mr. President, I am submitting this statement for the CONGRESSIONAL RECORD to make one thing perfectly clear. In supporting this bill, I want the Administration, and officials at the Treasury Department and the Bureau of Alcohol, Tobacco and Firearms to understand that by doing so I reject the connection that some have tried to make between the All in bond issue and Section 5010 of the tax code, the wine and flavors tax credit. I know that the suggestion has been made that any revenue loss to the U.S. Treasury caused by changes to the All in Bond rules be offset by repealing Section 5010. I reject that notion because there is no logical link between the two issues; the ''connection'' is a bureaucratic fiction.

Some who served with me on the conference committee that helped write the tax provisions in the 1995 Balanced Budget Act will probably remember my successful efforts to eliminate a provision in the Senate bill that would have repealed Section 5010. My position on this matter has not changed, and it is one issue on which I continue to keep a close eye because of its importance to Kentucky.•

BLIND PERSONS EARNINGS EQUITY ACT

• Mr. SARBANES. Mr. President, today I rise in support of the Blind Persons Earnings Equity Act, a bill that will open up a world of opportunities for blind persons and greatly improve their lives. Currently, the blind are discouraged from working by an overly restrictive provision in the Social Security Act that limits the amount of income they may earn for themselves. The Blind Persons Earnings Equity Act would raise that earnings restriction and lessen the burden of at least one of the many obstacles to employment faced by the blind today.

Blindness has profoundly adverse social and economic consequences, and Social Security benefits are needed to offset the disadvantages suffered by the blind. However, these same laws that are meant to help, must be revised when it becomes clear they are hindering blind persons from joining the workforce and discouraging them from becoming fully engaged in society.

Instead of encouraging the blind to develop job skills and become productive members of their communities, the law addressed by this bill penalizes them. Once their earnings rise above an amount that is barely sufficient to cover the most basic living expenses, their Social Security benefits are cut completely. No wonder it is estimated that over seventy percent of the employable blind population is either unemployed or underemployed.

This statistic, however, does not represent an unwillingness to work. On the contrary, the blind want to work and take great pride in developing the necessary skills that enable them to contribute to society.

I had the honor of knowing personally a great American leader who just happened to be blind. His name was Dr. Kenneth Jernigan and for over 25 years he led the organized blind movement in the United States. As President for the National Federation of the Blind, he moved the national headquarters to Baltimore where I had the opportunity to meet him. Sadly, Dr. Jernigan passed away last year.

Dr. Jernigan may have been blind in the physical sense, Mr. President, but he was a man of vision nonetheless. In his leadership of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal. Dr. Jernigan devoted his life to empowering the blind and encouraging them to be active members of society. He fought to improve their access to information, education, jobs, and public facilities.

The overly restrictive earnings cap in the Social Security Act represents precisely the kind of unfair law and barrier to employment that Dr. Jernigan battled throughout his life. He knew first hand about the devastating impact that restrictions such as this could have on the aspirations and hope of blind persons already struggling to overcome tremendous challenges.

Congress itself has recognized the overly restrictive nature of this earnings cap. In 1996, we raised the cap for senior citizens with passage of the Senior Citizens Freedom to Work Act. However, the earnings limitation for blind individuals was left unchanged. Up until that point, for almost twenty years, the same earnings cap had applied to both senior citizens and blind persons under the Social Security Act. With passage of the 1996 Freedom to Work Act, seniors were encouraged to remain active and continue working, but the disincentive to work was unfortunately left in place for the blind. Consequently, by 2002, seniors will be permitted to earn up to $30,000, but blind people who earn over $14,800 (less than half as much) will lose their benefits.

There is no justification for raising the earnings cap for one group and not the other. Why should we distinguish between two groups that for over twenty years were treated even-handedly under the law? What has changed to cause us to discriminate between the two and encourage one to work while greatly limiting the opportunities of the other? By reestablishing parity in the treatment of blind persons and senior citizens under the Social Security Act, this legislation will restore fairness to this law and will remedy a policy that has kept the blind locked out of rewarding, self-fulfilling employment.

Although a small number of blind persons may become newly eligible for benefits as a result of this change, their number will be a mere fraction of the thousands who do not work because of the disincentive imposed by this earnings limit. By enabling these beneficiaries to work, the overall net effect of this bill will be to increase payments to the Social Security trust funds and bring additional revenue to the Federal Treasury as well.

I urge my colleagues to support this necessary legislation that will ensure the blind are treated fairly under the law and will empower thousands of blind beneficiaries to become more engaged in society through productive employment.●

TRIBUTE TO STUDENT VOLUNTEERS

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate and honor two young Oregonians who have received national recognition for exemplary volunteer service in their communities. Mr. Cody Hill of Portland and Mr. Quinn Wilhelmi of Eugene have recently been named State Honorees from Oregon in the 1999 Prudential Spirit of Community Awards program, an annual honor confered on only one high school student and one middle-level student in each state, the District of Columbia and Puerto Rico.

Mr. Cody Hill, nominated by Lincoln High School, created and currently coordinates a program called ''Guns Aren't Fun,'' a toy gun trade-in event to encourage kids to trade in their toy guns for other non-violent toys. His idea is currently being developed into a non-profit organization to spread the message of non-violence across the country. Due to Cody's hard work and determination, more than one hundred toy guns have been turned in during two trade-in events. Cody has worked closely with local non-profit organizations and, to date, he has collected over $13,000 for the purchase of new toys. Cody has also received recognition in local newspaper detailing his volunteer work.

Mr. Quinn Wilhelmi, nominated by Roosevelt Middle School, began a tutoring program with fifth grade students in his former elementary school. Quinn's program works to develop the student's writing skills by helping them compose their autobiographies. Through his initiative, Quinn was able to recruit several of his classmates to join in this effort as well, and he has made a tremendous impact on several younger students while working as a writing mentor.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young people have made. Young volunteers like Cody and Quinn are inspiring examples to us all, and are among our brightest hopes for a better tomorrow. I applaud them for their initiative in seeking to make their communities better places to live, and for the positive impact that they had on the lives of others. In recognition of their efforts, Cody and Quinn will come to Washington, DC in early May, along with other 1999 Spirit of Community honorees from across the country. While in Washington, ten students will be named America's top youth volunteers of the year by a distinguished national selection committee.

I would also like to recognize four other young Oregonians who were recognized as Distinguished Finalists for their outstanding volunteer service: April Choate of Bend, Jennifer Fletcher of Portland, Julia Hyde of Portland, and Tiffany Wright of Springfield. They deserve high praise for their hard work and determination in helping others in their communities.

It is clear that these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary, and I believe they deserve our sincere admiration and respect. Their actions show that young Americans can, and do, play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

IMPEACHMENT TRIAL PROCEDURES

● Mr. FEINGOLD. Mr. President, with the impeachment trial now behind us, I wanted to take a moment to make a few comments about the process that we experienced and suggest some of the lessons that we learned. I hope that in the weeks and months to come, we can look back dispassionately and try to take advantage of those lessons to make some changes in the Senate's rules that might serve us well in future impeachment trials.

The process used in the impeachment trial in the Senate was imperfect, but this is not surprising. The only truly apposite source of precedents took place more than 130 years ago. The value of the Johnson procedural precedents has been undermined in part by the changes in our politics, our culture and our technology.

There are many aspects of the trial that history will undoubtedly look upon with favor. Chief Justice Rehnquist, a son of Shorewood, Wisconsin, presided fairly and with dignity. His few rulings were not challenged. Perhaps most important, he provided a steady hand with a dose of humor. We are all in his debt.

In addition, senators approached the trial with dignity and collegiality. At the moment of greatest tension between the advocates, good will among senators never faltered. I understand that this may, in part, be due to the fact that the ultimate outcome of this trial was never in doubt. Having said that, however, senators, really without exception, took their duties and each other seriously. The impeachment of a president is a painful process, and, as I will discuss further in a moment, it ought to be painful. The stakes were very high in this trial, yet the Senate remained a place of civility. This was in stark contrast to the impeachment process in the House of Representatives. I hope the relative harmony in the Senate restored to this process some of the legitimacy lost in the partisan din of the other body.

The House Managers and the President's counsel did well in their individual presentations. At the outset we senators caucused together and reached a fair, if imperfect, roadmap for the early stages of the trial. Ultimately, we agreed on a procedural course that took us through the verdict. The tone throughout was civil and the arguments, by and large, on point.

But we did tie the hands of the advocates in some ways, and perhaps denied ourselves the fullest possible presentation of the evidence and arguments. The trial consisted, except for the unusual, and not always helpful, question period, of opening arguments followed

by several iterations of closing arguments. These arguments were interspersed with video snippets from grand jury depositions and depositions by the House Managers. This arrangement, pieced together as we went along, did not always make for a coherent narrative.

The House Managers' theory of the case required us to accept a narrative, a story of conspiracy, lies and efforts to thwart justice. As they told the story, each sinister act was offered as evidence of the coherent whole. They had trouble telling a story, due partly to flaws in their theory and, to be fair, perhaps in small part due to flaws in our process. We had no live witnesses. The parties alternated control of the floor, creating a dynamic of thrust and parry, rather than a methodically constructed narrative.

The managers' complaints about the process in turn became a recurrent theme in their arguments, resulting in greater, and sometimes unfair, latitude for them in their efforts to make the case. For example, on a disappointing party line vote, the President was denied fair notice of the snippets of taped testimony that would be woven into the House Managers' arguments. Then the Senate allowed the House Managers to reserve two of their three hours of closing arguments for a ''rebuttal'' which included new iterations of their various accusations, with no opportunity for the defense to reply.

The question of witnesses was distorted on both sides by political considerations. The House Managers were counseled by their allies in the Senate not to seek too many witnesses, lest they unnerve Senators with visions of unseemly testimony on the floor. The President's defenders declared that no witnesses were necessary; they argued that the House Managers had passed up their chance to hear fact witnesses in the House Judiciary Committee hearings. Neither approach was sound—witnesses would have helped, but they should have been chosen and presented in a thoughtful way. I believe, for example, that Betty Currie was a very important potential witness. She was nowhere to be found, apparently because the managers made a political calculation that they would do without her testimony, trading away the strongest piece of their obstruction case.

In the end, both sides made strategic decisions in this trial at the mercy of a fluid and unpredictable procedure. That led to an element of chance in the trial that I believe was unfortunate. And it also led to complaints from each side about the fairness of the process that were a distraction from the substance of the trial. I therefore recommend to future presidential impeachment courts that at the very outset they try hard to achieve consensus on a procedure that will govern the entire trial.

The process was not only flawed in the procedure on the floor. In the midst of the trial, the Independent Counsel, Kenneth Starr, at the behest of the House Managers, sought from the District Court an order compelling Monica Lewinsky to travel to Washington to submit to a private interview with the House Managers. This interposed the court and the Independent Counsel in matters properly reserved to the Senate, in which the Constitution vests the sole power to try impeachments. In so doing, he undermined the bipartisan agreement of the Senate that it would make procedural determinations regarding witnesses following the opening arguments and the question period.

Both the Republican and Democratic caucuses met throughout the trial to discuss the proceedings. I attended these meetings and I do not assert that they were improper, but we could have better lived up to our oath to do impartial justice, if we had not held those regular party caucuses. Those meetings must have seemed to some of our constituents to be the place where we plotted a partisan course. This could not have helped the people to have confidence in our work.

Time and again, we saw the House Managers and the President's lawyers clearly responding to advice from Senators. At times they held formal meetings with Senators. There were countless casual conversations about the case between Senators and the advocates for both sides. We are not solely jurors, in the traditional sense, but as triers of fact and law, we would do well in future impeachment trials to avoid these interactions, which really amount to ex parte communications.

The greatest flaw in the process was the lack of openness in deliberations. The modern Senate has no excuse for locking the people out of any of its proceedings except for the most serious reasons of national security. The Chief Justice ruled forcefully that the Senate in an impeachment trial is not a jury in the ordinary sense of the word. With that ruling, any pretext for closed deliberations was destroyed. We should quickly take steps now that the trial is over to change the archaic rules that forced this process behind closed doors at crucial moments. The American people should be able to watch us and hear us at every stage in a process that could lead to removal of a President they elected. Secrecy in these proceedings is wrong and can only undermine public confidence in this important constitutional event.

Mr. President, impeachment trials should be extremely rare. To make this more likely, the process of impeachment in the Senate should not be quick, convenient, and painless. Making it so only invites its further abuse. Adherence to a thorough process can provide a stabilizing bulwark against this kind of abuse. That is one of the reasons I opposed premature motions to dismiss the Articles of Impeachment and supported the House Managers' motions to depose witnesses and to admit those depositions into the record. The hasty and abbreviated impeachment process of the other body helped contribute to a feeling of two armed encampments facing each other in a high stakes contest rather than a search for truth or justice. Whether a President is convicted or acquitted, no credible or politically sustainable result can possibly come from such a process.

I believe it is important for us to review and analyze the process by which we conducted this trial and look honestly and critically at what worked and what didn't. We should then make changes to the process, now, while the experiences of this trial are fresh in our minds, and hand down to the next Senate that faces the unfortunate task of mounting an impeachment trial rules and procedures that will help it conduct the trial in a manner worthy of the weighty constitutional duty that the Framers of the Constitution bequeathed to it.●

DRUG FREE CENTURY ACT

● Mr. BURNS. Mr. President, I rise today to join the distinguished Senator from Ohio and a number of my colleagues in supporting the Drug Free Century Act. This bill continues last year's efforts in the fight against drug use in our country in the form of the Western Hemisphere Drug Elimination Act, the Drug Free Communities Act, and the Drug Demand Reduction Act, all of which I supported.

During my tenure in office I have read, listened to, and weighed the debate over illegal drug use and the policy our nation should follow in dealing with illegal drugs. In an attempt to put an end to that growing problem, I signed onto the Western Hemisphere Drug Elimination Act. This act was a bipartisan piece of legislation that authorized $2.6 billion over three years for drug eradication and interdiction efforts designed to restore a balanced anti-drug strategy. It offered significant promises for the reduction of the supply of coca and opium poppy in Latin America, as well as improving intelligence and interdiction capabilities against the national security threat posed by major narcotics trafficking organizations.

Although this bill received bipartisan support and was signed by the President, the FY2000 anti-drug budget was cut by the Administration by almost $100 million below that appropriated in FY1999. I ask you, Mr. President, what kind of signal are we sending to our nation's youth if we allow this to happen? We in Congress took the necessary steps last year in restoring a balanced, coordinated anti-drug strategy. We must continue our efforts and we must impress upon the Administration the commitment needed in order to carry out that strategy.

My colleague has pointed out that drug use and criminal activity since 1992 wiped out any gains made in the previous decade. America has witnessed an increase in illegal drug use

among our nation's younger generation. Recent polls show that drug use among our nation's eighth graders has increased 71 percent since 1992. We have seen a reverse in gains made in the 1980s and early 1990s by de-emphasizing law enforcement and interdiction while relying on drug treatment programs for hard-core abusers in the hopes of curbing drug usage.

In Montana alone, drug use among high school-aged youth has also risen. According to the Montana Office of Public Instruction's Youth Risk Behavior Survey, marijuana use among high school aged youth has risen approximately 18% since 1993. However, that 18% only represents an increase in one time use by teenagers. In fact, the same survey suggests that the percent of adolescents who have used marijuana repeatedly in the last 30 days has risen by 13%. But it isn't just marijuana use that has increased, Mr. President. No. In fact, a more deadlier drug, cocaine, is increasing in use among Montana teens. Approximately 5% according to the survey. This is the sad trend that our nation's youth is following, and the reason we in Congress need to make a strong statement against drug use. I believe that The Drug Free Century Act is such a statement.

The Drug Free Century Act is a comprehensive approach to the nation's anti-drug policies. It strengthens education, treatment, law enforcement, and drug interdiction efforts. Although it is only the first step in our anti-drug strategy, it sends a clear message to the nation and our youth that we are committed to eliminating illegal drugs in the United States.●

OFFICER BRIAN ASELTON

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a young man who made the ultimate sacrifice for his community. Officer Brian Aselton of the East Hartford Police Department lost his life on January 23, 1999 when he responded to a noise complaint call that turned out to be anything but routine. Instead, Brian became the eleventh Connecticut police officer killed in the line of duty in the last ten years.

This tragedy has touched the entire region; more than ten thousand civilians and law enforcement officials attended Brian's funeral. We have all tried to come to terms with the utter senselessness of his death. Brian was a young man at the start of a promising career with a supportive nucleus of family and friends. Truly, he embodied the determination, strength, and spirit that is such an integral part of our nation's history. Yet, in an instant, Brian's life and the lives of everyone who loved him changed forever.

Every law enforcement officer puts his or her life on the line to protect citizens every day. Too often, we as civilians forget the dangers of the occupation and do not show these brave and dedicated officers the respect they deserve. Officer Aselton, killed in the line of duty, serves as a solemn reminder to us all of the responsibility borne by police officers across the state and nation. Every day, the men and women in uniform put their lives at risk so that we can live in communities where we and our families can feel safe. And unfortunately, it takes a tragic event like this for us to truly understand the dedication of these peace officers to the neighborhoods they serve.

With the support of the East Hartford Police Department and other officers across the region, the Aselton family has begun the necessary healing process. Yet, with his loss, the town of East Hartford and the State of Connecticut have been diminished. At Brian's funeral, everyone joined together across municipal and state borders and stood together as a single family honoring one of our own. Now that Brian is gone, it is incumbent on us to maintain those bonds. Each one of us must recognize that we are all part of the same family and the simple things important to us are also the simple things important to our neighbors. These are the personal steps that we should take to truly honor his memory. If we can each devote the same commitment to these principles that Brian devoted to his duties as a police officer, we will, through our progress as a society, have made some sense out of his untimely death.●

CONGRATULATIONS TO LINCOLN HIGH SCHOOL

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the class from Lincoln High School in Portland, Oregon, that will be representing the state of Oregon in the national finals of the program We the People . . . The Citizens and the Constitution. These young scholars have worked diligently to reach the national finals and through their experience have gained knowledge and understanding of the principles and values that support our constitutional democracy.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress, consisting of oral presentations by high school students before a panel of adult judges. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

It is so important that our young people come to understand and appreciate these unique concepts and values which knit our nation together. For it is their leadership which must guide our country's future, and their wisdom which must be equal to our country's need. Again, I congratulate the student team from Lincoln High School and thank each for their dedication and diligence.

The student team from Lincoln High School consists of: Graham Berry, Nicole Byers, Brianna Carlisle, Naomi Cole, Violet Dochow, Andrew Dunn, Etopi Fanta, Jordan Foster, Ian Galloway, Arianna Hearing, Sarah Hodgson, Britta Ingebretson, Aaron Johnson, James Knowles, Ashley Linder, Katharine Mapes, Heather Marsh, Amanda Morganroth, Joshua Moskovitz, David Murphy, Eric Nadal, Simone Neuwelt, Melissa Nitti, Lauren Olson, Aubrey Richardson, Caitlin Ryan, Jonathan Schwartz, Elizabeth Smith, Paul Susi, and Katherine Wax, with Hal Hart and Chris Hardman serving as their teacher advisors. They are currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish the students and teachers the best of luck at the We the People national finals and I look forward to their visit to Capitol Hill.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. MCCAIN. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Commerce, Science, and Transportation for the 106th Congress adopted by the committee on January 20, 1999.

The Rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

(Adopted by the Committee on Commerce, Science, and Transportation on January 20, 1999.)

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public

contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill, resolution or nomination. Proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the Ranking Member.●

RULES OF THE COMMITTEE ON FINANCE

● Mr. ROTH. Mr. President, pursuant to paragraph 2 of Rule XXXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Finance for the 106th Congress.

The Rules follow:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. Committee Meetings.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. Quorums.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. Reporting of Measures or Recommendations.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. Proxy Voting; Polling.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. Order of Motions.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. Bringing a Matter to a Vote.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. Public Announcement of Committee Votes.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. Subpoenas.—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. Nominations.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. Open Committee Hearings.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. Announcement of Hearings.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear

before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. Audiences.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. Broadcasting of Hearings.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. Subcommittees.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. Transcripts of Committee Meetings.—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. Amendment of Rules.—The foregoing rules may be added to, modified, amended or suspended at any time.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 10 through 13, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James B. Armor, Jr., 0000
Col. Barbara C. Brannon, 0000
Col. David M. Cannan, 0000
Col. Richard J. Casey, 0000
Col. Kelvin R. Coppock, 0000
Col. Kenneth M. Decuir, 0000
Col. Arthur F. Diehl, III, 0000
Col. Lloyd E. Dodd, Jr., 0000
Col. Bob D. Dulaney, 0000
Col. Felix Dupre, 0000
Col. Robert J. Elder, Jr., 0000
Col. Frank R. Faykes, 0000
Col. Thomas J. Fiscus, 0000
Col. Paul J. Fletcher, 0000
Col. John H. Folkerts, 0000
Col. William M. Fraser, III, 0000
Col. Stanley Gorenc, 0000
Col. Michael C. Gould, 0000
Col. Paul M. Hankins, 0000
Col. Elizabeth A. Harrell, 0000
Col. Peter J. Hennessey, 0000
Col. William W. Hodges, 0000
Col. Donald J. Hoffman, 0000
Col. William J. Jabour, 0000
Col. Thomas P. Kane, 0000
Col. Claude R. Kehler, 0000
Col. Frank G. Klotz, 0000
Col. Robert H. Latiff, 0000
Col. Michael G. Lee, 0000
Col. Robert E. Mansfield, Jr., 0000
Col. Henry A. Obering, III, 0000
Col. Lorraine K. Potter, 0000
Col. Neal T. Robinson, 0000
Col. Robin E. Scott, 0000
Col. Norman R. Seip, 0000
Col. Bernard K. Skoch, 0000
Col. Robert L. Smolen, 0000
Col. Joseph P. Stein, 0000
Col. Jerald D. Stubbs, 0000
Col. Kevin J. Sullivan, 0000
Col. James P. Totsch, 0000
Col. Mark A. Volcheff, 0000
Col. Mark A. Welsh, III, 0000
Col. Stephen G. Wood, 0000
Col. Donald C. Wurster, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael B. Smith, 0000

IN THE MARINE CORPS

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Leo V. Williams, III, 0000

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John R. Baker, 0000
Brig. Gen. John D. Becker, 0000

Brig. Gen. Robert F. Behler, 0000
Brig. Gen. Scott C. Bergren, 0000
Brig. Gen. Paul L. Bielowicz, 0000
Brig. Gen. Franklin J. Blaisdell, 0000
Brig. Gen. Robert P. Bongiovi, 0000
Brig. Gen. Carrol H. Chandler, 0000
Brig. Gen. Michael M. Dunn, 0000
Brig. Gen. Thomas B. Goslin, Jr., 0000
Brig. Gen. Lawrence D. Johnston, 0000
Brig. Gen. Michael S. Kudlacz, 0000
Brig. Gen. Arthur J. Lichte, 0000
Brig. Gen. William R. Looney, III, 0000
Brig. Gen. Stephen R. Lorenz, 0000
Brig. Gen. T. Michael Moseley, 0000
Brig. Gen. Michael C. Mushala, 0000
Brig. Gen. Larry W. Northington, 0000
Brig. Gen. Everett G. Odgers, 0000
Brig. Gen. William A. Peck, Jr., 0000
Brig. Gen. Timothy A. Peppe, 0000
Brig. Gen. Richard V. Reynolds, 0000
Brig. Gen. Earnest O. Robbins, II, 0000
Brig. Gen. Randall M. Schmidt, 0000
Brig. Gen. Norton A. Schwartz, 0000
Brig. Gen. Todd I. Steward, 0000
Brig. Gen. George N. Williams, 0000

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Bruce R. Burnham, and ending Mahender Dudani, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Malcolm M. Dejnozka, and ending Gaelle J. Glickfield, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning *Les R. Folio, and ending Daniel J. Feeney, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nomination of Vincent J. Shiban, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nomination of Kymble L. McCoy, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Robert S. Andrews, and ending David J. Zollinger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Richard L. Ayers, and ending William C. Wood, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Peter C. Atinopoulos, and ending George T. Zolovick, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George L. Hancock, Jr., and ending Sidney W. Atkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Samuel J. Boone, and ending Donna C. Weddle, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Frederic L. Borch III, and ending Stephanie D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of Wendell C. King, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George A. Amonette, and ending Kenneth R. Stolworthy, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning *Craig J. Bishop, and ending David W. Niebuhr, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Dale G. Nelson, and ending Frank M. Swett, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of Dennis K. Lockard, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Stuart C. Pike, and ending Delance E. Wiegele, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999..

Army nomination of Franklin B. Weaver, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Thomas J. Semarge, and ending *Jeffrey J. Fisher, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of *William J. Miluszusky, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of *Daniel S. Sullivan, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Christopher A. Acker, and ending X1910, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George L. Adams, III, and ending Juanita H. Winfree, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Lisa Andersonlloyd, and ending Peter C. Zolper, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Mark O. Ainscough, and ending Arthur C. Zuleger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Gregg T. Anders, and ending Carl C. Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Robert V. Adamson, and ending Jack W. Zimmerly, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Tim O. Reutter, and ending *Jack M. Griffin, which nominations were received by the Senate on February 3, 1999, and appeared in the Congressional Record of February 4, 1999.

Marine Corps nomination of Terry G. Robling, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Milton J. Staton, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Stephen W. Austin, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of William S. Tate, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Robert S. Barr, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of John C. Lex, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Lance A. McDaniel, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Joseph M. Perry, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Myron P. Edwards, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nominations beginning David J. Abbott, and ending Kevin H. Winters, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nomination of Jose M. Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nomination of Douglas L. Mayers, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nominations beginning Errol F. Becker, and ending Eduardo R. Morales, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999..

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 4, 1999

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 4. I further ask that on Thursday, 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 of morning business until 11 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator GORTON, 20 minutes; Senator KERREY, 20 minutes; Senator ABRAHAM, 15 minutes; Senator GRAHAM, 10 minutes, Senator WARNER, 10 minutes; Senator AKAKA, 5 minutes; and Senator MURRAY, 10 minutes.

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

Mr. MACK. I further ask unanimous consent that following morning business, the Senate resume consideration of S. 280, the education flexibility partnership bill, and Senator BINGAMAN be recognized to offer an amendment regarding dropouts.

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

PROGRAM

Mr. MACK. Mr. President, for the information of all Senators, the Senate

will reconvene tomorrow morning at 9:30 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of the education flexibility bill, with Senator BINGAMAN being recognized immediately to offer an amendment regarding dropouts. Rollcall votes are possible throughout Thursday's session, as the Senate continues to offer and debate amendments to the Ed-Flex bill.

The leader would like to notify all Members that if the Senate is still considering the Ed-Flex bill, rollcall votes are expected up until noon on Friday, with a vote on Monday expected at approximately 5 p.m. All Members will be notified as to the exact voting schedule when it becomes available.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the United States Code, as amended by Pubic Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Arizona (Mr. MCCAIN), ex officio, as chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Missouri (Mr. ASHCROFT), Committee on Commerce, Science, and Transportation.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–220, announces the appointment of the following individuals to serve as members of the Twenty-first Century Workforce Commission:

Susan Auld, of Vermont; Katherine K. Clark, of Virginia; Bobby S. Garvin, of Mississippi, and Randel K. Johnson, of Maryland.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–277, announces the appointment of the following individuals to serve as members of the commission on Online Child Protection:

Jerry Berman, of Washington, D.C.; representative of a business making content available over the Internet; Srinija Srinivasan, of California; representative of a business providing Internet portal or search services; and Donald N. Telage, of Massachusetts; representative of a business providing domain name registration services.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MACK. 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 6:37 p.m., adjourned until Thursday, March 4, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES B. ARMOR, JR., 0000.
COL. BARBARA C. BRANNON, 0000.
COL. DAVID M. CANNAN, 0000.
COL. RICHARD J. CASEY, 0000.
COL. KELVIN R. COPPOCK, 0000.
COL. KENNETH M. DECUIR, 0000.
COL. ARTHUR F. DIEHL III, 0000.
COL. LLOYD E. DODD, JR., 0000.
COL. BOB D. DULANEY, 0000.
COL. FELIX DUPRE, 0000.
COL. ROBERT J. ELDER, JR., 0000.
COL. FRANK R. FAYKES, 0000.
COL. THOMAS J. FISCUS, 0000.
COL. PAUL J. FLETCHER, 0000.
COL. JOHN H. FOLKERTS, 0000.
COL. WILLIAM M. FRASER III, 0000.
COL. STANLEY GORENC, 0000.
COL. MICHAEL C. GOULD, 0000.
COL. PAUL M. HANKINS, 0000.
COL. ELIZABETH A. HARRELL, 0000.
COL. PETER J. HENNESSEY, 0000.
COL. WILLIAM W. HODGES, 0000.
COL. DONALD J. HOFFMAN, 0000.
COL. WILLIAM J. JABOUR, 0000.
COL. THOMAS P. KANE, 0000.
COL. CLAUDE R. KEHLER, 0000.
COL. FRANK G. KLOTZ, 0000.
COL. ROBERT H. LATIFF, 0000.
COL. MICHAEL G. LEE, 0000.
COL. ROBERT E. MANSFIELD, JR., 0000.
COL. HENRY A. OBERING III, 0000.
COL. LORRAINE K. POTTER, 0000.
COL. NEAL T. ROBINSON, 0000.
COL. ROBIN E. SCOTT, 0000.
COL. NORMAN R. SEIP, 0000.
COL. BERNARD K. SKOCH, 0000.
COL. ROBERT L. SMOLEN, 0000.
COL. JOSEPH P. STEIN, 0000.
COL. JERALD D. STUBBS, 0000.
COL. KEVIN J. SULLIVAN, 0000.
COL. JAMES P. TOTSCH, 0000.
COL. MARK A. VOLCHEFF, 0000.
COL. MARK A. WELSH III, 0000.
COL. STEPHEN G. WOOD, 0000.
COL. DONALD C. WURSTER, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL B. SMITH, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LEO V. WILLIAMS III, 0000.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. BAKER, 0000.
BRIG. GEN. JOHN D. BECKER, 0000.
BRIG. GEN. ROBERT F. BEHLER, 0000.
BRIG. GEN. SCOTT C. BERGREN, 0000.
BRIG. GEN. PAUL L. BIELOWICZ, 0000.
BRIG. GEN. FRANKLIN J. BLAISDELL, 0000.
BRIG. GEN. ROBERT P. BONGIOVI, 0000.
BRIG. GEN. CARROL H. CHANDLER, 0000.
BRIG. GEN. MICHAEL M. DUNN, 0000.
BRIG. GEN. THOMAS B. GOSLIN, JR., 0000.
BRIG. GEN. LAWRENCE D. JOHNSTON, 0000.
BRIG. GEN. MICHAEL S. KUDLACZ, 0000.
BRIG. GEN. ARTHUR J. LICHTE, 0000.
BRIG. GEN. WILLIAM R. LOONEY III, 0000.
BRIG. GEN. STEPHEN R. LORENZ, 0000.
BRIG. GEN. T. MICHAEL MOSELEY, 0000.
BRIG. GEN. MICHAEL C. MUSHALA, 0000.
BRIG. GEN. LARRY W. NORTHINGTON, 0000.
BRIG. GEN. EVERETT G. ODGERS, 0000.
BRIG. GEN. WILLIAM A. PECK, JR., 0000.
BRIG. GEN. TIMOTHY A. PEPPE, 0000.
BRIG. GEN. RICHARD V. REYNOLDS, 0000.
BRIG. GEN. EARNEST O. ROBBINS II, 0000.
BRIG. GEN. RANDALL M. SCHMIDT, 0000.
BRIG. GEN. NORTON A. SCHWARTZ, 0000.
BRIG. GEN. TODD I. STEWART, 0000.
BRIG. GEN. GEORGE N. WILLIAMS, 0000.

AIR FORCE NOMINATIONS BEGINNING BRUCE R. BURNHAM, AND ENDING MAHENDER DUDANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING MALCOLM M. DEJNOZKA, AND ENDING GAELLE J. GLICKFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING *LES R. FOLIO, AND ENDING DANIEL J. FEENEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VINCENT J. SHIBAN, 0000.

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KYMBLE L. MCCOY, 0000.

AIR FORCE NOMINATIONS BEGINNING ROBERT S. ANDREWS, AND ENDING DAVID J. ZOLLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING RICHARD L. AYRES, AND ENDING WILLIAM C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING PETER C. ATINOPOULOS, AND ENDING GEORGE T. ZOLOVICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

IN THE ARMY

ARMY NOMINATIONS BEGINNING GEORGE L. HANCOCK, JR., AND ENDING SIDNEY W. ATKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING SAMUEL J. BOONE, AND ENDING DONNA C. WEDDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING FREDERIC L. BORCH III, AND ENDING STEPHANIE D. WILLSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

WENDELL C. KING, 0000.

ARMY NOMINATIONS BEGINNING GEORGE A. AMONETTE, AND ENDING KENNETH R. STOLWORTHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING *CRAIG J. BISHOP, AND ENDING DAVID W. NIEBUHR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING DALE G. NELSON, AND ENDING FRANK M. SWETT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

DENNIS K. LOCKARD, 0000.

ARMY NOMINATIONS BEGINNING STUART C. PIKE, AND ENDING DELANCE E. WIEGELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANKLIN B. WEAVER, 0000.

ARMY NOMINATIONS BEGINNING THOMAS J. SEMARGE, AND ENDING *JEFFREY J. FISHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant colonel

*WILLIAM J. MILUSZUSKY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

*DANIEL S. SULLIVAN, 0000.

ARMY NOMINATIONS BEGINNING CHRISTOPHER A ACKER, AND ENDING X1910, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING GEORGE L ADAMS III, AND ENDING JUANITA H WINFREE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING LISA ANDERSONLLOYD, AND ENDING PETER C ZOLPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING MARK O AINSCOUGH, AND ENDING ARTHUR C ZULEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING GREGG T ANDERS, AND ENDING CARL C YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING ROBERT V ADAMSON, AND ENDING JACK W ZIMMERLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING TIM O. REUTTER, AND ENDING *JOHN M. GRIFFIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TERRY G. ROBLING, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MILTON J. STATON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN W. AUSTIN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM S. TATE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT S. BARR, 0000.

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN C. LEX, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LANCE A. MCDANIEL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH M. PERRY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MYRON P. EDWARDS, 0000.

MARINE CORPS NOMINATIONS BEGINNING DAVID J ABBOTT, AND ENDING KEVIN H WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSE M. GONZALEZ, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE IN ACCORDANCE WITH SECTION 12203 OF TITLE 10, U.S.C.:

IN THE MEDICAL CORPS

To be captain

DOUGLAS L. MAYERS, 0000.

NAVY NOMINATIONS BEGINNING ERROL F. BECKER, AND ENDING EDUARDO R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.