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Senate

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

PRAYER

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

Gracious God, You have created us to love You with our minds. Thank You for the ability to think Your thoughts after You. When we commit our thinking to You, You inspire us with greater insight, creative solutions, and innovative answers to our problems. We ask You to flow into our minds with fresh vision just as the tide flows into stagnant backwater with cleansing, refreshing, renewing power. We focus on each of the complexities we must face during the remainder of this week, and we ask You to give us ideas we would never have formulated without You. Bless the Senators today with profound insight and foresight to lead our great Nation. You have called all of them to serve You here at this time. You have granted them intellectual ability. Now guide their thinking so they will conceive Your plans and follow Your guidance. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 280, the education flexibility partnership bill. The leader would like to announce that negotiations are ongoing between the two sides in an effort to complete action on this important legislation. However, until an agreement has been reached, the Senate will continue consideration of the Ed-Flex bill, as outlined in yesterday's unanimous consent agreement.

Pursuant to that order, the time until 1 p.m. will be equally divided for debate on the bill and, at the conclusion of that debate time, the Senate will proceed to two back-to-back rollcall votes. The first vote will be on the motion to invoke cloture on the Kennedy-Murray motion to recommit and, assuming that fails, a second vote will occur on a motion to invoke cloture on the Jeffords-Lott IDEA amendment.

Following those votes, and if an agreement has been reached, all Members will be notified of the remaining schedule for today's session.

I thank my colleagues for their attention, and I yield the floor.

RESERVATION OF LEADER TIME

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

EDUCATION FLEXIBILITY PARTNERSHIP ACT

The PRESIDING OFFICER. Under the previous order, there will now be an hour for debate to be equally divided between the chairman and the ranking minority member of the Committee on Health, Education, Labor, and Pensions.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will start off with 5 minutes for the Senator from Louisiana and try to get some additional time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me thank the distinguished Senator from Massachusetts for his leadership on this issue. He is trying to communicate, and I think eloquently so, the issue before us. This week we want to do something good, something that is meaningful, something that will help in our education system in this country. We need to spend more than just a few days. It has been a little discouraging, I think, for some of us, on both sides of the aisle, in our evident lack of ability to come to some reasonable agreements about some of these amendments, so they are preventing this good bill from passing.

I am a cosponsor of the Ed-Flex bill, along with Members of the Republican side and other Democrats who are supporting this bill. Why? Because our Governors at home are supporting this bill; our superintendents at home are supporting this bill.

I had the great privilege of cohosting, with my Governor and superintendent of education, and our BESE, which is the Board of Elementary and Secondary Education, just Monday in our State, over 250 education leaders from all over the State, from all of our 64 parishes. They came and expressed their support for the idea that the Federal Government should give the schools, the States and the districts more flexibility so they can combine programs to more efficiently spend the money, as long as the basic regulations of safety, health and civil rights are there. They really want the flexibility. I would like to give it to them, and I know the distinguished Senator from Massachusetts and our leader from Vermont wants to, also.

So, I am hoping we can come to some agreement. If we could offer a few amendments on our side and other amendments could be offered on the Republican side, amendments that are meaningful, then we could get this bill passed with a couple of other things that will work and need to be done.

One of those things is the reduction of class size. I don't believe there is an educator who would disagree. Whether you are from California or Vermont or Louisiana or Illinois, who doesn't know that having smaller classes at those earlier grades—particularly kindergarten, first, second and third grades—is so important?

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

I could give this speech pretty well before I was a mom. Now I can give it very well. Frank and I have a 6-year-old who is learning to read this year. With 28 kids in his class, it is a struggle. He has a tutor. We help him at home. But the teacher does not have enough time individually.

We want to be able to send some money down to the States, with very few strings attached, to help our school districts that are really struggling in this area, to give them some additional money to help them hire additional teachers. In doing that, as I was told this Monday—and I want to communicate this to my colleagues—it would be no use to send that money down to help reduce class size if we also do not send a companion amendment down for school construction and modernization. You cannot have a new teacher if you don't have a classroom or you don't have the space for that teacher to teach and to divide those classes into smaller units.

We have a crisis in our country at this moment. That crisis is that 40 percent of our youngsters at the second grade level are not reading at second grade level. Let me repeat that: not 2 percent, not 10 percent, not 25 percent—but 40 percent. Unfortunately, in some places in Louisiana, in some demographic groups, that number is tragically as high as 70 percent.

If this is not something the Federal Government should be concerned about, I don't know what is. I don't know of anything that is more significant than having second graders in this country—the strongest country, militarily, in the world, economically strong, leading the world in many areas—but lagging behind in this simple basic.

Local governments can do some things. The State government most certainly is the big partner. But we need to be a junior partner, and we need to be a reliable junior partner by putting up some money where our mouth is, sending that money down to the States with as few strings attached as possible, and then insisting, in partnership with our locals, on accountability every step of the way.

So, yes, this Ed-Flex bill is important, giving more flexibility to local governments. But if we would do that and not do our class size, our school construction, we would be—I know my time is running short, so let me just conclude—we would be shortchanging students who are already shortchanged by the numbers I have just suggested.

I thank my colleague. Could I have 1 more minute?

Mr. KENNEDY. Yes, I yield 1 more minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. So I think we would be shortchanging these students, our students, our teachers, our parents, if we cannot get this bill straight by giving the flexibility, adding some additional money for class size reduction, adding some additional bonding capacity for school construction and modernization, so we can begin this next century with a real investment in the things that count, that is in our education system, K through 12 particularly.

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

Ms. LANDRIEU. I thank those who have brought this bill to the floor. Thank you, Mr. President.

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

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, we are about to take our third and fourth cloture votes this week, the first on whether we will meet our 7-year commitment to help communities reduce class size and the second on whether we will prematurely end this education debate.

While our Republican friends continue to block action on critical education issues for the sixth day in a row, communities are struggling to make decisions about their school budgets—they need and expect our help.

We have an excellent opportunity to deal with key education issues that have been clear for many months—reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. No bill on the Senate Calendar right now is more important than education.

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

This is why the Murray amendment is so important to consider, so that schools will be able to say, yes, we want to use this money for new schoolteachers, for smaller class size, because we know for the next 6 or 7 years, there will be a continuing commitment and enough resources to be able to do it.

The Senate should keep its promise that schools will be able to hire 100,000 new teachers over the next 7 years to help them reduce class size. Communities can't do it alone. They want the Federal Government to be a strong partner in improving their schools. We can't sit on the sidelines or allow this debate on education to stay in gridlock.

A teacher from Kansas wants action by Uncle Sam. He writes:

> Even here in Kansas, many teachers struggle to provide their students with a quality education because they have so many students to reach. We have waited for years for the State legislature to do something, but they haven't. Now is the time for the Federal Government to step in and help. Your support for this bill will speak loudly to myself and other teachers that you truly believe in public education. Please help reduce class size in our country.

A teacher from Maine writes:

> It is becoming more and more necessary to reduce class sizes to address the individual needs of a wider variety of students. . . . Please support the initiative to hire more teachers to reduce class sizes in U.S. public schools.

A parent from North Carolina writes:

> I am a parent with 2 children in a public school and one that will enter school soon. . . . I am very well aware of the critical need for additional classroom teachers. Our children, our future, and our Nation depend upon a strong public school system.

Mr. President, last year when we signed onto the first year on reducing class size it was done in a bipartisan way. Listen to what House Majority Leader DICK ARMEY said:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the State and local communities use this money, make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this good for America and good for the school children. We were very excited to move forward on that.

That was what the majority leader, DICK ARMEY, said about that agreement—just 5 months ago, Mr. President. That is why we find it so difficult to understand why we can't at least get to the point of consideration on this measure.

Senator SLADE GORTON said about the Class Size Reduction Act:

> On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts in the United States, and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. . . . We've made a step in the direction that we like. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

The Murray amendment is a continuation of what was agreed to last year, in which both sides claimed triumph, and there was a movement made towards smaller classrooms. That is what the issue is that we will be voting on at 1.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We should meet our commitment to parents, students and communities, and we should meet it now.

We need to act now, so communities can act effectively for the next 7 years.

Senator DASCHLE has made a reasonable proposal for an up-or-down vote on a limited number of amendments with limited time agreements.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. KENNEDY. I hope his proposal will be accepted and we can move towards a vote on the issue of class size as well as the Republican s proposal on the IDEA.

Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, we have more than 1 million people in our prisons around the country. Let us just round it off and say we have 1 million people in prison. Eight hundred twenty thousand of those prisoners have no high school education; 82 percent of the people in our prisons today are without a high school education. That is why Senator BINGAMAN and I have offered an amendment to create within the Department of Education someone to specialize, to work on, to keep these kids in school.

Every day 3,000 children drop out of school in America. Since we started the debate on this legislation, 15,000 children have dropped out of high school. Every one of those children dropping out of high school are less than they could be. I have heard statements here the last several days saying, well, why do we need to talk about kids dropping out of school? Why don't we talk about the children who are handicapped who need money?

I acknowledge that. The fact of the matter is, we have tried on this side of the aisle to get more funding for special education and have been unable to do so because of not having enough votes on that side of the aisle. It is not an either/or situation. We need to help local school districts with more funding for handicapped children, and I recognize that. I will do that. If we had a vote on that today, I would vote for it.

That does not take away from the fact that we need to do something about high school dropouts. I do not believe, personally, there is a more important problem in education today than kids dropping out of high school, half a million children each year dropping out of high school. I think we should go back and find out where we are.

As the manager on the Democratic side of this legislation, Senator KENNEDY, has said, we are not trying to eat up lots of time. We will agree to half hour amendments on five amendments. That takes 2½ hours, 15 minutes on each side, and vote on them, vote them up or down. The legislation, we feel, is important. If the other side doesn't want to vote for them, have them vote against them. I think it would be a very difficult vote, for example, on the Bingaman-Reid legislation to vote against keeping kids in high school, but that is a privilege.

The majority leader of the U.S. Senate, on February 23, gave a speech to the National Governors' Conference at their annual meeting:

> Now when we bring up the education issues to the floor next week, [there will] be some amendments and disagreements. . . . That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary. Let's talk about education.

I respectfully submit to the majority leader that he must have left his remarks with the Governors and didn't bring them to the floor of the Senate, because after a little more than a day of debating Ed-Flex, we in effect have been gagged. It seems around here that we can only vote on amendments the majority wants to vote on; that we have no ability to bring up amendments we feel are important.

The Ed-Flex bill is important legislation. We support that legislation. But we do not support the legislation without having the legislation made better. I am not going to talk about the after-school programs and the new teachers we need and school construction; others can do that and do that well. I am here to talk about the Bingaman-Reid legislation which talks about children dropping out of school.

The Ed-Flex bill would be made a better bill if we said within the Department of Education there would be $30 million a year—that's all—$30 million a year out of this multibillion-dollar budget that we would use to work on keeping kids in high school. Think if the bill succeeded to the effect that we could keep in school every day 500 of those 3,000 children—500 kids that would be what they could be. They would have a high school education. They could more easily support their families. They could go on to college and trade school. You cannot do that if you have not graduated from high school. We would only—and I underline ''only''—only have 2,500 high school dropouts a day.

Mr. President, I think we need to move forward and have a debate on education. A debate on education allows us to talk about what we want to talk about, and we would improve the Ed-Flex bill.

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

Mr. REID. I ask that we have the ability to vote on keeping kids in school.

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

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. And I thank my colleague from Massachusetts for his leadership on this bill as well.

Mr. President, I would like to congratulate our colleagues, Senators FRIST and WYDEN, for their efforts to provide States and localities with greater opportunities to be innovative in their use of Federal funds.

This bill provides States and localities with the flexibility and freedom from Federal regulations that is often necessary for States to best serve their children and parents in providing top-notch educational services.

As a former Governor, I am particularly sensitive to the argument that too many Federal strings and regulations make Federal assistance seem more like a Federal burden. This legislation, while not a panacea for all of our educational needs, returns flexibility to the States in a way that is effective and helpful, but that still requires States to be accountable for positive results as they provide public education to our Nation's children.

I thank the Senators for their insight and their sensitivity to the concerns of our Nation's Governors, legislatures, and school officials, and I urge my colleagues to support this bill—on final passage—if and when we get there. And I hope we will get to that point as soon as possible if we can reach some agreement on relevant amendments.

Mr. President, I also thank Senators HARKIN, LAUTENBERG, KENNEDY, and many others for the opportunity to talk about an amendment that we still hope we will be able to offer in due course which recognizes a sad reality faced every schoolday by too many children and teachers across the country.

We all say—here in Washington, in every State capital, and in every county, city, and town—that education is important. Indeed, it is critically important. But those words must ring hollow to the millions of children who walk through the doors of their schools to find leaky roofs, crowded classrooms, and woefully inadequate heating and air-conditioning systems. The state of too many of our schools is deplorable.

Mr. President, in spite of the relatively good economic times, many States are experiencing, many local governments are experiencing just the opposite, and they have not been able to meet the school construction and renovation challenges that are facing our Nation.

This is an area where the Federal Government can and we believe should play a pivotal role without interfering with the longstanding preference for local control of education. The Federal Government can be a meaningful partner in contributing to the vital national interest that our students receive a good education in an environment that is conducive to learning.

Mr. President, the General Accounting Office estimates our national school infrastructure repair needs total some $112 billion. That same GAO study also estimates that we, as a Nation, need $73 billion to build the new schools that are required to accommodate the rapid growth in our public school enrollments.

In addition to all of the findings in the amendment that we still hope to have an opportunity to be able to vote on, I have similar data from my own State of Virginia which indicates not only tremendous infrastructure needs exist, but our State and local governments simply cannot afford to foot the bill by themselves.

A 1998 report on school infrastructure, requested by the general assembly, found that while localities estimate that school construction investments of $4.1 billion will be made in the next 5 years, school construction needs in Virginia could exceed $8.2 billion. Virginia Governor Gilmore and the members of the general assembly approved a school construction repair plan this year which I applaud, but which only meets 3 percent of that unmet burden.

While there is no question that every dollar counts, and helps, I have heard from students, parents, teachers, administrators, school board officials and legislators about the need to complement Virginia school modernization construction efforts.

Earlier this year, the Thomas Jefferson Center for Educational Design at the University of Virginia issued a report which not only echoed the need for more school construction funds, but also detailed the alarmingly unsafe or inadequate condition of many schools in our Commonwealth.

Classes are being held in over 3,000 trailers; 2 out of 3 school districts have held class in auditoriums, cafeterias, storage areas, and book closets; and 3 percent of Virginia school districts had to increase the size of their classes in order to accommodate their growing student population.

While I don't let public opinion polls determine how I vote on issues I believe it is appropriate to note that there is overwhelming public support for Federal help in the area of school construction funding.

In a recent poll conducted by Republican pollster Frank Luntz, 83 percent of Americans surveyed supported significant Federal school construction spending and indicated that it should be a top priority of Congress.

Still, some believe that our nation's infrastructure needs in other areas are just as compelling as our school construction and repair needs.

In a statement made to the Finance Committee last week a Public Finance Specialist with the Congressional Research Service concluded that the ''condition of America's school facilities may or may not be worse than the condition of other capital facilities of other State and local public services.'' This statement would seem to imply, Mr. President, that the Federal Government should not attempt to prioritize infrastructure needs.

Last year, however, Congress approved $216 billion in road and transit funds.

We were obviously willing to concentrate on transportation needs during our last session.

Why shouldn't we concentrate on school infrastructure needs this session, particularly in light of the 1998 Report Card for America's Infrastructure issued by the American Society of Civil Engineers, which rates our public schools as being in the worst condition among all public infrastructure.

The simple fact Mr. President, is that prioritization is our responsibility.

Many years ago, when faced with enormous transportation needs as well as a large growth in our nation's student population, President Eisenhower proposed a massive national infrastructure project in his 1955 State of the Union Address.

This project resulted in the building of many of the nation's schools in existence today.

Mr. President, Loudoun County in Northern Virginia has determined that, because of the enormous growth of their student population, they need to build 22 new schools.

That figure doesn't even address their repair needs. And just down the road, at Chantilly High School, which I visited last spring with Education Secretary, Dick Riley, students are sharing lockers, attending classes in over a dozen trailers that have poor ventilation, and are so crammed in the hallways when they change classes that school officials were actually considering banning bookbags and backpacks.

Mr. President, I received a compelling letter from the Superintendent of Schools in Caroll County, VA, about that county's school construction needs.

Superintendent Oliver McBride outlined that the average age of the school buildings in Carroll County is 45 years. Carroll County school officials estimate that their school construction needs total $61 million.

Mr. McBride wrote,

> We have been particularly pleased with the interest and response of the members of the Virginia General Assembly and Governor Gilmore who have and are seeking to make additional funds for school construction available to localities in the State. We certainly would encourage the U.S. Congress to become a participant in this effort as well . . . Simply stated, we need your help.

Mr. President, our efforts to help States and localities build and renovate schools in no way jeopardizes their autonomy with respect to education. It merely acknowledges the need for the Federal Government to complement the efforts of many States and localities that are now wrestling with the question of how to repair and equip old schools, and how to build new schools.

Mr. President, it is our children who pay the price if we fail to acknowledge that Federal school construction funding is both imminently appropriate and critically important.

And if my colleagues want to debate how we allocate school construction money, whether we target any funds to specific districts, how we avoid creating too many Federal strings, or how we can make it easy for States to take advantage of this type of funding mechanism, I am more than willing to do that.

But the point is we need to engage in that discussion. And we need to begin now.

Our children, their parents, and our States need our help.

I urge my colleagues to support this sense-of-the-Senate amendment if we are permitted to offer it.

Let's at least send the right message to this Nation: that we see the leaking roofs, that we see the cracked walls, that we see all the trailers—and that we are willing to help.

Mr. President, I yield the floor and thank again my colleague from Massachusetts.

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

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

Mrs. BOXER. I say to Senator KENNEDY, thank you very much not only for yielding to me, but also for your great leadership on this important issue of education.

I want to just bring us up to date on where we are, at least where I think we are. At 1 o'clock we are going to have a vote to basically allow us to take up the issue of the 100,000 new teachers in the classroom that Senator MURRAY has worked so hard on, and Senator KENNEDY and others. Certainly, the President puts this as a priority in his budget. Where we are now is, if we do not vote to do that, this bill is effectively shut down. Ed-Flex alone—and it is a good bill—turns its back on all the other education needs my colleagues have discussed.

The Senator from Vermont keeps offering an amendment on IDEA to fund it; and he is right, and I am ready to vote for that. Why does he block my chance to vote on afterschool? Why does he block my chance to vote on 100,000 teachers? Why does he block my chance to vote on dropouts? I will support him in his desire to fund IDEA. He is right on that point, but he is wrong to go along with the strategy which blocks us from voting on issues of such importance to America's families.

I want to share a couple of charts in my remaining few minutes with everyone. Here you see children involved in afterschool activities. We want a chance to offer our afterschool amendment which would open up afterschool to a million children. Look at the look on the faces of these children. They are engaged, they are learning, they are occupied, and they are happy.

Another picture. Look at these children. They are not getting into trouble. They are engaging with a mentor and obviously, from the look on their faces, are very involved in this learning game.

What happens if we do not have these afterschool programs? You do not have to be a genius to know that kids get in trouble after school. Look at this chart. At 3 o'clock, juvenile crime spikes and it does not go down until late in the evening and it starts to go down at 6 when parents come home from work. We know that children need to be kept busy. That is why we have the support of law enforcement for our afterschool programs.

Let me show you the law enforcement who has supported afterschool

programs since we began this effort. Senator DODD has worked hard on this; Senator KENNEDY. Again, I do not want to sound like I am the only one that is pushing this. We have many, many Senators on our side of the aisle—and we hope some on the other, although it has not been tested yet—who support this.

Here are the law enforcement that have written to us: National Association of Police Athletic Leagues, Fight Crime, Invest in Kids, National Sheriffs Association, Major Cities Police Chiefs, Police Executive Research Forum, National District Attorneys Association, California District Attorneys Association, Illinois Association of Chiefs of Police, Texas Police Chiefs Association, Arizona Sheriffs and Prosecutors Association, Maine Chiefs and Sheriffs Association, Rhode Island Police Chiefs Association.

That is an example of law enforcement that supports afterschool programs.

We just got a letter from the Police Athletic League in which they talk about the importance of adding an amendment such as the Boxer amendment which, in essence, says that law enforcement participation in afterschool programs is important. We mention law enforcement in our bill over and over again.

A quote from the PAL letter:

> After-school youth development programs like those proposed in your amendment have been shown to cut juvenile crime immediately, sometimes by 40–75 percent.

That is a quote from a letter to me.

I say to my colleagues on the other side of the aisle who often talk about law and order and the importance of going after criminals—and I share their concern—this is one thing we can do to stop crime after school.

I close with this statistic: 92 percent of the American people favor afterschool programs. Let's do it.

Thank you.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

First, I want to discuss very briefly the Boxer amendment. Back in 1993, I offered—and it was endorsed in 1994, when we were reauthorizing the Elementary and Secondary Education Act—the basic amendment that Senator BOXER is talking about. We called it the 21st Century Schools at the time, though it was only minutely funded.

This past year, the President decided that was a good program. He put $200 million into the program and I deeply appreciate this acknowledgment that it was a good program. Thus, we are talking about something which I agree with and that Congress did back in 1994. The time to review it, however, is when we're reviewing the Elementary and Secondary Education Act, which has already begun with hearings and will continue.

So the concept is one that is acknowledged by everyone as being important. The need for remedial education has increased dramatically, and the way that can be addressed is through afterschool programs. When we get to this issue later in the year, at the proper time, I will be endorsing the concept and welcoming amendments from either side to make the initiative more consistent with the current needs.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Mr. President, I believe it appropriate to step back one or two steps from the debate over educational flexibility legislation and the 100,000 teachers proposal which is in front of us and look at the general philosophy of Federal education and the profound differences between the two sides.

Perhaps the best place in which to determine the attitude of the Clinton administration and its supporters here in Congress with respect to the Federal role in education is the budget of the United States submitted by the President approximately 1 month ago.

For a number of years, there has been one relatively modest program of unrestricted aid to school districts across the United States of America. It is called title VI, for innovative program strategies, the least rule-infested, the least bureaucracy-influenced of all of the forms of Federal aid to education. For the present year, 1999, it amounts to $375 million, a very modest amount of Federal aid to education.

In the budget of the President of the United States for the year 2000, it has zero dollars. It is simply wiped out. In its place are nine new specific Federal programs, many of which have been discussed by Democratic Members of this Senate, totaling almost $250 million, every one of which is aimed at a precise goal, every one of which says we in Washington, DC, know which school districts across the United States know better than do the parents, teachers, and school board members in those individual communities, and we are going to give you money with strings and rules attached.

Now, there is another Federal program which gives money to certain school districts that they can use for any educational purpose. It is called impact aid, and it goes to school districts which encompass Federal military reservations or other large Federal presences or in which there are many students who come from such grounds where property taxes are not collected as the basic support for public schools. The money that comes to those school districts can be spent in the way those school districts deem most effective for the education of their kids.

Impact aid in this budget from the President is cut by $128 million—just slightly less than the $200 million earmarked almost solely for new teachers that is the subject of the debate right here right now. In other words, let's stop allowing these school districts to determine their own educational priorities and we will tell them what their priorities are here.

Interestingly enough, the total of each of these disfavored programs is almost identical to the amount of money in the new, more categorical aid programs that the President has come up with.

Dwarfing that, Mr. President, is the lack of support for special education for IDEA. The President disguises that lack of support by roughly the same number of dollars nominally for the year 2000 as he has for the year 1999. But almost $2 billion of that is the funding that will not go to the schools until October 1 of the year 2000. In other words, it won't be charged against any deficit in the general fund in the year 2000 itself, it will be forwarded to the year 2001. It will be a bill for the people of the United States to pay, a hidden bill.

Now, that is balanced off by several billion worth of school construction bonds, the full cost of which to the Federal Government is only $150 million in the year 2000 but will be billions by the time we are all finished.

Finally, there are a number of present programs—all categorical programs—in the budget which are increased about $750 million, but the pattern is overwhelming. This administration will cut or eliminate those programs in which the school districts have plenary authority to make choices in which teachers, parents, principals, and school board members set educational priorities. In every case—including the teachers amendments we are talking about here—the judgment by this administration and by those who support it is a very simple one: Local school boards, even State authorities, don't know how to spend their education money and we have to tell them how to do it.

So this particular debate over one or two of these particular new programs—always aimed at valid goals, of course—really is a disguise for the statement that more and more control should be transferred from local school boards, from local entities, and even from the States, to the Department of Education and Washington, DC, and to all of the great educational experts here in the U.S. Senate who know how to run all 17,000 school districts in the United States as a whole.

The Senator from Vermont has a perfect alternative, it seems to me, to this proposition. That is, at the very least, let school districts determine whether they want to spend the money on this narrow teachers program or whether they want to cover the obligations we have already undertaken in the Disability Education Program, the special needs students, where just 2 years ago we passed, and the President signed, a bill stating that we would support 40 percent of the cost of that special education. We are at about 9 percent right

now. And when you take out the phony $1.9 billion, which won't even be charged against the 2000 budget, it will drop to about 6 percent. Why? In order to come up with all of these fine-sounding new programs in which the Federal Government tells each school district exactly how it should operate.

The choice, Mr. President, is a dramatic choice. The choice is whether or not we will follow the course of this administration and reduce substantially the amount of money we allow school districts to determine the goals for themselves, or tell them more and more what they should do for themselves.

Mr. President, that simply is not the right direction in which to go, and the increasing categorization of schools should be reversed. We should at least give the flexibility the Senator from Vermont has asked for in the spending of new money—money above and beyond the amount of money that we are devoting to education at the present time. I commend his arguments to my colleagues and hope we will act accordingly.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first, let me review for a little bit where we are. As the Senator from Washington pointed out, we have on the floor, an alternative to what would be provided in the Murray amendment. Schools would be able to have some flexibility on the expenditure of money that intended for schools, if they want, to add more teachers—the new teachers are in the President's new 100,000 teachers program.

First, I will point out some of the problems with the President's program as it is presently drafted. The guidelines have just come out on it, and they still don't seem to cure this problem. I was on a national press hookup this morning, and at least two States who were on that hookup—Wyoming and North Dakota—have already reached the goal of 18 children per classroom. They would not, under the current guidelines, be able to use the money for what they want to use it, professional development. Vermont is in that same category. The 100,000 new teachers program would affect states differently, and some states would not benefit at all from. Those are just two problems with it.

That is why we have the option I suggested, which is in amendment form. We will have a chance to vote on it. It would say that you would have the option of using these funds—which will be substantial; in many cases, $1.2 billion is involved—toward reaching the commitment we made back in 1975 and 1976, to provide 40 percent of the funding for special education. We are down to less than 10 percent at this point.

The chart behind me shows that very well. The orange in that chart is what we should be paying to the schools across the Nation for special education assistance, and we are not. In addition to that, a recent Supreme Court decision has said that schools must not only take care of the educational aspects, but they must also take care of the medical aspects of a child who needs medical assistance in the schoolhouse. That is going to add hundreds of millions of dollars more in special education costs, I would guess, in the years ahead, and probably even this year.

To refresh people's memory, the agreement on the $1.2 billion, 100,000 teacher proposal happened in the wee hours of final passage of the bill, and I was not present. If I had been present, I certainly would have fought at that time what they did in the language of it. What we are trying to do is make sure the communities would have the option of using that money to defer some of their cost of special education, and then have other funds freed up to provide the kinds of changes or money expenditures they need.

The amendment proposed by Senator LOTT yesterday offers what I have been talking about. I believe it would be a good middle ground between those of us who are urging that we live up to our promises with respect to IDEA funding, and those who think we should undertake a massive new effort to hire teachers for local schools. The Lott amendment essentially permits local school officials to decide whether they need more money to educate children with disabilities, or whether they need to hire additional teachers. From what I am hearing from Vermont teachers, IDEA funding is the first, second, and third issue raised with me about education when I visit the State.

We are fortunate in Vermont to have already achieved the small class sizes the President is trying to promote with his teacher hiring program. Reducing class size further is not a priority at this time. Meeting the needs of children with disabilities is. This is what is hampering our local schools from doing the things they need to do. We would like very much to see the flexibility include such things—which are a priority—as the ability of our teachers to be given additional training so they can perform better in the classroom.

I realize that some localities in other areas may hold a different view. They could use their portion of $1.2 billion to hire teachers. The point is that it should be their choice, not ours. In listening to the debate over the past several days, one might get the impression that hiring more teachers is the silver bullet. Clearly, that is not the case. What is missing in the discussion is the quality of the teacher in the classroom. I think it is common sense that the most important aspect of teaching is to have a teacher that is a good teacher. The classroom size can go down to 10, but if the teacher is a lousy teacher, you are not going to have much quality education. On the other hand, if you have a qualified teacher, whether the class size is 18 or 20 or 23, you will have quality education. The size is not going to make much difference. When I was growing up, our average class size was about 30, and I had good teachers. The biggest problem is making sure that we have professionally qualified teachers.

In the last Congress, during the process of the reauthorization of the Higher Education Act, there was a great deal of concern about the quality of our teachers and the effectiveness of the various programs that existed to address these concerns. We thought that the programs that had never been utilized, or were not effective, could be changed to take care of what is the primary need of the Nation. This need is the need for fully qualified teachers—not only qualified in teaching, but in knowing what the standards are that have to be met. They must know how we can move kids into a situation where they have the math standards essential to perform in the international markets, and where the young people graduate from high school ready for jobs that pay $10, $15 an hour. We don't have that kind of thing in most areas of the country.

In hearings on that subject, I believe every member of our committee expressed grave concerns that the quality of teaching was not at the levels to ensure that our students meet educational goals. As part of the higher education bill, we included an entire title devoted to teacher quality. And because we were dealing with higher education, we focused largely on the training of future teachers. I believe we developed a very positive and comprehensive approach for dealing with that issue.

Another issue along those lines that we have to look at, is what we can do in the higher education areas to make sure the colleges and the universities that have teacher colleges understand the changes that are necessary to ensure that when they graduate people from the education departments, they are qualified teachers.

I have examined many, many of the programs for teacher scholarships that are in existence and have found that they are missing a lot of important information for young people who are graduating. These graduates will be our teachers for the next century, and they really don't have the kind of education they should have to graduate and be a good teacher, a professional teacher, one who is qualified to go into the classroom. We have a lot to do in that regard. The money would be much better spent there, than it would be spent on classroom size. The place to do that, however, is in the context of the elementary and secondary education authorization, not piecemeal as we are doing now on the Senate floor.

Until we get a better handle on the teacher quality issue, we are making a big mistake by sending local officials out to look for more teachers. Where are they going to come from? Are they

going to be good teachers? And, are they going to have a classroom? If you have 100,000 new teachers, where are they going to teach? That is a question that has not been answered. If you suddenly reduce the class sizes, you have to have someplace to put the students who are pushed out of the existing classrooms. You have to have classrooms to put them in.

On Monday, it was suggested that the first question a parent asks of his or her child is, Who was in your class? I would suggest that the first question is, Who is teaching your class? If a locality has a plentiful supply of unemployed quality teachers and lacks only the funds to hire them, that locality will find the Class Size Reduction Program to be beneficial. If that is not the case, those funds will be put to much better use by supporting existing efforts to educate special education students.

If, in the context of the ESEA reauthorization, we determine that helping to hire teachers is an important component of the overall approach to supporting teaching, then we can do that. I hope, if we do that, that we proceed in a thoughtful way to work through the real needs of schools and students. The 100,000 teacher program does not now adequately address the differences in needs of local schools around the country. Some schools may need more professionals while others need more professional development. I would say it is much more of the latter than the former.

In the meantime, let's take Senator LOTT's suggestion to allow schools to choose how they spend these funds made available for fiscal year 1999, the $1.2 billion. It is not too late to make this option available. Guidance on teacher hiring programs has been available for less than a week, and funds will not be provided until July.

Mr. President, let me again go over the basic problem we have here.

First, we had a wonderful bipartisan relationship last year. It really makes me sad to think that has broken down on the first education bill we have taken up this year. Last year we passed 10 good, sound, education bills out of my committee. They are now in operation, and we are looking toward improvement, even though we still have the appropriations fight to go through this year. But, we worked in a way, last year, that benefited all of us. We shared our ideas and worked them out in the committee.

This year, this Ed-Flex bill was voted out of committee 10–to–1. The Democrats chose not to be present when it was voted out, and that is fine, because there didn't seem to be any conflict in it. It was basically the same bill we had voted out of committee 17 to 1 last year. So I thought, fine, that is all right; they have other things to do.

But now this has turned into what is basically, I think, a political demonstration project to get political advantage by proposing various amendments to this bill. These amendments should be taken care of not on the Senate floor right now, but through the normal committee process, during the reauthorization of the Elementary and Secondary Education Act, which we are already in the process of holding hearings on. We must examine each one of the programs that have been addressed. They should not be placed on this Ed-Flex bill and bypass the committee process.

Certainly we have to worry about the issue after school programs. That is an incredibly important issue. The proposal in the amendment of the Senator from California, is a program that I put into the 1994 reauthorization of ESEA. Perhaps the program needs to be modified—although it is a pretty good program right now—to take care of the changing demands upon our educational system. However, that should be done during the reauthorization of ESEA, and there shouldn't be much controversy over it. The President has already endorsed it and has added funds to it, making it a substantially better program as far as funding goes. And through the reauthorization of ESEA, we will just improve it to make sure it is better as far as handling our young people. The others are also all worth taking a look at.

I certainly agree that we have to end ''social promotion.'' That is a term that has just recently come into use. Let me explain a little bit about where that term came from.

Literacy studies have shown that 51 percent of the young people we graduate from our high schools are functionally illiterate. That is a disaster. You ask any businessman. A potential employee says, ''Why don't you want to look at my diploma?'' The businessman says, ''It doesn't mean anything. I don't even know if you can do ordinary math or reading.'' So that is the social promotion that we have to end. We have to make sure that every child who graduates from high school meets certain standards or they don't get a diploma. That makes common sense.

There are other amendments being offered which also ought to be considered, but they ought to be considered in the normal committee process, not just for purposes of politics, or whatever else.

I am, though, encouraged to learn from the leadership that we have, apparently come to an agreement, which will be expressed in the not-too-distant future. This will give us the opportunity to get on with the educational situation by passing the basic bill, the Ed-Flex bill. And we may agree on some amendments to be offered, and we will vote on those.

So I am hopeful that before the afternoon is finished we will have the opportunity to move forward on this bill, and then get back to discussing education in the committee room, within the context of the ESEA reauthorization, where we should be, instead of on the Senate floor.

Mr. President, I am now going to read a message from the leader, if that is all right.

For the information of all Senators, negotiations are ongoing, and we are very close to an agreement with respect to the overall Education-Flexibility bill. Having said that, the agreement would be vitiated on the scheduled cloture vote. But that agreement has not been fully cleared by all interested parties. Therefore, I ask unanimous consent, on behalf of the leader, that the pending vote scheduled to occur at 1 p.m. be postponed until 1:30 p.m.

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

Mr. JEFFORDS. Mr. President, I then will continue to go forward and hope that maybe we are coming to an end. It s not that I don't like being on the Senate floor continuously day after day, starting in the morning and ending at night, but there are other things on my own schedule that sometimes suffer. Hopefully, we can reach agreement. Again, the status of our educational system is what we are talking about here generally. Hopefully, with this agreement, we will get back to an orderly process to examine the needs of this Nation.

Let me reflect again, as I have before, upon the status of education in this country and why we are concerned about it.

Back in 1983, under the Reagan administration, Secretary Bell at that time did an examination of our educational system and compared it with our international competitors. He took a look at where we stood with respect to our young people graduating from high school, and also those graduating from skilled training schools, and determined that we were way, way behind our international competitors—the Asian and European communities. In fact, the commission that was set up to do the examination was so disturbed that they issued this proclamation. To paraphrase, they said, if a foreign nation had imposed upon us the educational system that we had at that time we would have declared it an act of war. Well, we still have that education system. You would think that a tremendous change would have occurred, but it hasn't.

I am on the goals panel, and we meet once a year to determine whether or not our schools have improved.

Most recently, we took a look at the situation last year to see what had happened to improve our educational prowess and standards relative to the rest of the world. What we determined was there has been no measurable improvement since 1983. That was 15 years ago. We have not improved. That cannot continue, and that is why we are here today and will be working on this as we move forward.

As shocking as that revelation was, we found that the only data we had to measure whether there had been improvement was 1994 data. We do not

even have a system which will provide us with current data to show us whether we have any improvement or not. That is a terrible situation. We cannot even measure our performance to determine whether or not we have had any improvement.

Hopefully, as we move forward, that situation will be taken care of in the Elementary and Secondary Education Act. A primary focus of what I will be doing this year, in order to address the situation, is to thoroughly review the Department of Education. Mr. President, $15 billion is spent on elementary and secondary education, and it seems to me that one of the primary focuses of the Department of Education should be to find out whether we are improving. Does this program or that program work or not? Are the young people are influenced by this or not? Yet, with $15 billion, we have not been able to determine whether or not anything is happening.

We have important changes to make in the Department of Education. We have to take a look at where our priorities are and take a look at where the $260 million is spent on research. I am frustrated as chairman of the committee to think at this point in time that we are spending all this money and we do not know whether the programs we have been using work or not. If we can't find out with $260 million whether our educational system is improving, we better take a good look at our research programs. That is one thing we will be looking at on the Elementary and Secondary Education Act.

It is certainly going to be an interesting year, and I am hopeful that in the next 25 minutes we will find that there has been an agreement that will allow us to go forward in an orderly process.

Now, back to our educational system and the problems we have with it. To refresh the memories of Members as to what this means to our future, we have had terrible problems with finding young people with the skills necessary for this Nation to compete in the world.

In fact, we are so short that we have somewhere around 500,000 jobs out there available that are not being filled. Actually, that is down somewhat, I should say. We made a significantly downward push. But why? How? By changing the immigration laws to bring in more people from foreign nations who have the skills to come in and help our businesses compete.

That is not the way it should be happening. We should not be looking toward amending immigration laws to supply our businesses with the skilled workers they need to meet the demands of the present-day jobs. This is another area that is of deep concern to me.

Several years ago, we set up a skills panel to establish standards to measure whether we were meeting the goals of our industry. I do not know how long ago that was, but it has been many years. We have yet to establish even one standard. Obviously, we have a long way to go if we are going to meet the needs of our businesses.

The first thing we have to do—and I know the President endorses this also—is make sure that every student who graduates from high school is functionally literate and not functionally illiterate, as the studies show, and that is a big charge.

We do have some things that are good news, though. Although, unfortunately, there is usually bad news connected with that good news. The good news is, we have all sorts of technology which has been developed over the years with various programs. The bad news is that these programs started to become available in the midseventies, and we are not yet in a position to determine how they could be better utilized in our school systems.

You can also utilize software in your home computer where you can learn simple elementary math, algebra, and calculus by yourself if you want to. All of these things have been available for over 20 years, but they are not readily available, nor are they in any way coordinated in their use in our school systems.

My own kids have caught up on matters by having it available to them individually. However, there is no coordination nor evaluation connected to the utilization of that technology in assisting young people who are having a difficult time or want to go ahead of their class in understanding calculus or other high standards of math, there is no coordination nor evaluation.

I was at a conference recently in Florida where the technology people came in, and I was able to talk with them. There are wonderful programs out there, but there is no evaluation system, not even in the industry itself, to determine what works and what does not work. We have all of these wonderful programs—AT&T has a good one and many companies do—and they are available, but there is no assessment of them. There is no evaluation of whether, one, an individual benefits from it; or, two, whether it can be used on a broad basis or how to fit it into the classroom to make sure the young people will be able to take advantage of this technology.

That is another thing we have to look at with the ESEA reauthorization: First, how can we set up a situation where we can evaluate these programs? And second, how can we make sure that, in the afterschool area, we have programs available that will allow our young people to catch up and move ahead?

I see the sponsor of the bill is present on the Senate floor. I congratulate him for the introduction of this bill and the hard work he has put into it. He has helped move it forward. I am sure he shares with me the glimmer of hope which will burst forth with a resolution to this problem.

I yield to the Senator from Tennessee such time as he may need.

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

Mr. FRIST. Mr. President, first, I commend the manager of the bill for an outstanding job. It has been now several days that we have been on a bill that to me is a very exciting bill, because we know, based on how it has been used in 12 States, that it is an effective bill, a bill that works, a bill that helps our children learn, a bill that unties the hands of our teachers and our school boards and our local schools.

It is a bill that costs not one single cent. How many bills go through here that really don't cost the taxpayer anything? Yet, the money we spend today is spent more efficiently, more effectively, with more local input, with the education of our children being the goal and demonstrated results which, if I have time, I will review some of those results that we know today.

Let me, as background, refer to a chart that is so confusing. I do not want my colleagues in the room to even try to look at the details of this chart, but let me tell you what the chart is. Basically, I asked the General Accounting Office, which is an objective body that comes in and helps us evaluate existing programs, how well are we doing in terms of spending education dollars and resources today and how is it organized.

I have a 15-year-old, a 13-year-old and an 11-year-old. If you take a child, a 13-year-old, we know the objective is to educate them, prepare them for a job, to have a fulfilling life, to prepare them for the next millennium. What are the programs we are putting forth since we are failing them—and let me make that point clear, we are failing our children today, when we compare ourselves to countries all over the world. We are failing them. What are we doing? We have to do better.

If we take what we are doing today for, say, young children, look around the outside, the outside. The target here says ''young children.'' This says ''at-risk and delinquent youth.'' This says ''teachers.''

For young children, how many programs do we have focusing on young children today? And the answer is: Department of Justice has two programs, the Department of Labor has seven programs; ACTION has one program; the State Justice Institute, a program; the Corporation for National Community Service, six; the General Services Administration has a program; the Department of Agriculture, coming all the way down, has six programs. Again, the point of this—whether you are looking at at-risk and delinquent youth or teachers or young children—is that we have numerous programs, overlapping programs that are really all well intentioned, many of which start in this body as another good program just like many of the nongermane amendments to my underlying Ed-Flex bill. What is happening is we have another few blocks, another few programs

to add to this chart, and that is really not what we need today. What we need today is to have better organization, at least initially, and then have the debate about where resources should come in, how these resources should be spent; how we can coordinate, not duplicate, not have overlap.

I say that because my simple bill is a bill that basically says let's give our local schools and schoolteachers and school districts a little more flexibility to innovate, to be creative, to take into account what they know are the needs of their school. It might be one-on-one teaching. It might be smaller class size, though let me just say I was on the phone this morning with three Governors: ''Class size is good, but the ratio in my State already is 18 to 1,'' said one of the Governors. Another said, ''The class size in my State is 19 to 1 right now. We have already solved the class size problem. Our real challenge is to have one-on-one tutoring for grades 1, 2 and 3 so they can at least learn how to read early on. Give us that flexibility to meet the same stated goals; that is, educating maybe a group of economically disadvantaged children—educating them but taking into consideration what my teachers say, what my parents say, what my principals say, what my school district says, and don't you, up in Washington, tell me how to use those resources because that is not what I need.''

The point is, you can use them for what you want as long as you meet the stated goal in statute, what we have set out to use that money for.

Real quickly, what do we have today? I am from Tennessee. Tennessee is not in yellow on this map. The States that are in yellow are those States that have Ed-Flex today, a demonstration program started in 1994 with 6 States, 2 years later another 6 States added so we have 12 States. We have data from these States. I will cite some of the data from Texas because they have had longstanding experience with it with very good data. I will show you some of that data. But the Senator from Massachusetts, who is on the floor, feels very passionately about adding more programs—and that debate has to take place and should take place, but just not on this bill. It is currently taking place in the Health, Education, Labor and Pensions Committee as we speak. There are hearings ongoing, looking into all elementary and secondary education where we are looking at all of the resources. We are looking at that overlap that is there. We are looking at objectives and goals. All that is ongoing.

What we are saying is, yes, all of these amendments are important to look at, but let's concentrate on this single Ed-Flex bill, get it to the American people, to their benefit, today. My Ed-Flex bill simply takes what is existing in these 12 States and expands it to all 50 States, paying that respect to that local school, that local school district, those parents and those teachers.

The Democratic Governors' Association—it has to be confusing to the American people because we have a bill that is supported by every Governor in the United States of America. It is supported by the population at large, hugely supported by the population. There are Democratic cosponsors in this very body. It is a bipartisan bill. RON WYDEN of Oregon is my cosponsor and we are out front fighting for this bill in a clean state, yet we have this filibuster that is going on, where we have cloture votes, procedural votes that say we are going to stop this bill. I am offended for that in part because of my children, and in part because I feel I am responsible to the American people to make sure the younger generation is educated well compared to school districts in a State or compared to around the country or compared globally, where we are failing today. That is our obligation.

It has to be confusing because we have this body filibustering a bill that has broad support, that the President of the United States just a year ago recommended. A week ago he said pass that bill. Secretary Riley of the Department of Education says it is right on target, it is a superb bill—he has endorsed that bill. That is what is difficult and must be confusing.

Let me show you what the Democratic Governors' Association said in a letter to us on February 22:

> Democratic Governors strongly support this effort to vest state officials with more control over the coordination of Federal and state regulatory and statutory authority in exchange for requiring more local school accountability.

I think that is an important point because you have the issue of flexibility, of innovation, of creativity. But we have to have tough accountability built in. Why? Because when you give anybody flexibility and give them a little more leeway to meet those stated goals, you want to make sure that they are held accountable for meeting those goals and if they are not, taking that flexibility away. That accountability is built in very strongly.

The Democratic Governors—and remember that is where the filibuster is coming from, it is on the Democratic side—but the Democratic Governors tell us ''Most important, S. 280''—and that is this bill, the Ed-Flex bill, the bill we are debating today—''maintains careful balance needed between flexibility and accountability.''

That balance was carefully crafted. I think that is why the bill has so much support; 17 to 1 out of the committee. It is rare for a bill to come out of a committee discussion, again, bipartisan, 17 to 1 this past year.

> S. 280 is common-sense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.

I guess this prompt enactment is what we are trying to achieve, what we are working to achieve. Right now we have not been successful in working toward that prompt enactment. As I said earlier, I believe the House will pass this bill today. And, again, if we can pass this bill sometime this week we can have it on the desk of the President to the benefit of all Americans and not just people in those 12 States.

The National Governors' Association—again, I spent a lot of time with the Governors. People say, Why, as a Federal official, are you working with the Governors? The answer is straightforward: Because the Governors traditionally have been the people responsible for looking at education and education programs. Right now, in terms of overall money, about 7 or 8 percent of the education dollars spent across the State of Tennessee come from the Federal Government, and it is the Governors that typically oversee education and have a long experience with it.

Just very quickly, on what the Governors have said—I won't go through this. This is a letter of endorsement: ''Expansion of the Ed-Flex demonstration program to all qualified states and territories.'' Just one sentence:

> 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.

I think that is the overall point. We are all working together, both sides are working together in a bipartisan way to improve education. It is bicameral—the House and the Senate have bills that are moving forward. It is State and it is Federal and local all working together for this particular bill.

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

Mr. FRIST. I will be happy to.

Mr. WYDEN. I appreciate the Senator yielding. It has been a great pleasure for me to have a chance to work with him, on a bipartisan basis, for this legislation, and I feel it will be very helpful if he can just take a minute and outline the breadth of support for this legislation. Because, certainly, when we began this discussion, I don't think most Americans could have told you anything about Ed-Flex. We joked most people would think this was the instructor at the Y, the new aerobics instructor.

But the fact is that just a few miles from this Senate Chamber, a school is using Ed-Flex and the existing dollars to cut class size in half. That is going on today using existing dollars. Not spending one penny more of Federal funds, we are seeing a school close to the United States Capitol cut class size in half.

If you listened to this debate—and I happen to be for the hiring of the additional teachers—you would get the impression that the only way you could cut class size in America was to spend more Federal money.

I happen to think we do need to spend some additional dollars, which is why I support the Kennedy and the Murray amendments. I also share the

view of the Senator from Tennessee that we can cut class size now, using existing dollars.

I think it would be very helpful, given the fact that we are so close now to the agreement—I really commend the minority leader, Senator DASCHLE, and the majority leader, Senator LOTT, because they have gotten us right to the brink of having an agreement so we can go forward with this legislation—if my friend and colleague could just outline for the Senate the breadth of support for this legislation. I appreciate him yielding to me for this time.

Mr. KENNEDY. Mr. President, if the Senator would yield, we have a half-hour debate on this from 1 to 1:30. We have now used up 20 minutes. I want to make some brief comments. Obviously, I want the Senator to conclude. We did not divide that time officially, but I hope at least we will have some part of that half hour to make our points, too.

Mr. FRIST. Mr. President, if I could just finish in 1 minute, 2 minutes.

Mr. KENNEDY. The Senator is very generous, if we get 5 or 6 minutes at the end, that would be fine.

Mr. FRIST. Mr. President, let me make it clear, when I came to the floor there was nobody from the other side here, so that is one of the reasons I wanted to go ahead and use this opportunity to lay out where we are today.

Let me take one more minute or so, because this accountability/flexibility is very important. The broad support that my colleague and, really, cosponsor of the bill, Senator WYDEN, has referred to is this broad support that we feel when we go back to our town meetings and we talk to people. The broad support starts at the level of those parents, people in the schools, the teachers, the educational establishment, who have said—and I have shown this on the board—this is a step in the right direction, up through the Governors and their strong bipartisan support. The difference in how we get there is, I think, where the debate is. That is what I am hopeful we can reach, working together with some sort of agreement.

I again want to thank my colleague, Senator WYDEN, because this bill came out of us working together in a task force, listening to the American people as we go forward.

Let me just close and basically show again, without going into the details, that we have some demonstrated results from Ed-Flex and how beneficial it can be. That is why we feel so passionately about getting this bill through.

This is from Texas statewide results. The categories: African American students did twice as well when they were in an Ed-Flex program. Hispanic students in Texas did twice as well in an Ed-Flex program. The economically disadvantaged students improved 7 percent versus 16 percent, again, in an Ed-Flex program.

This essence of accountability and flexibility is part of this bill. I plead with my colleagues to pull back this inordinate number, excessive number, of nongermane amendments so we can pass this bill.

I yield the floor.

Senator KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are in the process of trying to work through some kind of arrangement where we can address a reasonable number of amendments, on both sides. I do not want to characterize how close we are to it, but we are moving towards a vote at 1:30. It is really a question of whether the leadership and the other Members are inclined to do so.

On the one hand, I find it quite objectionable to have to get into a situation where those in the minority are going to have to go hat in hand to the majority and say: Look, we are going to be limited to these number of amendments in order to get our amendments considered. The rules of the Senate permit us to offer amendments until there is a determination by 60 Members of this body to terminate or close off debate. Then there is also an opportunity for follow-on amendments, if they are germane.

We are in a situation, nonetheless, where there are some negotiations being worked out and being addressed. We are inviting Members on both sides to give their reactions on it. It is a process which is done here in this body, and we will see what the outcome is.

Barring that, we will be moving towards the vote on cloture on the Murray amendment, which we have talked about during these past days. It is a very simple amendment. It is a continued authorization for the next 6 years on class size for the earliest grades, K through 3. We had, as I mentioned earlier in the day, made an agreement which had broad bipartisan support. I read into the RECORD the very strong support for that measure when we worked it out just a few months ago, when the Republican majority leader, DICK ARMEY, said:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. . . . We were very excited to move forward on that.

This is the Republican majority leader in the House of Representatives. We also have included statements where the Republican chairman of the House committee, Mr. GOODLING, stated similar kinds of expressions of favorable consideration.

Now we are faced without the opportunity to consider this amendment. That is basically unacceptable, Mr. President—particularly when communities across this country have to submit their budgets, which includes the hiring of teachers for this coming September, in only a few weeks. If schools want to take advantage of this year's teachers and the follow-on teachers, they have to be able to make a judgment. Schools, communities and school boards are all inquiring about this funding—the school boards in particular. They are in such strong support of this funding—the school board associations, the parents associations, the principals associations, the teachers associations. They want a degree of certainty—what rules do they have to play by. That is why this legislation is so important.

The GAO report states that when they asked local directors and principals and superintendents of schools what were the three things that they wanted most, they said: First, additional funding—no surprise. Secondly, they said, tell us about additional programs that can benefit the children. Thirdly, we want information on how to run the school. That is in the GAO report, not, ''No. 1, we just want the Ed-Flex.''

We are for Ed-Flex. I want to see accountability, and we have made some progress. The House is dealing with that issue this afternoon—they took some language and, I think, made some important progress in terms of accountability. The fact is, Mr. President, that the No. 1 issue on school boards all across this country is plain and simple: Are we going to move ahead and give the kind of continued authorization for this legislation so we can get smaller class size for the next 3 years, or aren't we?

At 1:30, we have the chance to vote on that issue here in the U.S. Senate. We can vote in favor of cloture, which effectively ties that particular provision into the legislation—it can still be modified, if the amendments are germane. Then we take the next step to go to the conference. That is what is really before us and why this vote is of particular importance and significance.

I see 1:30 has arrived—my friend and colleague from Tennessee is on his feet. We will either vote, which I am glad to do, or accede to the majority leader, if he has a request.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. We are close. Mr. President, we are very, very close. That makes me feel good, if we can come to an agreement. But in light of those negotiations, with respect to the Ed-Flex bill, and the fact that we are as close as we are, I ask unanimous consent that the cloture vote scheduled to occur at 1:30 be postponed until 2 p.m. today.

Mr. KENNEDY. Reserving the right to object, and I do not intend to, could we have the time divided to both sides?

Mr. FRIST. And the time divided as part of the unanimous consent request.

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

Mr. KENNEDY. I see other Senators. We had several who wanted to speak.

Mr. FRIST. I will defer.

Mr. KENNEDY. If you want to proceed first, I will check with my colleagues.

Mr. FRIST. I yield such time as is necessary to my colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

I thank my colleagues, Senator FRIST and Senator JEFFORDS, and others, for the important work they have done on this piece of legislation. I think this is a marvelous piece of legislation.

In my time in the Senate, which has not been long, I cannot recall seeing a piece of legislation that has been supported by all 50 Governors. All 50 of them are supporting Ed-Flex. It seems like, to me, it is one of those provisions in bills that comes forward where people say, ''This is the right time, right place, right idea. Let's do it.''

It is time we should move forward with this bill. It passed in committee 10–0. It passed last year out of committee 17–1. This ought to be something on which we could agree.

I would just like to make a couple of points. My State is an Ed-Flex State. Kansas is an Ed-Flex State. We have had a number of school districts that have asked for and received the authority and the flexibility. This started down the same path that welfare reform did early on, when you finally had some States saying, ''Look, the situation has gotten bad enough. You have so many Federal strings and redtape on it that we can do a better job here if you'll just give us a little breathing room. Just let us have a little bit of help here, not telling us what to do and letting us decide.''

That is what started welfare reform; you had some States starting to do that and asking for little provisions: ''Let us take this into our own hands and we'll do a better job.'' And you know what? They did do a better job. They did do a better job, and they were the laboratory of the experimentation of democracy in saying, ''Well, let's try it different here; different there.''

And what has ended up taking place? We have in my State welfare reform today where you have had a reduction in welfare recipients of 50 percent over the past 4 years—a 50–percent decline. And the people off welfare are saying, ''Thank goodness I'm working,'' and ''I feel better about myself.'' And I feel better about this program. This has worked. We are seeking to replicate that in education by saying, ''Let the flowers bloom in the States across the Nation.''

The principle behind Ed-Flex is simple. You have heard about it. It allows local schools to implement creative programs that are custom tailored to the needs of their kids, enables State education agencies to waive State requirements, along with Federal mandates, so that local schools can innovate effectively.

Listen to what we are doing in Kansas about these Ed-Flex programs that we have in our State. We have had several States where we have had a number of waiver requests. I think we have 43 waivers in my State that have been requested.

One school district received a waiver in order to more 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 special needs of the children of our soldiers who are serving at Fort Leavenworth. Emporia used an Ed-Flex waiver to implement new literacy programs and an intensive summer school program.

Do those sound like good innovative ideas that are particular for a local school district meeting its needs? It certainly does. And that is what Ed-Flex is about; and that is what it is providing in my State.

Take that and replicate that across the Nation to the 46 million schoolchildren in 87,000 public schools across this country. And does anyone really think—does anyone really think—that a one-size-fits-all approach would work with such incredible diverse needs, circumstances, situations across the country? Communities need the flexibility to address their unique needs, and given that opportunity they will educate the children better. They will do a better job than the one-size-fits-all mandates out of Washington.

I am surprised and dismayed that some people are filibustering this bill and saying: Well, we're not going to let it move forward on such a tried and true concept that is being tried and worked in so many States, that is supported by all 50 Governors, that provides for localized decision making on such an important decision as to how do we educate our children?

We have examples in this thing that should be working, and we should allow this to take place. Unfortunately, some people are trying to kill this bill with amendments that, of all things, actually add—actually add—Federal mandates—which the whole point of the bill is to reduce Federal mandates, and a number of people are trying to add Federal mandates.

Think about that. When the purpose of this is to allow schools flexibility in how they run their programs and spend their money, most of these amendments do exactly the opposite. They mandate that the schools spend a certain amount of money in a certain way no matter what their situation or their need. It just does not make sense.

What is even stranger is that these amendments would require additional Federal spending on new mandates while ignoring the commitments we already made to children with special needs through programs like the IDEA. The way I see it, we should fulfill the promises we have made to disabled children before we create new entitlement.

There are many reasons why we need Ed-Flex. I think it can create that innovative environment that can let our schools be as good as our children. Currently, our system is failing our children. What we need to do is get these obstructions of Federal regulations out of the way. We need to stop holding up the passage of these worthy initiatives and start doing the right thing by the American people and by our children.

Let this bill move. Let it move forward so that we can give that innovative atmosphere, and we can have a system worthy of the children of America.

Mr. President, I yield back the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to review 7% of the Federal budget goes to educational programs—the role of the Federal Government is exceedingly limited.

So let's think for a moment what this is all about. This is a rifle shot program, Title I primarily. You have the Eisenhower Program, which is the teaching of math and science and the technology. Those together are maybe, $700 million nationwide, but that is a targeted program to the neediest children.

Now, 90 percent of the waivers today go out of the formula providing the targeted help and assistance to the neediest children. That is why there is some caution about what is being included in the Ed-Flex. There have been attempts by my colleagues—Senator WELLSTONE and Senator REID—and myself to make sure that we are going to get flexibility at the local community level to serve the neediest children, but not to do what we did 25 years ago and build swimming pools and buy football equipment—because the local people know best about how to spend the money. That is what happened 25 years ago, Mr. President. Many of us are not prepared to say we are going to recognize that as a matter of national policy.

The most underserved children in this country need to be a part of our whole process in the education system. And they need additional kinds of help and assistance in terms of math, reading and other programs. We are going to have a limited amount of resources spread nationwide—2 to 3 cents out of every dollar locally—but it is going to go to the neediest children.

It is important to understand what the debate is about. We want some flexibility in that local community if they are going to use these resources and use it more creatively to help and assist those children. That is where Ed-Flex makes some difference. But if you look where the waivers have been, they have not been, with all respect to my colleague from Oregon, creating smaller class size. That is not where the GAO report has been.

It is moving past the formula from 50 percent to 43 percent. Under certain circumstances they have received the funds before and want to try and still carry forth the substance of the legislation because it is getting the most of

it, in terms of the neediest children for schoolwide programs.

With all respect, that is what this debate is about. It is not a big sack of dough we are sending out there. The local community needs the additional resources and they can raise it or the States can. This is where the Targeted Resources Program developed some 35 years ago.

I might say that the most important analysis of the effectiveness of this program has been in the last 2 weeks where we have the report on Title I which shows that there is measurable student improvement and advancement, with a series of recommendations. Part of the recommendations are what? The smaller class size, afterschool programs.

We come back to a situation where we are being denied that opportunity to vote. We welcome the chance to see this move ahead. As I have mentioned and pointed out in a lead editorial today—we want a situation like we have in Texas where they have a described measurable goal; they measured the results of their investment against those goals, and they made progress on it. That is a very substantial and significant kind of improvement over what we are talking about here today. I kind of wonder why we are not going that way—I would like to see us go that way. However, that issue has been defeated in an earlier Wellstone amendment. We think there is still enough justification to provide support for this proposal.

Let's not confuse this legislation, Ed-Flex, with doing something about smaller class size. We are talking about $11.4 billion—$11.4 billion additional dollars—in local communities for smaller class size. There is not a nickel in this bill for smaller class size, not a nickel. So if we are concerned about smaller class size, the effort that we ought to be making here today should be in support of the Murray amendment. That is the one Senator MURRAY has advanced to the Senate, spoken to the Senate, pleaded with the Senate. She has been our leader on this issue. Hopefully, we can make some progress on this issue.

I know time is moving along. I want to certainly cooperate with the leaders, but at some time we will have to have some evaluation.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. I say to my friend from Massachusetts, I heard our friend from Kansas saying we were trying to kill the Ed-Flex bill. Would you have a comment on the statement that we are trying to kill the Ed-Flex bill?

Mr. KENNEDY. Senator, I support this legislation, as the author of the initial Ed-Flex legislation with Senator Hatfield, who deserves the major credit on this concept, when he came and spoke to the members of the Education Committee and we took that on Title I and also on the Goals 2000.

But we also want to deal with smaller class size, and the Republican leader, DICK ARMEY, said only five months ago, ''We are very pleased to receive the President's request for more teachers, especially since he offered to provide a way for them. We are very excited to go forward with that.'' And Chairman GOODLING made similar statements.

We are now put in this situation where we are told that we cannot consider that, we have to just go ahead with Ed-Flex—we can't consider what the Republicans agreed to in a bipartisan way. I have listened to those who say let's put partisanship aside. We would like to put partisanship aside—we would like to follow on with what DICK ARMEY and Chairman GOODLING said. They supported this proposal.

It was bipartisan in October. Why was it bipartisan in October and it is now partisan in March?

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. Is it also true that one of the movers of the underlying bill has been the Senator from Oregon, Senator WYDEN? Hasn't he been one that has been speaking out all across the country in the State of Oregon on the importance of Ed-Flex?

I say to the Senator from Massachusetts, does it appear, based on that alone, when one of the prime movers of the Ed-Flex bill is a Democratic Senator from the State of Oregon, that we are trying to kill the bill?

Mr. KENNEDY. Certainly not. One of our colleagues that we respect and admire most and has had a distinguished career not only in the Senate, but in the House of Representatives, and been long committed to education—- we certainly commend him for his constancy in terms of education reform.

Mr. REID. I also say to the Senator from Massachusetts in the form of a question, isn't it true that each one of these amendments we have asked to have a hearing on, that we are being gagged on, isn't it true we would agree to a very, very short time limit of one-half hour on each amendment; isn't that true?

Mr. KENNEDY. The Senator is correct. Senator DASCHLE indicated that he would be willing to propose, and has proposed to the majority leader, a one-half-hour time limit on the various amendments. Now we are in our fifth day without having the opportunity to act on an amendment.

This bill could have been history with votes on these various measures, but we are effectively denied that because the majority does not want to have their Members vote on a particular educational issue—that is a new concept.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 4 minutes 15 seconds.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. REID. Is it not true that the Senator has been to the State of Nevada on many occasions?

Mr. KENNEDY. Yes.

Mr. REID. Isn't it true that the State of Nevada is the fastest growing State in the Union and Las Vegas is the fastest growing city in the Union?

Mr. KENNEDY. The Senator knows that well.

Mr. REID. This year, in a relatively small community of Las Vegas, we had to hire in one school district alone 2,000 new teachers.

Now, we are talking about nationwide, as I understand this very important legislation that the Senator from Washington has pushed that we would hire over the years 100,000 new teachers to help places like Las Vegas, Los Angeles, Salt Lake City.

Mr. KENNEDY. If the Senator will yield. The Las Vegas school board has to have their budget finalized by the first week in April. They are eligible for close to $4 million. That school board is meeting, I am sure, and looking at this debate in the Senate wondering whether they ought to move ahead and accept that $4 million in additional funds for the next year and the following year in order to provide those teachers in those new schools.

The Senator from Nevada is being denied the opportunity to at least give assurances to his constituency as to whether the Senate will go on record on this.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I will.

Mr. REID. Does the Senator think it rings hollow in the ears of the governing body of the Clark County school trustees that we will be able to debate these issues ''some later time'' with the budget facing them within a few days? That doesn't ring very clear in their ears—that we will debate this issue some other time.

Mr. KENNEDY. The Senator is correct. I hope we will do everything to certainly ensure that we will have a continuing opportunity during the session to consider education amendments. The fact is after this particular proposal we will move towards the Appropriations Committee or the Elementary and Secondary Education Act—and there is no guarantee we will see that.

So to those parents, those teachers, those school boards, this debate is the essential time for what will happen to that school board in Las Vegas, and that is in terms of class size. That is what we are battling. That is what this vote will be about.

Mr. President, I withhold whatever time remains.

Mr. FRIST. How much time does this side have?

The PRESIDING OFFICER. Eight minutes 49 seconds.

Mr. FRIST. Has their time expired?

The PRESIDING OFFICER. They have 1 minute 17 seconds.

Mr. FRIST. Hopefully, in a few minutes we will have word on some sort of final agreement as we move forward. I know we are making progress in terms of the negotiations. I hope we can advance this bill through the Senate. It is

very disappointing that we have all of the politics above and before an excellent, superb policy that has good evidence behind it.

I want to respond to my colleague who talked about the waivers and the potential for abuse and money channeled to other populations. We have to make it clear that this is not a block grant. This isn't money that can be used for any purpose whatsoever. The great thing about this bill is the money that is being directed—that 7 percent of Federal dollars—still goes to the stated purpose, with the stated accountability guaranteed by the bill.

This whole hypothetical that these States with waivers can take this money and rechannel it away from targeted goals is really absurd. If we look at the history, this isn't hypothetical policy. We can look back and see what the 12 States have done, including the great Commonwealth of Massachusetts. These waivers have not been abused. Regarding these States who have put the waivers forward, the GAO came back and told us in November 1998:

> The Department of Education officials told us they believe the 12 current Ed-Flex States have used their waiver authority carefully and judiciously.

That is one of the rare pieces of legislation where we have a track record, and we can go back and even strengthen it, which is what we did in accountability. In the field of accountability, across the board, with great care, we built in accountability at the local level, the State level, and the Federal level. This tier approach on this chart—at the bottom is the local level—outlines what we put into this bill to guarantee that the waivers are not abused in any way, and those goals are achieved at the State level and at the Federal level. I know we just have a few minutes.

I yield 2 minutes to my colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank the sponsor of this bill. I am pleased to be an original cosponsor.

Mr. President, let's get on with the task before us. The Educational Flexibility Partnership Act is a straightforward bill. It is a bipartisan proposal. It has been endorsed by the Governors of all 50 States. It will make a positive difference in the lives of students throughout this Nation. It will give to every State the flexibility that 12 States have had for the past 5 years—flexibility that will allow our States and our local schools to pursue innovative efforts to improve K-through-12 education. We should invoke cloture and take this important step toward improving our schools.

In support of the need for this legislation, let me cite one example from my home State of Maine. Maine is one of the 38 States that are currently not eligible for Ed-Flex waivers. When Maine examined its educational system several years ago, the State found out that its schools had made significant progress in improving the achievement of Maine's students in K through 8. But in Maine, as in most of America, student achievement in secondary schools lagged far behind. Maine's schools simply were not sustaining the progress of the early years all the way until graduation. To the Maine commissioner of education, to local school boards, and to teachers and parents throughout the State, the need for change was clear. Maine needed to focus its efforts on improving secondary education; therefore, the commissioner of education applied to the Federal Secretary of Education for waivers from Federal requirements in order to use Federal education funding to address the true needs facing our State.

Unfortunately, Mr. President, the Federal Department of Education did not share the conclusions of Maine's local educators; it resisted Maine's request for a waiver.

Eventually, the waivers were indeed granted, but only after a lengthy battle between Maine and the Washington education bureaucracy. Time, effort, resources, and money were needlessly wasted. This should not have occurred. Passing the Education Flexibility Partnership Act will prevent other States from enduring the same frustration and delay that Maine experienced. It will allow us to use education dollars to address real needs and not the priorities set in Washington, DC.

I thank the Chair and the sponsor of the bill.

Mr. LOTT. Mr. President, I see one of the cosponsors of the legislation here. Since we will have a vote momentarily, I wanted to make a statement and then propound a unanimous consent request that will help facilitate passage of this bill.

My colleagues, can't we even do education flexibility—this bipartisan bill that everybody is for? I don't direct this at the Democratic leader; he is working with me and we are trying to find a reasonable solution. But it seems to escape us. I just think it is a legitimate question. Why can't we find a way to agree to education flexibility, to give this opportunity to States other than the 12 that already have it and do what is best for education at the local level? That is why I brought it up, because I thought it was broadly supported and we could do it quickly.

If we can't get an agreement, we will keep working on it, debating it. But it is going to affect the rest of our schedule. It is our intent when we complete the education bill to go to missile defense, and then, if there is time, to do the supplemental, keeping in mind that the week after next, the whole week would be spent on the budget resolution. So I am concerned about our ability to come to an agreement. I thought we had a legitimate one worked out, and I want to propound that request, hoping that maybe it can still be agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2 o'clock today be vitiated and that the cloture vote scheduled for Thursday be vitiated.

I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and Senator LOTT be recognized to offer an amendment relative to the Individuals with Disabilities Education Act/choice and the amendments immediately be laid aside.

I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that Senator LOTT, or his designee, have a chance to offer an amendment relative to the special education amendment, and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside.

I further ask that I or my designee be allowed to offer another amendment relative to special education, IDEA, and that it be laid aside, and that Senator BOXER be recognized to offer an amendment relative to afterschool programs and that it be laid aside.

I further ask that I or my designee be allowed to offer another amendment dealing with special education and that it be laid aside for a Feinstein amendment relative to social promotion, and that there be 5 hours equally divided in the usual form for debate on the eight first-degree amendments, and no additional amendments or motions be in order to S. 280, other than the motions to table.

I emphasize that we are saying, basically, we have amendments by Senators KENNEDY, BINGAMAN, BOXER, FEINSTEIN, with amendments on this side of the aisle to match each one of those, and that we would have debate only, limited to 5 hours of debate, and so we would have an opportunity to debate and vote on those issues.

Then I ask that at the conclusion of yielding back of that time, the Senate proceed to vote on or in relation to the eight pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes and all others after that be limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following those votes, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

So, we could have these issues all debated, eight amendments, then go to final passage, and we could complete it at a reasonable time tomorrow and move on to the next issue.

I think this is a very fair approach. So I ask unanimous consent it be agreed to.

Several Senators addressed the Chair.

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

The PRESIDING OFFICER (Mr. GREGG). The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for making the offer that he has. He and I have been in discussions throughout the morning trying to find a way with which to resolve this impasse. I appreciate very much his willingness to have the up-or-down votes that we now have wanted for some time.

We have 20 amendments that Senators want to offer. For the life of me, I don't understand. We had over 20 amendments offered, voted on, considered, and disposed of on the military bill a couple of weeks ago, and we resolved that bill within 3 or 4 days. We could have easily done that by now.

I have offered to the majority leader the agreement that he has just articulated, with one minor change. We keep the time. We go to the time certain that the majority leader suggested in his unanimous consent request. But we would also accommodate four other amendments: Two offered by Senator WELLSTONE, an amendment offered by the Senator from Rhode Island, and the amendment offered by the Senator from North Dakota—all related to Ed-Flex, directly related to Ed-Flex, with the exception of Senator DORGAN's report card amendment. Those four amendments would not require any additional time beyond the 5 hours; that is, we divide up the time allotted to us in whatever amount is required for each amendment. But we would accommodate at least those three Senators who have waited patiently now for over a week to offer their amendments.

So I hope the majority leader can modify his request with that simple outstanding caveat, that one additional change: No additional time, one additional change to accommodate three Senators who have waited patiently and who want to resolve this matter. I hope the majority leader will modify his request in that regard, and I ask unanimous consent to that effect.

Mr. LOTT. Mr. President, I would object to that modification.

I would say that then we would have 14 additional amendments, but crammed into 5 hours on this noncontroversial bill that is broadly supported on both sides. I don't think that is an adequate solution.

We can go forward with a cloture vote, and we can continue to have debate, and we can continue to work to come to conclusion on this in a way that everybody is comfortable with.

I understand Senators want to offer amendments. There are Senators who want to offer amendments on this side. I understand there are Members who want to offer amendments who want a direct vote. There are other Members who would like to second-degree them. So we have made a very complicated process out of a broadly supported, simple bill that would help education.

I would object to that modification at this time.

But we will continue to work to see if we can come up with something later.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. In light of the objection, the Senate will conduct two back-to-back votes on cloture motions relative to this bill.

I regret that there are objections. The agreement is exactly what the ranking member and the whip had indicated they would support a few days ago. But we can continue to work on this, and hopefully we can get an agreement where we can complete it tomorrow so we can go to the other issue. Until we complete this bill, everybody else will have to wait.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

The Senate continued with the consideration of the bill.

Pending:

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

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

Lott (for Jeffords) Modified amendment No. 37 (to amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

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

Jeffords amendment No. 55 (to amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) amendment No. 56, to reduce class size.

Lott (for Jeffords) amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) amendment No. 59 (to amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

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

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

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy-Daschle motion to recommit S. 280, a bill to provide for Ed-Flexibility partnerships, shall be brought to a close?

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

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—44

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

NAYS—55

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

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 44, nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

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

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 37, as modified, to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

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

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senators JEFFORDS and FRIST and those who have worked so hard on the Ed-Flex bill. This is an outstanding piece of legislation. It has the support of our Nation's Governors, the National Governors' Association. They strongly support this legislation. Most of the educational leadership in the States and local communities support this type of legislation. My Governor of Alabama, a Democrat, Don Siegelman, supports this legislation. Mr. Ed Richardson, the State superintendent of education in Alabama, supports this legislation.

The Ed-Flex bill came out of Labor Committee last year with a 17–1 vote. Democrats and Republicans supported it. Now this year, the President indicates that he will support it and sign this legislation. The strength of it is that it is a clean bill. Basically, what it says is that we learned a lot from the historic welfare reform debate during the 104th Congress. We learned if you give State and local officials some flexibility and the ability to do things differently than the Federal regulations have mandated, they will find ways to be better. They will find ways to do a better job. It is an affirmation of them.

I'd also indicate that a GAO report in 1998 said that the Department of Education officials have told the GAO that they believe that 12 Ed-Flex States, the 12 States that now have this legislation as a pilot project, have used their waiver authority carefully and judiciously.

Mr. President, It simply goes against reason that people duly elected to run the school systems in our counties and States would abuse flexibility and should be denied creativity because those of us in this body believe we know how to run their school systems better. The Federal Government provides only 7 percent of the money for State and local education, but it mandates over 50 percent of the regulations.

Let me read you a letter I received from the Montgomery public schools in Montgomery, AL. This is what I was told with regard to paperwork that has to be done for the Federal Government.

Personnel in the schools of the Montgomery Public School System and three Central Office assistants are estimated to spend this year 16,425 hours in Title I program documentation, bookkeeping, etc. What this boils down to moneywise, is that the system spends $860,833.48 for the personnel to take care of the paperwork. This is a conservative estimate and does not include such programs as HIPPY and other programs funded by Title I not housed in schools.

This is the kind of thing that is happening. This is the kind of money we need to get down to the classroom. I taught in public schools one year. My wife has taught in public schools a number of years. Our two daughters graduated from a large public high school in Mobile, AL. We have been involved in PTA. To suggest the principals and teachers and school superintendents do not care about their kids and are not trying to do better to get more bang for their buck every day is to demean them and put them down, while we have this idea that we have to protect the system by mandating what they do.

I think the Ed-Flex bill is a wonderful bill. It is a clean bill. It is not a radical bill. It allows applications for waivers and that sort of thing.

Mr. President as a teacher, as a spouse of a teacher, and as a parent of children in the Alabama public schools, I know that the most important event is that magic moment in a classroom when learning actually occurs. That magic moment is not enhanced by micromanaging regulations from Washington, DC. It simply does not help education.

Mr. President, I care about education. I want to see our education system improved. I will support—as Congress has done for the last 10 years—increased Federal funding for education. But I want to be sure it is used wisely and efficiently so that learning is enhanced, and not creating a bureaucracy that takes 35 cents out of every dollar before it ever gets down to the States. That is what we have learned. In fact, after this modest bill, I will be supporting a bill that will have even greater impact which will require that 95 percent of every Federal education dollar that is expended actually goes to the local classroom.

Let me share with this body a response to a question I proposed to a principal of a Title I elementary school in Alabama, Mr. Thomas Toleston. He was asked what would he do if he had less Federal mandates which would help free up some extra money for his school; if the Federal Government would eliminate the regulations, how would he spend the freed up funds. This is what he said he would like:

I would ensure that Southlawn would implement a comprehensive summer school program in reading and math for all students who score below average on the Stanford Achievement Test 9.

No one here even knows what the Stanford Achievement Test 9 is. He does; this is his career. That is what he would like to spend more money on—not building a new classroom or 100,000 new teachers.

He said:

This would include sufficient faculty, hardware and software in an effort to bring those poor performing students up to average performance.

So you could take your year-long teachers and pay them extra to work in the summer school program.

If additional funds were available, I would also attempt to bring more faculty to our extended day program [afterschool programs] to offer more exposure to our students. These exposures would be in the areas of music, i.e. violin and other musical instruments that are available in the Montgomery

Public School System, but are not being utilized.

They would take extra funds to have teachers come down after school to do this, not new teachers.

Another area of interest to me would be the ability to provide students with scholarships of additional exposure. This would include paid trips to the Huntsville Space Center to increase students' interest in science and math.

Now, we have been talking about building classrooms and adding 100,000 teachers and all these ideas that people in this body, who have been doing some polling, and they think the polls are good so they offer to mandate it all over the country. Mr. Toleston never mentioned any of those ideas, yet we here in Washington want to force them on him and his school?

The earlier we expose students to these hard core areas the greater the chances for them to develop an interest.

I would also like to expand our present extended day program to begin classes in computer program at the 4th and 5th grade level. This is a career that will allow one to have a fairly good paying job without a college degree. This program would provide a net for some of the students who we know will never make it to college. But, again, I think that the interest must be presented at the elementary level to make a significant difference.

Since we all know that the greater the parent involvement the better students do in school, I would like to have more money set aside for parent programs. Presently, I have one teacher who volunteers one night a week to teach parents how to use computers. I would like to compensate her but the funds are not available.

Under this bill, if we have Federal mandates, they still won't be available.

He goes on to say:

Most of the planning for the school year takes place during the summer months. The stipend paid to teachers is $50.00 per day. I would like to have the flexibility to offer my teacher an additional $50.00 per day. This still seems like a small price to pay but it would be a worth while incentive for them to give up one of their summer vacation days. I feel that this would encourage more teachers to be apart of the planning process during the summer. Once school starts it is time to execute our plans—no time for planning.

Mr. President, those are just some of the points that I would make.

I would just say this: People are asking, Why won't this bill pass? I think they have to look at those on the other side of the aisle who say often that they are for returning control to the local people, to people we have elected in our communities to run our school systems. But when the chips are down, there is always some reason not to.

I hope that we can work through some of these amendments, all of which ought to be debated during the Elementary and Secondary Education Act that we will be taking up later this year, not on this bill. This is a clean bill, and should be kept clean. If we will do that, we can pass this important bill, and then we can deal with many of these issues later.

Mr. President, I thank you for the time. I d also like to again thank Senators FRIST and JEFFORDS for all of their hard work on this bill. I agree wholeheartedly with the premise of this legislation which is that, if given more flexibility, our local school systems can improve their ability to educate our children.

I notice that the majority leader has arrived on the floor. I am pleased to yield.

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. LOTT. I thank the Senator from Alabama for yielding so we can get this consent agreement before Members change their minds.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur on Thursday be vitiated. I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and I be recognized to offer an amendment relative to IDEA/choice and the amendment then be immediately laid aside. I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that I or my designee be recognized to offer an amendment relative to the Individuals with Disabilities Education Act amendment and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside. I ask that myself or my designee be recognized to offer an amendment relative to the Individuals with Disability Education Act and it be laid aside and Senator BOXER be recognized to offer an amendment relative to afterschool programs, and it then be laid aside.

I further ask that I or my designee be recognized to offer an amendment relative to IDEA and it be laid aside for Senator FEINSTEIN and DORGAN to offer their amendment relative to social promotion and it be laid aside. I further ask that I or my designee be recognized to offer an another amendment relative to the Individuals with Disabilities Act and it be laid aside for Senator WELLSTONE to offer an amendment relative to accountability, and there then be 5 hours equally divided in the usual form for debate on these 10 first-degree amendments and no additional amendments or motions be in order to S. 280, other than motions to table. I further ask that at the conclusion or yielding back of time the Senate proceed to vote on or in relation to the 10 pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes, with all succeeding votes limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following these votes the bill be advanced to third reading and passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not, did the majority leader say between the votes tomorrow there will be 5 minutes equally divided?

Mr. LOTT. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving the right to object. There was discussion previously with respect to my amendment. I wonder if the majority leader has anything to say with respect to my amendment?

Mr. LOTT. Mr. President, we have discussed the Reed amendment, and I believe there has been a good deal of work done on that amendment. An agreement has been worked out, and it will go into one of our amendments that will be put into the bill. So it will be included. It would not be necessary to consider it separately.

Mr. REED. I thank the majority leader for that information. It would have been cleaner to have done it up or down, but the substance is important, and I am pleased that it will be included in the legislation.

Mr. LOTT. I appreciate the Senator's attitude on this. Obviously, he has worked on it, he cares about it, and he would have liked to have it highlighted and considered individually. We were trying to craft an agreement, and the attitude he had was that he wanted to get it done; that was more important. I wish we had more Senators who were willing to make such a concession. I thank the Senator from Rhode Island for that approach.

Mr. REED. I thank the majority leader and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not. Is the order which listed the amendments the order of the votes or the order in which the amendments would be laid down? Is there flexibility—to use that word—about how we might proceed this afternoon, for those of us who are here and ready to do our amendments?

Mr. LOTT. I believe they would come up in the order identified and votes would occur in that order, too. However, I presume that if there is a scheduling problem, the managers would be flexible and we could get an agreement to change that order. But that was the agreement that was asked for.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his cooperation in this effort, too. We found, a few moments ago, that we were very close to an agreement, even though it might not have appeared so. I am sure Members on both sides would have liked to have done it differently, but I believe this will allow us to get to a conclusion on this bill. It has broad support. We

can then move on to other very important national issues. So I thank Senator DASCHLE for his help in working out this modification.

One last thing, and I will yield the floor. In light of the agreement, then, there would be no further votes today. The Senate will debate the amendments to S. 280 for the remainder of the session today, and up to 11 back-to-back votes will occur tomorrow morning. I hope maybe it won't be necessary to have all 11, but it could be 11, with the 10 amendments and final passage. All Senators will be notified of the exact time of the votes. I thank my colleagues for their cooperation. We did get the unanimous-consent agreement, correct?

The PRESIDING OFFICER. We did.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, I want to briefly thank those Senators on both sides of the aisle. This is a very important procedural agreement we have reached, after some deliberation and a great deal of willingness to cooperate on the part of many Senators. There were many, many Senators who had expressed the hope that they could offer their amendments; they were precluded from doing that. Frankly, I am disappointed that they were precluded. But I will say this: I am also grateful to the majority leader for agreeing to have up-or-down votes on the class size amendment, on the dropout amendment, on the social promotion amendment, on the amendment with regard to report cards, and on the amendments Senator WELLSTONE will be proposing on the accountability.

This represents, I think, a compromise that we hoped we could reach. It represents an extraordinary amount of good-faith effort on both sides. I think the Senators from Oregon and Tennessee ought to be commended as well for their patience and tolerance in working with all of our colleagues in bringing us to this point.

It goes without saying, the managers of the bill, the Senator from Vermont and the illustrious and extraordinary ranking member, Senator KENNEDY, deserve a great deal of credit. We have come a long way. We have reached a point now where we are going to be able to finish this bill—a very good bill that deserves support. This also allows us to deal with the amendments that a number of Senators have been fighting to have votes on now for several days.

I thank all Senators for their cooperation.

Mr. President, there have been a number of questions about how we are going to be proceeding under the unanimous consent request. We consulted with the majority leader and with the manager of the bill.

I ask unanimous consent that all but 1 hour of time allotted under the unanimous consent agreement be consumed today, allowing 1 hour under the arrangement anticipated by the unanimous consent agreement to be used tomorrow. I then ask unanimous consent that those who might wish to express themselves on the bill or on amendments be allowed as if in morning business to speak later on this evening.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, we want to check with our leadership on this side.

Mr. KENNEDY. Mr. President, if the Senator will yield, it is our intention that we use up the 4 hours for those members who have amendments to introduce and speak to them this evening. And that we have 1 hour evenly divided tomorrow for Members on either side to address the Senate, as if in morning business. That is what we had hoped to be able to do.

Mr. JEFFORDS. Mr. President, reserving the right to object, it is my understanding that under the previous unanimous consent order that the amendments should be offered at this time.

Mr. DASCHLE. Mr. President, I anticipate that the amendments would all be offered.

Mr. KENNEDY. That would be fine.

Mr. DASCHLE. Mr. President, I modify my request to clarify that it would be my expectation that all amendments would be offered, and that there would be a period of 1 hour simply to discuss and further consider these amendments tomorrow. I withdraw the request at this point, and I certainly defer to the managers to renew their request at such time as the majority leader clears the request. But I don't anticipate an objection. I appreciate the indulgence of both managers.

The PRESIDING OFFICER. The request is withdrawn.

Who seeks time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I want to indicate to our colleagues on this side that have amendments, that we expect those to be offered in the very near future. It is 3:15 now—we have 2 hours on each side. We are going to try to be in touch with those Senators that have amendments and work out a shared time to accommodate Senators' schedules.

Senator FEINSTEIN will take the first half hour, followed either by Senator DORGAN or Senator WELLSTONE for 15 minutes. Then we thought 45 minutes on the other side, one-half hour on this side, one-half hour on the other side, and then those that either wanted to talk on the amendments or that wanted to be able to talk on the bill would be able to do so using up the time that has been allocated by the leader—that was our intention. We want to make sure all of our Members understand that we expect that those amendments are going to be offered this evening. We want them included in the RECORD so that those tomorrow morning are able to look at the exact wording. That was our intention.

So we will proceed in that way, and we will be in touch with the sponsors of these amendments to work out with them appropriate time allocations.

AMENDMENT NO. 60 TO AMENDMENT NO. 31

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

Mr. JEFFORDS. Mr. President, I offer an amendment on behalf of Senator LOTT on the IDEA/choice amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. LOTT, for himself and Mr. ABRAHAM, proposes an amendment numbered 60 to amendment No. 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 amendment is as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

SEC. . IDEA.

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

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

Mrs. FEINSTEIN addressed the Chair.

Mr. KENNEDY. Mr. President, I yield one-half hour to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Massachusetts.

I believe, Mr. President, that I have one-half hour.

The PRESIDING OFFICER. That is correct. The Senator is recognized for 30 minutes.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 61 TO AMENDMENT NO. 31

(Purpose: To assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. DORGAN, and Mr. BINGAMAN, proposes an amendment numbered 61 to amendment No. 31.

Mrs. FEINSTEIN. 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.'')

Mrs. FEINSTEIN. Mr. President, this is an amendment which does two things. One of them is it deals with the practice, either formal or informal, of social promotion, and authorizes a remedial program of $500 million a year for a program of competitive grants.

The second part has to do with school report cards.

Senator DORGAN will be speaking on the second half, and I will address my comments to the first part.

This amendment would authorize $500 million a year from the year 2000 to 2004 for competitive grants to school districts to help provide remedial education for afterschool and summer school courses, for low-performing students who are not making passing grades.

Mr. President, the purpose of the amendment is to provide Federal incentives and Federal help to those school districts that abolish and/or do not allow social promotion. As a condition of receiving these funds, school districts would have to adopt a policy prohibiting social promotion for students; require that all K through 12 students meet minimum achievement levels in the core curriculum defined as subjects such as reading and writing, language arts, mathematics, social sciences, including history, and science; test student achievement in meeting standards at certain benchmark grades to be determined by the States for advancement to the next grade; and, finally, provide remedial education for students who fail to meet achievement standards including tutoring, mentoring, summer, before-school and after-school programs.

School districts would be authorized to use funds to provide academic instruction to enable students to meet academic achievement standards by implementing early intervention strategies or alternative instructional strategies; strengthening learning by hiring certified teachers to reduce class sizes, providing professional development, and using proven instructional practices and curricula aligned to State achievement standards; providing extended learning time such as afterschool and summer school; and developing intensive instructional intervention strategies for students who fail to meet State achievement standards. The amendment also addresses the special needs of children with disabilities by allowing school districts to follow the child's individualized education plan.

Why do we need this amendment? Perhaps nothing better describes why we need this amendment than an article which appeared in the Los Angeles Times five days ago about the largest school system in the United States—California's—and I want to read the headline: ''California Ranks Second to Last in U.S. Reading Test.''

California ranks second to last among 39 States in a new Federal assessment of fourth grade reading skills. The study revealed Thursday that only 20 percent of the students are considered proficient readers.

Mr. President, California has 5.6 million students, more than the population of 36 other States, and only 20 percent of them are reading proficiently at the fourth grade level.

That is an incredible statement of what the practice of social promotion has done.

I truly believe that the linchpin to educational reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in the hopes that someday, somewhere they will learn.

This practice alone, I believe, after visiting literally dozens of schools, is the main reason for the failure in the quality of public education today. It is largely responsible, in my view, for its decline.

Achievement standards must be established—and enforced. To promote youngsters when they are failing to learn has produced a generation that is below standard and high school graduates who can't read or write, count change in their pockets, or fill out an employment application. It is that bad. And California is just about the worst.

It is such a shame to hand a high school diploma to a youngster whom you know cannot fill out an employment application for a job. In my State, a state that is restructuring its economy and seen the emergence of a new high-skilled, high-tech work base, this means doom for the ability of these youngsters to sustain themselves with gainful and fulfilling employment in the future.

This same article, discussing this assessment of reading skills, also shows that 52 percent of our fourth graders scored below the basic level, meaning they failed to even partially master basic skills.

The news wasn't much better for California's eighth graders, who ranked 33rd out of 36 States, and only 22 percent were proficient readers. In December 1998, a study by the Education Trust ranked California last in the percent of young adults with a high school diploma—in other words, students are not even finishing and getting their diploma—37th in SAT scores, and 31st of 41 States in eighth grade math. Nearly half of all students entering the California State University system require remedial classes in math or English or both.

The news is also grim nationally. I start out with California to say that this all begins right at home. But the news is also grim throughout the rest of the United States where our students are falling far behind their international counterparts. The lowest 25 percent of Japanese and South Korean eighth graders outperform the average American student. In math and science, United States 12th grade students fell far behind students in other industrialized countries, which is especially troubling when we consider the skills that will be required to stay ahead in the 21st century. United States 12th graders were significantly outperformed by 14 countries and only performed better than students in Cyprus and South Africa. We scored last in physics and next to last in mathematics.

What is social promotion? Simply stated, social promotion is the practice, either formal or informal, of a school's advancing a student from one grade to the next regardless of that student's academic achievement. In some cases, it is even regardless of whether they attend school or not. It is a practice which misleads our students, their parents and the public.

The American Federation of Teachers agrees. Let me quote from their September 19, 1997, study:

Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the Nation.

That is well said. But merely ending social promotion and retaining students in the same grade will not solve the problem. We cannot just let them languish without direction in a failing system. Instead, we must provide ongoing remedial work, specialized tutoring, afterschool programs, and summer school. All must be used intensively and consistently, and that is what this amendment is designed to create. It is designed to create both the incentive and also the help to accomplish this.

I know it can work. Last June, I led a delegation of California leaders to Chicago. We saw a dominantly poor, dominantly minority school district turned around, social promotion abolished, and the remediation, summer school, and tutoring put in place. And now test scores and grades are improving.

How widespread is this practice, ubiquitous as it is? It is widespread. Although there are no hard data on the extent of the practice, authorities in schools and out of schools know it is happening, and in some districts it is standard operating procedure. In fact, 4

in 10 teachers reported that their schools automatically promote students when they reach the maximum age for their grade level. And the September 19, 1998, AFT teacher study says social promotion is ''rampant.''

It found most school districts use vague criteria for passing and retaining students. They lack explicit policies of social promotion, but they have an implicit practice of social promotion, including a loose and vague criteria for advancing students to the next grade. And they view holding students back as a policy of last resort and often put explicit limits on retaining students.

Also the study found that only 17 States have standards—only 17 States have standards in the four core learning disciplines: English, math, social studies, and science. Only these four have standards which are well grounded in content and are clear enough to be used, says the AFT study.

In July of last year, I wrote to 500 California school districts and asked about their policies on social promotion. I must tell you, their responses are vague and often misleading, and they include the following: Some school districts say they don't have a specific policy. Some say they simply figure what is in the best interests of the student. Some say teachers provide recommendations, but final decisions on retention can be overridden by parents. And some simply just promote youngsters, regardless of failing grades, nonattendance, or virtually anything else. In short, the policies are all over the place.

Last year, in California the legislature passed and the Governor signed into law a bill to end social promotion in public education, a giant step forward. In California now, this could affect fully half of California's students because 3 million children in California perform below levels considered proficient for their grade level. The grant funds authorized in this amendment can be very helpful in providing ongoing remedial and specialized learning and provide necessary help for these 3 million children in my State, and the millions of children in other States as well.

President Clinton called for ending social promotion in his last two State of the Union speeches. Last year, he said: ''We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools.''

I will never forget, in 1990, when I was running for Governor of California and I appeared before the California teachers association, I said we must end social promotion, and I was roundly booed. How things change. We now have the President of the United States, and a Democrat to boot, saying we must end social promotion.

I believe just as firmly in 1999 as I did in 1990 that the practice of social promotion is the Achilles heel of public education in the United States of America.

The seven States that have a policy in place which ties promotion to State-level standards today are California, Delaware, Florida, Louisiana, North Carolina, Ohio, and Virginia. I really want to give them my kudos and say congratulations and right on.

I mentioned that the Chicago public schools have ditched social promotion. After their new policy was put in place in the spring of 1997, over 40,000 students in Chicago failed tests in the third, sixth, eighth, and ninth grades, and then went to mandatory summer school. Chicago's School Superintendent Paul Vallas has called social promotion ''educational malpractice.'' He said from now on his schools' only product will be student achievement. What welcome words those are.

In my own State, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance, and they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation.

For example, San Diego schools are requiring that their eighth graders who do not pass core courses be retained or pass core courses in summer school.

Let me conclude. A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63 percent of employers and 76 percent of professors said the diploma is not a guarantee that a graduate can read, write, or do basic math. What a failure.

I first got into this because I also serve on the Immigration Subcommittee of the Judiciary Committee. Every year I had California chief executive officers, particularly in high tech companies, come in and say: ''We can't find high school graduates we can hire. Please increase the quota of people from foreign countries who can come to us as temporary workers and work for us, because we can't find qualified Americans.'' What a condemnation.

California employers tell me consistently that applicants are unprepared for work and the companies have to provide basic training to make them employable. High-tech companies say they have to recruit abroad. For example, last year MCI spent $7.5 million to provide basic skills to their employees. On December 17, a group called California Business for Education Excellence announced they were organizing a major effort to reform public education. These major constituencies—the California Business Roundtable, the California Manufacturers Association, the American Electronics Association, companies like Hewlett-Packard, IBM, Pacific Bell—had to organize because they see firsthand the results of a lagging school system.

So I offer this amendment today. It can provide the money to help teachers teach and students learn. It is estimated that this year the budget will have $4 billion more in it for public education. I say let's authorize the expenditure of $500 million for the kind of remedial and summer school programs that in fact can help us abolish social promotion and really have excellence and accountability in both our teachers and our students.

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

The PRESIDING OFFICER. The Senator has 9 minutes 53 seconds.

Mrs. FEINSTEIN. I will reserve the remainder of my time, if I might. I see Senator DORGAN on the floor. I know he wishes to speak.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me ask consent to yield myself 15 minutes of the time allocated to our side, that I might be able to present my amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Does the Senator intend to offer an amendment this afternoon?

Mr. DORGAN. I would say to the Senator from Vermont, the amendment Senator FEINSTEIN has offered is an amendment that combines her amendment and my amendment. We have done that at the request of the majority leader. So rather than having two amendments, we will have only one and we will have only one vote on it.

Mr. JEFFORDS. I appreciate that information.

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

Mr. DORGAN. I am pleased today to join my colleague from California. I was listening to her explain the first portion of the amendment which deals with social promotion and remedial education. It reminded me that the last time we joined forces here on the floor of the Senate was also on an education amendment. We worked on a very simple amendment called the Gun-Free Schools Act. This is now the law in this country and has been for a number of years because we decided there ought to be a zero tolerance in this country for a student who brings a gun to school. You ought not have to worry, no matter where you are in the country, about guns in schools. Everywhere in this country, we ought to understand that guns and schools do not mix, and every student and every parent ought to understand there is a penalty of expulsion for one year for bringing a gun to school.

I am pleased to have joined with my colleague from California to make that Federal law, and I wonder how many tragedies may have been avoided where guns were not brought to school because a student now understands there is zero tolerance with respect to guns in schools.

Today we are here for a different purpose on the same subject: education. The first part of the amendment we have offered deals with social promotion. The second part is a piece that I have written with Senator BINGAMAN from New Mexico regarding the issue of a school report card. Let me explain that amendment.

Every 6 to 9 weeks in this country, a parent with a child in school gets a report card that tells the parent how that child has done. Parents are able to see grades that describe how their child is doing in school, an A, a B, a C, or God forbid, maybe a D or even worse. Students are graded and parents know what grades those students are achieving in their school.

But I raise a question: What does it mean when your child brings home the best grades from the worst school? Does that tell you much as a parent? You see, we grade students, but there aren't any grades for schools. There are no report cards for schools. Even though we spend over $300 billion on a system of elementary and secondary education in our country, parents and taxpayers have no way of knowing how that school is performing. We grade the children who are in that system, but we do not require a report card on how well our schools are doing so that parents also know how well their school is doing compared to other schools, how well their State is doing compared to other States.

A number of States already have school report cards, but very few of them have report cards that provide a range of information on school quality indicators important to the public. And more notably, very few states get that information to the parents themselves. So the parents, as the taxpayers who own that school, who provide the resources to run that school, have very little information about how well that school does. Again, I return to the question: What does it mean for your child to be the best student in the worst school?

With this amendment, we propose to offer a Standardized School Report Card Act, which would say to all the schools around the country that, most of you are already preparing some kind of report card, but let's all do it all in the same general way so that we can make some reasonable comparisons, school to school and State to State.

We want the report card to grade a school on six areas: 1, student performance; 2, professional qualifications of the teachers; 3, average class size; 4, school safety; 5, parental involvement; and 6, student dropout rates.

As I mentioned, more than 35 States now have some form of a school report card. My State does, although my State's report card doesn't do anything more than simply to ask the school to look ahead to prepare for changes in enrollment in the years ahead. It is not a very substantive report card, and most parents in my State have never seen this report card. I would like, at the end of this process, to provide virtually every parent in this country who has a child in school with a report that says, here is how your child is doing, and another report that says, here is how your school is doing related to other schools, other communities, other States. That would be good information for the taxpayers and the parents of our country to have.

I was thinking, as I was listening to my colleague from California, about a young girl named Rosie Two Bears. She is likely in class this afternoon in Cannon Ball, ND. I toured that school some while ago. I don't know what a report card will say to the parents of Rosie. That school is unsafe and in desperate need of repair.

I have described on the floor on previous occasions the condition of that school. They have 150 students, one water fountain, and two bathrooms, kids cramped together in classes without an inch between their desks and no place to plug in a computer to get to the Internet, because the school won't accommodate wiring of that sort. In the downstairs area where they have band and chorus, the room frequently is evacuated because sewer gas backs up and the students can't learn in a room full of sewer gas backing up into the school. It is an awful situation.

What would a report card say about the school of Rosie Two Bears? Perhaps if there were a report card that drove home to parents and taxpayers the unsafe conditions of their children s school, there would be a public outcry to improve that school.

The Ojibwa school, up on the Turtle Hill Mountain Indian Reservation, is another example of a tragedy waiting to happen, with all of these kids learning in detached trailers, going back and forth between classes in the winter. I have been there and seen exposed wiring. I can show you the reports that show that school is unsafe. Everybody knows it, and there is no money to build a new school for those children. Addressing this problem will be part of an another debate that we want to happen, but right now, this amendment is about four or five good ideas on education that won't break the bank, that represent good investments in our kids, represent good approaches to improve and strengthen education in this country. If we can do these things together, we will have done something very important for our children.

When we consider a report card that all parents could receive, I go back to the point that wouldn't it be nice for the parents of students—whether they go to your school or my school or to the Cannon Ball School or the Ojibwa school—to be able to see what their child is getting from that school? What are we getting for our tax investment in that school? Are we proud, as parents, as the teachers who teach in that school, of the building we have housed our children in, of the textbooks we have provided? Are we doing the right things?

That is what Senator BINGAMAN and I and others would like to achieve with this standardized report card for schools.

The Senator from California knows, because I have heard her speak of it, that the American people view education as one of their top priorities. Often people talk about how far ahead of politicians the people are. Well, that certainly is true with respect to education. People know what is important. When people sit around the dinner table at night and talk about their lives, what are the first things they talk about? They talk about what their children are learning in school, are we proud of that school? Are our folks getting good health care? Do we have a good job? The central things in life. Children and school represent a priority for many of us. It is why I am pleased that one of the first bills on the floor of the Senate following impeachment is about education. It is why we have pushed so hard to be able to offer amendments to it. Our purpose is not to be destructive, but to focus on a number of steps we can take to improve education. I think Ed-Flex is fine. With this bill we are saying give the States some flexibility, but that is not all there is with respect to education policy. There are other ideas, good ideas.

The attempt around here all too often is to get the worst of what both sides have to offer rather than the best of what each has to offer. We have some good ideas. Ed-Flex is a fine idea. Let us add some other good ideas to it: dealing with class size, a school report card, ending social promotion, addressing the problems of students dropping out. Those are good ideas and are central to what the American people believe could strengthen education in this country.

I hope that, when we have offered these amendments—some good ideas, I think, from both sides—there will be some positive votes on these ideas, so that this Ed-Flex legislation will leave the Senate in a much stronger position to positively influence the lives of young Americans and families. I will have been proud to play one small part of that with my colleague from California.

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

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from North Dakota, because I think, between us, we really have struck at the linchpin of reform.

One is in the report card situation, to provide an ability for every parent to know some of the basics about the school that his or her children attend, and to be able to make some judgments on their own whether that child is in the best learning environment. And what the report card could do is spur competition, I think, I say to the Senator, among students, among schools,

among school districts, if they have a way to compare one to the other.

When you were talking about Cannon Ball, North Dakota, I was thinking about Los Angeles, and going into a school that had 5,000 students K through sixth grade. Everything was in shifts. You can imagine the cacophony of sounds with 5,000 small children in this school. I had never seen a school this size before.

As we debate social promotion, I am troubled by the size of some schools. I have read the views of educational experts and what they said about the size of the school. I read they advised that elementary schools be no bigger than 350 students to have that teacher-student quality relationship; middle schools, 750 students; and high schools maybe a maximum of 1,200 students.

Because of the lack of money and the inability to do some of these things, schools just diminish their quality. Like you, I am very hopeful that there will be an additional amount of $4 billion for public education in this year s budget. I think the American people want it, I think our students need it.

I just want you to know that I am very pleased to join with you on this amendment. I hope it can stay in. I hope it will survive conference. I hope people will realize that we have to make major structural changes in public education. Certainly a report card for schools to benefit parents, the elimination of social promotion, and the provision of remedial programs and summer school can help. Ongoing and consistent programs, in which children can be brought up to their grade level, are critical to helping these students learn and become productive citizens and are critical to ending this ''educational malpractice.''

I urge my colleagues to vote for the Feinstein-Dorgan amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains on the 15 minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. I will not use all of that, but I did want to say to Senator FEINSTEIN that the ending of social promotion is an opportunity to invest in young lives in a way that will solve problems now, rather than deferring them until much, much later. By ending social promotion we can prevent much bigger problems later in a young person s life.

I happen to have, as most parents do, a profound conflict of interest here. I have two children in public elementary school: one in fourth grade and one in sixth grade. I do homework most evenings with them, and the homework is getting tougher these days. My children are in public schools, and I don't know what people are talking about when they talk about failing scores and how the public school system does not work.

I am enormously proud of our public school system and what we have accomplished through public schools in this country. But I also know that the only way a public school system works is with parental involvement. If the parent is not involved in the child's education, it is not going to work very well. There are three things you need for education to work: a teacher who knows how to teach, a student willing to learn, and a parent involved in the education of that student. When those three things are present, education works.

The Senator from California, in the first part of this amendment, offers a proposal that I think has great merit and is long overdue. I did not speak about it when I spoke about my half of the amendment, but I just want to tell her that I think what she is offering has great, great merit and will be profoundly important to children in this country.

I yield the floor.

Mrs. FEINSTEIN. I thank the Senator.

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

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Inquiry. I don't know whether we are finished with this amendment. If so, I am ready to send an amendment to the desk. I do not know whether my colleague from Vermont—

Mr. JEFFORDS. I would like to proceed to explain very briefly the position that we will have on the amendments that have been offered here.

This is an agreement, unanimous consent agreement, that was made to enable us to get through this bill. And I appreciate all those that have entered into this agreement.

I would like to explain to my colleagues, however, that because these are all—these two that are being talked about right now, the school report card and the ending of social promotion, are both amendments within the purview of the committee dealing with elementary and secondary education. It is my intention to listen very carefully and carry forward the information that is provided on these until such time as we are marking up the Elementary and Secondary Education Act.

However, it will be my procedure, in order to have an orderly hearing process in going ahead on these matters, to probably table the amendment of the Senator from California. But I do understand and believe that a great deal of what she says, if not all, is very relevant to our educational system but should be done in the orderly committee process. I want to make that clear so everybody understands when we vote on these things it is because they should be done in the proper order under an orderly committee process.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 62 TO AMENDMENT NO. 31

(Purpose: To provide accountability in Ed-Flex)

Mr. WELLSTONE. I send an amendment to the desk and ask for its reading.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 62 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) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

''(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Act of 1965;''.

Mr. JEFFORDS. Do we have a copy of the amendment?

The PRESIDING OFFICER. Does the Senator from Vermont wish to object? The Senator seeks a copy of the amendment.

Mr. WELLSTONE. Mr. President, I have an extra copy. Might I ask whether I could also get one Xeroxed while I am speaking?

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this amendment, which I have talked to my colleagues about, speaks to the central issue with this legislation that a lot of colleagues, I think, are trying to step around, dance around; that is, accountability. In other words, this amendment says we are for flexibility, but we are also for flexibility with accountability.

It is absolutely acceptable for school districts and States to make all kinds of decisions on the ground about whether or not you want more teaching assistants or more computers or more community outreach. All of that makes sense and is within the framework of flexibility.

I say to my colleague from Vermont, this amendment combines two amendments, so let me start and devote maybe about 5 minutes or less to the Perkins program—a very important vocational education program. What this amendment essentially says is, look, there are certain kinds of core requirements, core accountability requirements, of the Perkins program—vocational ed, high school, college—that must be protected—that must be protected.

The requirement that school districts and vocational schools meet their States' performance standards, who can object to that? The requirement

that schools and districts provide professional development to teachers, counselors and administrators, who can object to that? The requirement that schools must provide programs of sufficient size, scope and quality to bring about improvement, what is objectionable about that? The requirement that schools and districts must evaluate the programs, including the assessment of how the needs of special populations are being met, what is objectionable about that? And finally, the requirement that schools and districts must tell the State about their process for local evaluation and improvement of the program.

That is the Perkins Vocational Education Program. And the only thing I am saying, on the basis, I say to my colleague from Vermont, of the good work that we have done together on vocational education, why in the world, understanding the importance of flexibility, would we want to not at least protect this program and make sure that in every State all across the country that at least these core requirements are met? Let everybody be flexible as long as they meet these core requirements. Let's not sacrifice the quality of this program.

Mr. President, the other part of this amendment is what troubles me the most. This is what troubles me the most about Ed-Flex. And let me just say to my colleagues, Republicans and Democrats alike, I am quite sure that this amendment is going to pass overwhelmingly. For all I know, it may get 99 votes. But let me tell you one unpleasant truth that you have been unwilling to face up to. It is this: When the original title I program first passed in 1965, a lot of sweat and tears went into this program. We had some basic protections for poor children in America and we said there were going to be certain core requirements and in no way, shape, or form would those requirements ever be violated because this went to the very essence of what we are about as a Federal Government, which is making sure there is protection and quality of education for all our children.

Here is what the core requirements are all about. This amendment is a different version from the amendment I had on the floor, because this is trimmed down and it refers specifically to sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act.

I am just saying we wrote this into this legislation in 1965, colleagues. This was over 30 years ago. What did we say? We said let's make sure that no State will ever be in a position of being able to give a school district a waiver from the following requirements: That for all of the title I children, low-income children, there will be opportunities for all children to meet challenging achievement levels; that they will use effective instructional strategies which will give primary consideration to extending learning time, like an extended school year; that we will serve underserved populations, including women and men, or girls and boys; that we will address the needs of children, particularly those who are members of the target population, who need additional help; that we will provide instruction by highly qualified professional staff; that we will minimize removing children from the regular classroom during regular school hours; and that we will provide the professional development for teachers and aides to enable the children in school to meet the State student performance standards.

What is going on here? I came out here and spoke for almost 4 hours the other day and I never heard anybody give me a substantive argument about why they are opposed to this amendment. What is going on here? I am not going to use Senators' names, but one Senator with considerable stature here in the U.S. Senate said, ''Senator WELLSTONE, if your amendment passes, it will gut this bill.'' If that is what my colleague is saying, that is exactly what makes me worry about this legislation. How could this amendment gut Ed-Flex when this amendment just says we are going to do with Ed-Flex what the proponents of Ed-Flex say Ed-Flex does?

Then my colleagues say, ''Don't you trust the Governors? Don't you trust the school districts across America?'' My answer is yes, I trust most of them, and therefore you should trust most of them, and therefore surely no one who is involved in education with children in our country would be opposed to the idea that for title I children, for poor children, there will be certain core requirements which will be the essence of accountability.

How can you be opposed to it? I don't know of any Governor or any school board member who would say, ''Senator WELLSTONE, we don't want to live by the standard of making sure that our teachers are highly trained for title I children. Senator WELLSTONE, we don't want to live by the standard that there should be high standards for these children. Senator WELLSTONE, we don't want to have to give special help to kids who are falling behind.''

What are you afraid of? Why is there not support for this amendment? This amendment, in a slightly fuller version, received about 45 votes last time. I am hoping, now that I have sort of refined this amendment and narrowed the scope, that it will receive a majority vote. Because if this amendment does not pass, this piece of legislation, I want to say to people in the country, this will not be a step forward. This piece of legislation is not a step forward for several reasons.

Let me just make one point that I made earlier as well, that right now, with title I, we are spending about $8 billion a year, and depending on who you listen to—whether it is the Congressional Research Service or whether it is Rand Corporation—this program is severely underfunded. In my State of Minnesota, when I meet with school district officials, especially in our urban communities, they tell me, ''PAUL, what happens is we get money for schools with 65 or 75 percent poverty''—my amendment says schools with 75 percent poverty population should have first priority; that passed; I am glad it did—''but then we run out of money.''

If we are serious about helping these kids, we ought to be providing the funding to our school districts so they can provide the support to the children who are behind. Many of our schools all across the country scream at us and tell us: ''Because you haven't provided us with the resources, we can only help half the students,'' or a third of the students. So if we want to do something significant, we ought to provide the funding.

What we certainly should not do is turn our backs to what was so important about title I as a part of the Elementary and Secondary Education Act. What was so important about title I—this is a big Federal program; this is a Federal program that matters to K–12. What was so important was, we knew way back in 1965 and we know today that we as a National Government, we have a responsibility to make sure there are certain standards which apply to the education that poor children receive, and so we made sure there were certain standards, certain core requirements, which would be part of accountability. We would say that every school district in the land and every school in the land which was serving title I children would never be able to violate these core requirements. That is what we as a Congress were doing for poor children. We were for school districts having flexibility. We are for school districts having flexibility.

However, this piece of legislation strips away the most important accountability feature to title I. This piece of legislation does not any longer give these children the protection. This piece of legislation, therefore, in its present form, is not a step forward, it is a great leap backward. I am surprised there is not more opposition.

I know it is called Ed-Flex. Great title. I know everybody can say this is what the Governors want and we just sort of give all the decisionmaking power to the States. Politically, it seems to be a winning argument. Maybe I am the only one in the U.S. Senate who feels this way. I am for flexibility and I am for some of these other amendments that deal with smaller class size and rebuilding crumbling schools, and I am for spending a lot more money on education for children that comes out of the President's budget, that is for sure. But as a U.S. Senator, I will not be on the floor of the U.S. Senate and not speak against a piece of legislation which strips away some core protection for poor children that makes sure these children also get a decent education, and that the title I program which deals with these children meets these core requirements.

For any other Senator to say this amendment guts Ed-Flex troubles me, because I think if everybody thought Ed-Flex was such a good bill, they would want to at least make sure we had this elementary, basic protection for these children. How can we pass this piece of legislation without this accountability?

This amendment improves this legislation, Senator JEFFORDS. This amendment makes it a better bill. Without this amendment, we don't have this protection for some of the children in this country. I will oppose it even if I am the only vote in opposition.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. WELLSTONE. I reserve the remainder of my time, assuming that my colleague on the other side who disagreed may want to make some arguments.

Mr. JEFFORDS. Mr. President, I believe I was asked a question. I would be happy to answer. I prefer that the Senator finish his presentation.

Mr. WELLSTONE. Mr. President, I will, although I say, in the spirit of debate, it would probably be better if I had a chance to get some sense of why there is opposition to this amendment. Then I could maybe respond to that and we could have a little more of a give-and-take discussion.

Mr. JEFFORDS. I will wait until the Senator finishes.

I yield the floor.

(Mr. SESSIONS assumed the Chair.)

Mr. WELLSTONE. Well, Mr. President, I have an amendment that is similar to the amendment colleagues voted on last time. I have tried to meet some of the objections that were made to that amendment. It now is based literally on sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act of 1965. It is the same language which deals with the core requirements of title I and makes it clear that we want to make sure no State is allowed to give any school district an exemption from these core requirements.

Again, let me just list these requirements:

To provide opportunities for all children to meet challenging achievement levels—the Senator from New Mexico is on the floor, and I will bet he would not object to that.

To use effective instructional strategies that give primary consideration to providing extended learning time like an extended school year, before- and after-school, and summer programs;

To use learning approaches that meet the needs of historically underserved populations, including girls and women;

To address the needs of all children, but particularly the needs of children who are members of the target population through a number of means, including counseling, mentoring, college guidance, and school-to-work services;

To provide instruction by highly qualified professional staff;

To minimize removing children from the regular classroom during regular school hours;

To provide professional development for teachers and teaching assistants to enable all children in the school to meet State student performance standards.

I listed the basic requirements on the program as well.

I am thinking out loud while I am speaking. Let me try to figure this out. The Chair is a lawyer, and maybe I should be a lawyer at this moment. But it seems to me that this doesn't do any damage to the idea of flexibility. It seems to me that anybody who would argue that this somehow damages Ed-Flexibility, or any State or school district that makes that argument, must have in mind that they want to waive these core requirements. If they want to waive these core requirements—and we are now about to pass a piece of legislation that will enable them to do so—that is what is flawed in this legislation. That is the flaw in this piece of legislation. That is the problem.

There is a reason we made these core requirements part of title I, which has been such an important program to low-income children. The reason, I say to the Chair, is that while many school districts in many States have done a great job—and I have seen great work done in Minnesota—the fact of the matter is that sometimes these children fall between the cracks. Sometimes these children's parents, or parent, are the ones without the prestige and clout in the community. Therefore, we want to make sure there is some protection for these children. We want to make sure they receive instruction from highly qualified teachers. We want to make sure that if they fall behind, they get some help. We want to make sure they are asked to meet high standards.

I hope somebody is watching this debate. Why in the world is this amendment unacceptable? Why is this amendment unacceptable? Because, I am telling you, if what Ed-Flex is all about is to sort of say, on the part of the Federal Government, we are giving up on this core accountability and, State school districts, you do whatever you want, you don't have to worry about meeting these core requirements that deal with low-income children, I am against it. Do you know something? A lot of Senators should be against it.

So, Mr. President, I hope we can go over 50 votes today, and I hope this amendment will pass. If it does, I think it will make this Ed-Flex bill a much better piece of legislation.

There is one other thing we should do: Fund it. Fund it. I would say that in all the discussions I have had with people—I hope all of my colleagues have visited schools with title I communities in urban and rural communities. I will tell you, I have heard little discussion about how ''we don't have enough flexibility.'' I have heard a lot of discussion about not having adequate funds. Fund it.

Fully fund title I. Then we would be doing something to help these children. Fully fund Head Start, and then we would be doing something to help the children. Fully fund pre-K, preschool, early childhood development, and make child care affordable for families. Then we would be really doing something to help these children. Lower class sizes. Now we are helping these children. Make sure we do something to help children who drop out so that they don't drop out. I say to Senator BINGAMAN, I was told by a judge in Minnesota that there is a higher correlation between high school dropouts and incarceration than between cigarette smoking and lung cancer.

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

Mr. WELLSTONE. I will soon yield the floor.

I hope there are 100 votes for my amendment, because then I will believe the Ed-Flex bill is a good piece of legislation. Without this amendment, you don't have the accountability. You have given up on the Federal role of protecting poor children. That is a huge mistake.

I thank the Chair and yield the floor.

Mr. BINGAMAN addressed the Chair.

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

Mr. BINGAMAN. Mr. President, what is the state of the business in the Senate?

The PRESIDING OFFICER. The Senator has a right to offer an amendment.

AMENDMENT NO. 63 TO AMENDMENT NO. 31

(Purpose: To provide for school dropout prevention, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER, proposes an amendment numbered 63 to Amendment No. 31.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, before I start, let me just indicate my support for the amendment that the Senator from Minnesota is offering. I agree with him. I favor the Ed-Flex bill, and I intend to vote for the Ed-Flex bill. I also, though, believe we need to be sure the funds we provide at the Federal level get to the students who most need those funds, and to the programs that will benefit disadvantaged students. So I favor that amendment.

The amendment I have sent to the desk here and that I will speak on right now relates to what I consider perhaps the most severe problem facing the

educational system in this country today—at least in my State, and I believe throughout the country—and that is the problem that too many of our students are leaving school before they graduate from high school.

For an awful long time, this was a problem that people sort of ignored, and education policy wonks here in Washington and around the country essentially looked the other way and talked about other aspects of the educational issue. But more and more I have come to believe that this amendment I am offering on behalf of myself and Senators REID, LEVIN, BRYAN, and BOXER deals with a crucial issue for our young people and for our educational system. We can deal with the dropout problem. We can provide assistance to States and local school districts that want to reduce the dropout rate, and we can do that at the same time we are adequately funding special education. We can do it at the same time we are providing this additional flexibility in the Ed-Flex, which is what the Ed-Flex bill calls for.

Last week, when I offered the amendment, it was plain that there was some sort of contest between the proposal to adequately fund dropout prevention and the needs of special education. I do not see that as the case. That is a false choice. There is no rule and there is no limitation or requirement on those of us in the Senate to deal with one and not the other. We can deal with both of these issues. I favor dealing with both of these issues. Special education is extremely important. In order to address this, I put a couple of provisions in the amendment that I just sent to the desk. Two key provisions relate to special education.

The first says that there is a sense of the Senate that there is a great need to increase funding for special education. I support doing that. And the amendment makes it very clear that that is what we intend to it.

A second provision I have added says that any funds that are appropriated for dropout prevention above the $150 million annual amount that is called for in this bill shall go to special education rather than to this dropout prevention need.

So it is not an either/or decision. And I don't think we should see it that way.

This legislation on dropout prevention was offered last year. It was adopted here in the Senate by a vote of 74 to 26. Its main provisions are very well known to the Members of the Senate. Let me just go through them.

There are five main provisions. First, it provides better coordination and streamlining of existing Federal programs which serve at-risk students. We have several programs intended to serve at-risk students. This bill would try to bring those together and coordinate them.

Second, it sets out a national plan to address the dropout crisis that exists at the State, local and national levels.

Third, there is $150 million authorized in grants to schools with high dropout rates in each State.

Fourth, there is a requirement for uniform dropout data to be provided so that parents will know where the problem exists most severely, and for policymakers to have that information so that we can make good decisions.

Finally, it calls for what we designated here as a ''dropout czar,'' or a person who will have a full-time job working in the Department of Education to try to work with local school districts and States to deal with this issue. We ought to have at least one person in the Department of Education who comes to work every day with the responsibility of trying to help solve this problem. That is not too much to ask in a country of our size.

So that is what the bill tries to do.

The problem is serious. It warrants our attention.

Since we have been debating this bill, there have been over 20,000 young people drop out of our schools. There are over 3,000 young people who drop out of our high schools and our middle schools before graduation each schoolday. So the problem is severe. There have been over 400,000 students who have dropped out since last April when we last approved this amendment here in the Senate. These new dropouts join a large pool of unemployed, most of them unemployed adults who lack high school degrees.

We have a serious problem here. I think many Senators and many people in this country would be shocked to know the extent of this problem. Let me give you some figures that came out of ''Education Week'' recently. According to ''Education Week,'' which is a very respected publication that does good research on education-related issues, according to their study, there are 30- to 50-percent dropout rates reported over the 4-year high school period in communities around this country.

Let me give you some specific statistics which they reported.

In Cincinnati, ''Education Week'' claims that 57 percent of students in Cincinnati's high schools do not complete high school, who drop out before the completion of high school; in Philadelphia, 54 percent; Salt Lake City, 39 percent.

Everybody, at least in my part of the country, in the Southwest, looks to Utah, and says: ''Oh, they have a better educational system than we do in New Mexico, and they always do everything right in Utah.'' The truth is that 39 percent of their students don't complete high school—in Salt Lake City, not in Utah, but in Salt Lake City—47 percent in Oklahoma City; in Dallas, according to ''Education Week,'' 61 percent of students do not complete high school.

I hope that Senators will come to the Senate floor and contradict these statistics and tell me that this is crazy, that they do not agree with these statistics. I hope they can do that, because, in fact, I find these statistics to be very startling.

But I know for a fact that in my State the percentage of people not completing high school is very high. It is particularly high among Hispanic students in my State. We have a great many Hispanic students in my State, and way too many of them leave school before they complete high school and middle school. There currently is no Federal program that is intended to help solve this problem.

We have a TRIO Program. People point to the TRIO Program. It is an Upward Bound Program. But less than 5 percent of the eligible students participate in those programs.

There is a program just now getting started called GEAR UP. This is for middle school mentoring. The unfortunate thing about this is that it doesn't reach ninth or tenth graders. That is where the problem really occurs most severely.

Then title I—title I, unfortunately, does not usually get any funds to the high school level. Most of the title I funding goes to elementary schools where the need is great. But what I am talking about is middle school and high school. And those schools see very little title I funding.

One of the main reasons this bill is needed is to restore some balance to the Elementary and Secondary Education Act, which, at present, is heavily weighted toward the younger grades. I favor the assistance to the early grades, but I believe we need to do something at the middle school and high school levels as well.

A lot of what needs to be done is reforming our high schools. Our high schools are too big. That is where the dropout problem is most severe. You get a 2,500-student high school, and, frankly, it is too anonymous. Too many of the young people come to that school; nobody knows whether they come in the morning or not. I have talked to high schools in my State, the large high schools, and I ask, ''What do you do if a student doesn't come to school?'' They say, ''After 3 days of them not coming to school, we send them a letter. We send a letter to their home address and ask them why they are not coming to school and complain to the parents.'' Well, the reality is you need a more personalized response and a more immediate and effective response when students start dropping out of school. This legislation can help us accomplish that.

United States graduation rates are falling behind other industrialized countries. When the Governors met and President Bush met in Charlottesville in 1989 and set the National Education Goals, the second goal was that we want to have at least 90 percent of our students complete high school and graduate from high school. The reality is we have made virtually no progress towards achieving that goal since 1989. We are now in 1999, and we have made

virtually no progress. Clearly, we need to deal with this issue.

Some have said: ''Well, let's put it off. Let's deal with it later on in this Congress. This is a 2-year Congress. We are going to eventually get around to the Elementary and Secondary Education Act reauthorization. We can deal with it then, maybe not this year. But surely next year we will get around to it. So just relax. We will get around to it.'' I believe we have a crisis with our high school dropout rates, and I believe we need to deal with it now.

There is no logical reason why we can't do the Ed-Flex bill, which I support, and do whatever this Senate wants to do with regard to special education, and do something to assist local schools in dealing with the dropout problem. We can do all three of these things.

As our former President, Lyndon Johnson, was famous for saying, ''We can walk and chew gum at the same time'' here in the U.S. Senate. This is not too much for us to take on.

I urge my colleagues to support this amendment. I hope we get the same kind of strong vote this time that we got in the last Congress—at least have the 74 votes that we got in the last Congress. I hope we can get even a stronger vote.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The Senator has 1 hour 57 minutes.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the previous agreement with respect to the Ed-Flex bill be modified to allow 1 hour of the 5-hour debate limitation to be used on Thursday prior to the vote with respect to the pending amendment, and, further, that hour of reserved time be equally divided.

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

Mr. JEFFORDS. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 64 TO AMENDMENT 31

(Purpose: To reduce class size, and for other purposes)

Mr. BINGAMAN. Mr. President, on behalf of Senator MURRAY and a long list of additional Senators whose names I will put in the RECORD, I send an amendment to the desk to help communities reduce class size for the youngest children in the school.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, [Mr. BINGAMAN], for Mrs. MURRAY, for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mrs. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN, proposes an amendment numbered 64.

Mr. BINGAMAN. 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 printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 65 TO AMENDMENT NO. 31

(Purpose: To improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during afterschool hours)

Mr. BINGAMAN. Also, on behalf of Senator BOXER, I send an amendment to the desk to expand afterschool opportunities for children nationwide.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mrs. BOXER, for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SARBANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERRY, proposes an amendment numbered 65.

Mr. BINGAMAN. 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 printed in today's RECORD under ''Amendments Submitted.'')

Mr. BINGAMAN. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 66 TO AMENDMENT NO. 31

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

Mr. JEFFORDS. I send an amendment to the desk on behalf of Senator LOTT, Senator JEFFORDS, Senator GREGG, Senator COLLINS, Senator FRIST, and Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes amendment numbered 66.

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 amendment is as follows:

At the end, add the following:

SEC. XX. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. XX. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriate to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

AMENDMENT NO. 67 TO AMENDMENT NO. 31

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

Mr. JEFFORDS. Mr. President, I now send to the desk an amendment for Mr. LOTT on behalf of himself and Senator JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes an amendment numbered 67.

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 amendment is as follows:

At the end, add the following:

SEC. ___. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

AMENDMENT NO. 68 TO AMENDMENT NO. 31

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

Mr. JEFFORDS. Mr. President, I ask on behalf of Senator LOTT and others I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, and Mr. ASHCROFT, proposes an amendment numbered 68.

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 amendment is as follows:

At the end, add the following:

SEC. ___. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. ___. ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

''(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike ''and''.

On page 13, line 15, strike ''all interested'' and insert ''parents, educators, and all other interested''.

On page 13, line 17, strike the period and insert '', shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.''.

At the end, add the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

Mr. JEFFORDS. Mr. President, at this time I would just like to make some brief comments on the amendments which have been presented by the minority. I would like to again reiterate for my colleagues that the process we are going into was an agreement reached in order to move this bill along. This bill, which is known as the Ed-Flex bill, is relatively noncontroversial. I think the only vote in opposition in committee, and may well be in the Chamber, was by Senator WELLSTONE. But we are in the process to move this bill along, to move it along with the House bill, which I believe was passed, or will be passed today in order to get it into law in time so that States may have a maximum benefit from its passage. It is a bill with which all 50 Governors agree, a bill with which the President agrees, and the Department of Education has been sending the guidelines out for its utilization. All of this is ongoing.

However—and it is understandable—the minority has a desire to be able to put amendments on the bill because they feel strongly that these initiatives ought to be put into law. However, as chairman of the Health, Education, Labor, and Pensions Committee, I must say that we are in the process now of reauthorizing the Elementary and Secondary Education Act. That act is where most of these amendments should be. Some of them are perhaps relevant. For example, part of the Wellstone amendment is relevant to the Ed-Flex bill.

If we are going to assure that the committee system works—where evidence is presented at hearings, where we have people from the local schools all the way up to the States' Department of Education testify, where we can be absolutely sure of what we are doing in this incredibly important bill, the Elementary and Secondary Education Act, which has some $50 billion in Federal dollars, I believe it should not be done in this kind of ad hoc process of attaching amendments. Well-intentioned as the amendments may be, some of which I would agree to, some of which I have even offered in the past, we can not offer them in a way that does not make sense when you are trying to be more effective with the expenditure of Federal funds.

There is $50 billion included, and yet, as I mentioned earlier, over the last 15 years, ever since we understood we had some serious problems in education in this country, we have seen absolutely no measurable improvement in the test results of our young people.

That is an intolerable situation. It does not make any sense to reauthorize a bill, which has obviously not had much impact on improving education in this country, without holding hearings or before fully examining it.

I am put in the very difficult position of having to allow these amendments to be presented in order to move the bill along, and then I will be the one to have to move to table. A motion to table means you do not allow the amendment to be voted on, and I will do this because the amendment should be offered when the Elementary and Secondary Education Act is before us. But, my move to table will give the political argument that I killed all these amendments. I am just trying to help this country's education system improve and not to do it in this ad hoc, messy way.

Therefore, I must oppose the amendment offered by my colleague from California, Mrs. FEINSTEIN. I have long advocated that we, as a Nation, need to address, head on, the issue of social promotion. In fact, we made some progress in this area last Congress. Funds made available for title II of the Higher Education Act, teacher quality enhancement grants, may be used by States to develop and implement efforts to address the problem of social promotion and prepare teachers to effectively address the issues raised by ending the practice of social promotion.

''Social promotion'' is a term which educators know, but I am not sure everyone does. It simply means that we sort of gave up on young people saying, well, it is not really that important that they know how to read because there are jobs that you can get without having to read.

That situation has changed. We are going into the next century, and we know that unless a child has an excellent education when they graduate, they are not going to be able to get a good job. The literacy studies show that 51 percent—this is an incredible statistic—of the young people who graduated from high school, when measured for their performance, were functionally illiterate. We have to stop that. Ending social promotion is what that is all about.

However, the amendment by Senators FEINSTEIN and DORGAN is one I will reluctantly have to move to table, in order to make sure that we can move on in an orderly process on the ESEA reauthorization.

The other amendment, by Senators BINGAMAN and REID on school dropouts, is in a similar situation. We all know that we have to do something about school dropouts. We know that the so-called forgotten half in our educational system for years has been ignored, and when they get to sixth, seventh, and eighth grades they do not see any relevance to education in their lives. Everybody is pushing: You have to go to college; You have to go to college. And now we know there are many high-paying, skilled jobs that young people can get, and that young people would have the ability for if they had the proper schooling efforts in order to learn those skills that are necessary.

And so we have to accommodate that. We have to make sure that the young people in the sixth and seventh grades understand that if they do things to get the education, they will be able to get a good job.

There has been a tremendous move in that direction in some States. In Mississippi, with one of the worst records in the sense of educational performance, they are spending millions of dollars making sure that young people start looking at careers in the sixth grade so that they know there is a relevancy to the education and they won't drop out. It is very important. But it should be considered on the Elementary and Secondary Education Act, which is now before the committee,

and on which we are holding hearings. I certainly agree with Senator BINGAMAN in what he is doing.

There is another amendment that has to do with report cards that we have listened to, and that is fine, as well. But that is an issue for the States to address, not for the Federal Government to mandate.

In many cases, the States are ahead of us in addressing the quality of their schools. Mr. President, 36 States already require report cards. We need to also remember that funding for education is primarily a State and local responsibility. So, again, that is another good approach, but it is something we should do in the orderly committee function.

Senator WELLSTONE has amendments. I have to say at least one of them is relevant to the underlying act. He is on the committee. He had an opportunity to offer it, but did not. Under the present situation, Ed-Flex demands accountability of States that are participating. It is important to keep in mind that accountability has been part of Ed-Flex since its inception, and the managers' package builds on those strong accountability provisions. So, again, this one could have been offered in committee. He chose not to offer it in committee, so I must oppose that one as well.

Mr. President, I again want to put everyone on notice that I have the responsibility to protect the ability of this committee to work in an orderly fashion. Because of that, I will have the unpleasant duty of probably moving to table these amendments when they come up, or to oppose them.

I would like to also refer to the Boxer amendment. This is another one that is very familiar to me. The 21st Century Community Learning Centers is a program that I created back in 1994 as part of the Elementary and Secondary Education Act. I fought hard to include this program in the Elementary and Secondary Education Act, and was successful, in spite of opposition from the very same administration. Getting the program funded was not easy in the face of the administration's opposition to this program. In fact, the administration proposed rescinding the fiscal year 1995 funding for the 21st Century Community Learning Centers. All of a sudden, the administration woke up and said: Hey, Republicans sometimes have a good idea. It is an amazing thing for this administration to recognize. But anyway, all of a sudden they put $750,000 into the program—I am sorry they asked to rescind it at another time.

More recently, the administration decided that they now like this program, and in fiscal year 1997 they recommended $15 million for this program. Now they are increasing it even more. So, obviously, I am a great friend of that one. It was a bill I got passed back in 1994 in the last reauthorization of the Elementary and Secondary Education Act.

I have enormous interest in changes to any of this legislation, certainly changes as dramatic as proposed by this amendment. This amendment almost completely rewrites the 21st Century Community Learning Centers. It changes its purpose, use of funds, and other aspects of the legislation. Last year, the administration, through the competitive grants process, substantially changed the focus and, indeed, the very nature of it by rewriting regulations. That was an unfortunate matter. Overnight, an act to expand the use of existing school facilities became an afterschool program—retracted it.

All these other things are just as valuable. Certainly I understand the desires of Senator BOXER to work on that bill. We will have plenty of opportunity. She will have all the opportunity she wants when the bill comes out of the committee later this year.

So, I could go on and on. But right now I again want to reiterate, in order to get this bill through we have been forced to go into this kind of amendment process, which some will say gives them the opportunity to do something constructive, knowing full well at the end of the day they on the other side of the aisle will not prevail because they do not have the votes. Fortunately, I believe my colleagues in the Senate, at least the majority of them, will say: Yes, let's use the orderly process, the one this institution was designed to utilize, in passing out legislation, passing out bills. And the process of offering amendments should be done first in the committee where they can have a good review after hearings and then secondly done on the floor.

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

Mr. INHOFE. Mr. President, I am pleased to have the opportunity to discuss my support for the Education Flexibility Partnership Act or Ed-Flex as it has become known. Ed-Flex provides much needed relief to the schools of 12 states currently included in a demonstration project begun in 1994. Like many of my colleagues, I believe it is time to give this relief to the other 38 states who suffer from government over-regulation.

In preparation for each new school year, teachers and school administrators throughout the country face the challenge of providing the highest level of education with a limited amount of resources. This has always been the case and will remain the true for generations to come. I know this from personal experience. My wife was an educator in the Tulsa Public School District for many years and both of my daughters are current teachers. In my conversations with them, I have seen first hand the problems associated with bureaucratic mandates handed down from Washington.

Let me give you an example of what I am talking about. Over the last three decades, the Federal Government has piled on mountains of bureaucratic redtape on local school districts. Between 1960 and 1990, the average percentage of school budgets devoted to classroom instruction declined from 61% in 1960 to 46% in 1990. The most significant reason for this decline is traced to the explosion of administrators and non-teaching support staff while the overall number of teachers has reduced. One primary reason for the growth in administrative personnel is the growth in regulations, both state and Federal.

Let me show you just one example of how this is evidenced in Oklahoma. In my hometown of Tulsa, the Tulsa Public Schools have approximately 42,600 students. In order to provide quality education to those 42,600 students, there are approximately 225 administrative staff employed by the Tulsa Public Schools system. Now, I realize that some of these are essential managerial and administrative staff, however, how many are doing nothing more than trying to keep Tulsa schools' in compliance with Federal regulations? How many of those staff could be better utilized in classrooms across the district instead of spending their time dedicated to paperwork? And, this is just one example of one public school system in my state. The problem is the same in every single school system.

Mr. President, it is clear, the more people and resources it requires to comply with government regulations, the fewer people and resources dedicated to teaching our children.

Each time we create a new Federal program, with it comes numerous forms and reports. The schools must understand, complete these forms and reports and submit to the appropriate departments within the appropriate agencies, by the appropriate deadlines. Whether schools use teachers and administrators, or support staff and volunteering parents, to fulfill this obligation, valuable time and resources are used for Washington's paperwork, not student education.

Let me illustrate this point further. Currently, the Federal Government provides approximately 7% of overall school funding. However, Federal paperwork accounts for upwards of 50% of all school paperwork. It is estimated that completing this paperwork requires about 49 million hours each year. Mr. President, that is the equivalent of 25,000 employees working full time for an entire year. According to one expert, it is estimated that it takes six times as many employees to administer a Federal education dollar as it does to administer one state education dollar. Again, these people are not teaching or educating our children, but completing bureaucratic red tape.

Earlier, I discussed the number of administrative positions in the Tulsa Public Schools; but the problem is more pronounced in the state as a whole. There are approximately 5,950 administrative and other certified staff performing non-teaching duties in Oklahoma. Those 5,590 people represent

about 10% of the total public school personnel. That is 10% doing something other than teaching children. That concerns me greatly. I have to wonder whether we are using our resources in the best way possible to meet the educational needs of our children.

Now, some of my colleagues, and the President, believe that we need the Federal Government to hire an additional 100,000 teachers in order to reduce class size around the country. However, I have to wonder if that is really the answer to the problem. As I have just demonstrated, we have too many professional and certified staff in my state that are not educating children. Instead, they busy themselves attempting to comply with government regulations. If we can unburden school districts of cumbersome regulation, the local districts can shift some of their resources back to educating our children. If the Federal Government does require the states to hire additional teachers, it will simply be one more mandate handed down from Washington for the states to comply with once the dedicated Federal funds expire. You can be sure that if there are additional Federal mandates there will be additional non-teaching certified staff required to administer the program and that means another professional staff member not in the classroom teaching our children.

As the bureaucratic mandates from Washington have increased, states needed a way to gain some flexibility to address their individual concerns. Our answer to the states was the Education Flexibility Partnership Demonstration Act of 1994, an effort I was proud to support while I was in the House of Representatives. First authorized in 1994 for six states, and expanded in 1996 for six additional states, Ed-Flex has given 12 state legislatures the freedom to identify the most efficient and effective means possible to meet the needs of students and schools in their states. Under Ed-Flex, the Department of Education gives to states and local districts the authority to waive certain Federal requirements that interfere with state and local efforts to improve education. In exchange for this flexibility, the state and local districts must agree to comply with certain federal core principles and agree to waive its own state regulations. The states must also agree to use the affected federal funds for their original purpose.

Mr. President, I think it says something about the nature of our current bureaucracy that we have to give states the power to waive Federal regulations. If there were fewer onerous regulations in the first place, we would not have to pass legislation to give states the power to ignore federal regulations. Wouldn't it make more sense to let the states be responsible for the education of our children, not bureaucrats in Washington?

In my State of Oklahoma, we have great diversity in our education needs. We have schools of all kinds; urban schools, rural schools, inner city schools, and suburban schools. In my conversations with educators and administrators, I hear them tell unique stories about the challenges they face in trying to educate their students. All of these educators tell different stories. However, not surprisingly, almost to a person, they tell me of the problems they have in complying with government regulations. It does not come as a surprise to me that the education challenges presented at urban schools like Tulsa McClain High School differ widely from the needs of smaller rural schools like Weatherford High School. Yet, they all have to comply with the same Federal regulations. Given the failings of the public schools today, it is little surprise that the cookie-cutter approach of the Federal Government has been a disaster.

The time has come to move beyond a one-size-fits-all Federal approach in educating our children. As I look around our country, I see the great successes that our Governors are having in making progress in education reform. I am continually amazed at the policy innovations going on in State legislatures all over the country with regard to education. However, now, it is the Federal Government's responsibility to join with those Governors and give them more flexibility to continue to innovate and improve our public schools. I understand the need for accountability. However, I believe accountability is best when it closest to home and vested in Governors, State legislators, and local school board officials than with faceless Federal bureaucrats in Washington. State leaders understand this. That is why groups like the National Governor's Association and the National Conference of State Legislators have endorsed this legislation.

As I have watched and listened to the debate on Ed-Flex, I have been surprised by many amendments offered by some of my colleagues on the other side of the aisle. Many of the proposed amendments seem counterproductive to the central purpose of Ed-Flex. Ed-Flex is about easing government mandates and regulations. However, many of the amendments we have debated would add to the mountain of Federal mandates applied to State and local school districts. As much as I hate to say this, it appears that many of my colleagues would rather have a political issue than have meaningful education reform.

Mr. President, the results Ed-Flex prove the effectiveness of the demonstration program. Whether it is giving local districts the resources to provide one-on-one reading tutoring or lower the teacher to student ratios in classrooms, Ed-Flex has been a tremendous success. These are all things we can agree upon. Based on its proven track record, the time has come to expand Ed-Flex to the rest of the country. We need to continue to identify programs that work and expand them, while eliminating the programs that are ineffective.

In closing, Mr. President, I want to thank Senators FRIST and WYDEN for their leadership on this issue. Their efforts prove that we can work together to the benefit of our children when it comes to educating our children. As the Senate proceeds with the reauthorization of the Elementary and Secondary Education Act later this year, I look forward to working with them to continue to progress we have begun here today.

Mr. President, thank you for the opportunity to discuss my views on Ed-Flex and I yield back the remainder of my time.

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. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, for the convenience of all Members, I would like to let them know that, as far as I know, at least on the majority side of the aisle, there are no speakers desiring to come to the floor. I put them on notice that if I do not hear from them within 10 minutes, we may end up drawing the session to a close. As far as the other side of the aisle, I also inform them. I believe we have notified the minority that if they have no further speakers, we would appreciate knowing that. If we hear from no one within 10 minutes, we will presume they have no further people to be heard and then yield the remainder of the time back so that tomorrow we can start on schedule.

I also notify Senators that the order of the amendments tomorrow will be the order that was originally delineated and not as they may have been presented, so that Senators will know exactly when their amendments will be coming before us.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I would like to share a few remarks. I have had the pleasure to be able to preside over this body for the last hour and hear some excellent remarks from Senators who are concerned about education. I thought, as we heard some

good remarks from one of our brother Senators about an amendment to deal with the dropout rate, that this is how we have gotten where we are today in large part.

The remarks were good. I personally am concerned about the dropout rate. I have been involved in youth programs in my hometown of Mobile, AL. We had a meeting with the police and the school boards on how to deal with truancy, dropout problems, and what we could do to confront that. That is happening, I suspect, all over America right now. Some schools have good dropout programs, others do not.

The question was, are these numbers—showing 50 percent in many schools dropping out before graduating—are they accurate? I am not sure that they are, frankly. We questioned that in our community, because sometimes when people transfer from one school to another, they are counted as a dropout. But we do have higher dropouts than we need. And good school systems are identifying them at the earliest possible time in dealing with them.

But I thought to myself as it was suggested—this amendment would suggest and mandate that we have a dropout czar in America—so this U.S. Senate now is going to take it upon itself to have a czar to deal with dropout problems. And that will be the 789th—if I am correct in my numbers—Federal program Congress would have adopted and that is now in effect, all to be added to a bill called Ed-Flex that is suppose to give more flexibility to the school systems, to allow them to use the resources we are sending to them now effectively to deal with the problems as they know they exist and they would like to deal with them.

Yes, I wish I could wave a wand and create a program that would instantly eliminate the dropout problem in America. I would be tempted, as all of us are, to think we could appoint a czar in Washington who would stop the dropout problem. But I really do not think it is going to happen.

What we have to do is strengthen our school systems in the classroom, where teaching occurs, making those schools more friendly, more motivating, more interesting, more challenging, educating the young people who are there, because really the only thing that counts is that magic moment in a classroom when the learning occurs between teachers and pupils.

One of the Senators said our problem is schools are too big. Well, I guess next we will have a czar to set the sizes of schools in America. My daughters both graduated from a large high school in Mobile, AL. Bill Bennett came down and gave them an award as one of the best high schools in America—racially balanced—a big high school, Murphy High School, an outstanding high school. It is a large school. All large schools are not bad. In fact, our dog was named Murphy, named after the high school. We loved that school. My wife and I participated in the PTA and were most interested in what went on there.

When I graduated, my senior class had 30 members. It was a public high school. The one who finished third in my class of 30 is now dean at the University of Alabama. And I finished below her. And the one who finished two below me—seventh—graduated from the U.S. Naval Academy.

I do not think we need in this body to be saying what the sizes of schools ought to be and how school systems ought to run their programs. We need to help them in every way we can and to eliminate this problem, as I noted earlier today, where a system like Montgomery, AL, spends, according to the letter I got, $860,000 to comply with Federal regulations. The Federal Government gives 8 percent of the funding and over 50 percent of the regulations.

So our chairman, Senator JEFFORDS, has presented a commonsense, reasonable, modest step toward allowing local school systems to petition for the right to have flexibility in how many of these governmental programs are ordered. That is so rational, it makes so much sense, and it in fact was proven effective in the welfare reform bill. That is all we are talking about.

There is no doubt Senator JEFFORDS will conduct hearings on any of these matters. He will take testimony and receive it and consider matters to deal with truancy, matters to deal with drug problems, matters to deal with special education. We want to deal with that. But that will come up in the education bill that will come along later.

This bill needs to remain a clean bill designed to create flexibility for our school systems in America. That is what it ought to be. We ought not to allow it to be clogged up with every Senator's view of what would be wonderful if they just ran schools in America, because that is how we have gotten in this fix. That is what we are trying to make some progress toward completing.

I care about education. I care about public education. I taught. My wife has taught. Our children have participated in public education. We want to make it better. But I am not at all persuaded that the Members of this body have studied the problems of the Mobile, AL, or Vermont school systems. They have not studied those problems. They do not know how to fix them. They read a study somewhere that says something, and they feel obligated to come down here and present the next program, the 789th program, Federal Government mandate, to fix it. Then they can go back home and say, ''I fixed truancy, I fixed dropout problems,'' or whatever.

I just say to my colleagues that this is not the way to do it. We have elected school board presidents, school board members. We have superintendents of education. We have principals. We have teachers. They know our children's names. We need to put as much power and as much money into the hands of the people who know our children's names as we possibly can. If they do not care about our children, we need to make sure we have someone there who does. But I submit to you they do care about them. They are better trained than we are in education. They are seeing kids every day in their classrooms. They know what facilities are in existence. Do they need more teachers? Do they need more classrooms? Do they need more computers? Let them decide that. That is what we should do; give them the flexibility to make the decisions needed.

I think we will find, if we pass this bill, that instead of just the 12 States indicated in the chart from the GAO report this past November—the GAO studied this Ed-Flex bill that gave 12 States the right to have more flexibility in their educational programs. They concluded that they have used their authority well, the flexibility given to them, and that the waiver authority has been used carefully and judiciously.

Why would we expect otherwise? Why would we expect that the people we have elected and hired to take care of our children, who know our children's names, are not going to use freedom and financial support from Washington carefully and expeditiously? I feel very strongly about this.

I see the Senator from Arkansas has come to the floor. I will be anxious to hear his remarks, because he has served on this committee, that I have just joined this January, for the past 2 years. He is passionately concerned about improving education. He has a bill that I am proud to support—Dollars to the Classroom. That bill goes much further than this Ed-Flex bill. I believe it would be a historic step toward empowering our local education system to get out from under Federal regulations and be able to focus entirely on educating our children, get that money and authority to the classroom where it can be used wisely.

I thank the Chair for the time and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I want to associate myself with the remarks of the Senator from Alabama and thank him for his kind remarks concerning the Dollars to the Classroom proposal. I look forward to working with him on the committee.

I am dismayed that a bill that has the kind of bipartisan support—support in this Chamber, support across the country among educators, support among our Nation's Governors—would have been held up as long as this has been held up and would have had the kind of amendments, many of them worthy of debate but that would have been far more germane to the Elementary and Secondary Education Act, which, as the chairman has said, will be debated and will be marked up in committee later this year. I think it is

unfortunate that we have had all of these amendments filed.

As Senator SESSIONS said, I have a bill, that I feel very strongly about, that would go further than Ed-Flex. I have resisted offering that as an amendment. We could have brought that to the floor. We could have offered that to the Ed-Flex bill. However, it is important that this piece of legislation move forward uncluttered, clean, with the support of both parties, and be presented to the President for his signature.

I want to especially address in the next few minutes one of those amendments which has been offered, an amendment that sounds so good: The 100,000 teachers funded at the Federal level over the next 7 years. I think it is kind of a cotton candy amendment: It looks good, it is sweet, it tastes good, but it is not very filling, it is not very satisfying, and it is not very good for you. The 100,000 teachers—when you say that at first blush to the average American, that sounds very, very appealing, but I think when you look in greater depth and you look more closely at what that amendment would do, then, I think in fact it is not worthy of our support.

We have already decreased class size across this country. At the same time we have seen a dramatic reduction in class size across the United States, we have not seen a comparable improvement in achievement. Between 1955 and 1997, over 42 years, school class size has dropped in the United States from 27.4 students per classroom to about 17 students per classroom, according to the National Center for Education Statistics—a very dramatic drop, from 27 to 17. At the same time, the number of teachers has grown at a faster rate than the number of students. This chart illustrates that very clearly. We see a very dramatic increase in the number of teachers and the student ratio decreasing appreciably.

While public school enrollment has decreased in Arkansas, in my home State, going from the broad international statistic to what it looks like in Arkansas, we have seen our public school enrollment drop slightly, by 1.3 percent, during the last quarter century. The number of teachers during that same period of time has dramatically increased in Arkansas, from 17,407 in 1965 to 29,574 in 1997. Now, that represents a 70-percent increase in teachers in the State of Arkansas. At the same time, we saw a slight decrease in the number of students in our public schools. What that represents is a very dramatic improvement in classroom size. We have smaller classes, we have more teachers teaching those classes, but studies have shown that unless the class is very, very large to begin with, modest reductions in the size of the class do not correlate with gains in student performance.

Here is the point: Effective teachers can generally handle, studies indicate, an ordinary class of 19 students as easily as they can handle a class of 14 students.

I want teachers to have smaller classes. I think that is a desirable goal. It is a goal that is being achieved in States all across this country. But I do not believe it is something we should mandate from Washington, DC, nor fund from Washington, DC. Senator SESSIONS said it better than I can: I don't believe we need the 100 Members of the U.S. Senate to become some kind of super school board making those kinds of decisions as to what schools need most.

At the same time teacher-student ratio has dropped in Arkansas from 21.9, almost 22, in every class in 1970, to 17 per class in 1995, student achievement has failed to show a measurable increase during that same time period. I want to say that again: We have seen classes drop from about 22 per class to 17 per class over the last 25 years in Arkansas. It has dropped more dramatically nationally, but in Arkansas we have seen it drop from 22 to 17. We have not seen student achievement show comparable improvement during the time that classes got smaller.

Now, the initiative that has been presented by Senator KENNEDY, the amendment offered by Senator KENNEDY and Senator MURRAY, is expensive indeed, and there is no demonstrable evidence that for what we will be paying for this new program, we will see a corresponding improvement in academic performance. If enacted, the President's teacher initiative will provide enough money to hire only 361 additional teachers in the entire State of Arkansas in the first 2 years. All of the hoopla, all of the excitement about the 100,000 new teachers—which sounds like such a dramatic number—over the next 2 years in the entire State of Arkansas, it means 361 additional teachers.

Now, we have in Arkansas 314 school districts. Many have argued we need fewer. Perhaps that is true; perhaps we need to consolidate some. But we have 314 school districts. We are going to receive 361 new teachers. That is 1.15 new teachers per school district. If we want to break that down a little more, it amounts to about half a teacher per elementary school. Since the focus of the amendment and the initiative is supposed to be grades 1 through 3, when you calculate that, it means .18 new teachers.

Here we have that clearly outlined: In the State of Arkansas, 1.15 new teachers per school district; a half a teacher per elementary school; or .18 new teachers for each grade 1 through 3.

It is simply not enough of a commitment if that is what we are trying to do, it is not enough of a commitment on reducing class size, to make an appreciable difference in Arkansas or the Nation. If this initiative were carried out for the full 7 years, Arkansas would be able to hire only 939 new teachers for the whole State over the whole 7-year period. That equals 3 new teachers per school district, or 1.4 teachers per elementary school, or half a teacher in grades 1 through 3, to do the whole program for the whole 7 years. For such an expensive proposal, I believe Americans expect more results than that.

This will do little to actually reduce the student-teacher ratio when there is only one new teacher in an entire school district, which is the result we would have under this initiative.

Lisa Graham Keegan, one of the most innovative directors of public instruction in the country, superintendent of public instruction for the State of Arizona states:

> In the first year of the President's new program, Arizona will receive more than $17 million. $17 million is a lot of money; what do we get for that kind of investment? At $30,000 per year—a good, but not great wage—we can pay for a little over 500 new teachers, as the program asks. In Arizona, that comes to a bit under 2 teachers per school district. Not per school, but per school district.

They would average two new teachers per school district in the State of Arizona. Not every school district—and I think this is so important—finds that their greatest need is having more teachers or smaller classes. Many school districts do not need more teachers. They may need more books or more computers. Maybe they just need better-trained teachers. A one-size-fits-all approach is not what States and school districts need or want.

Again quoting Lisa Graham Keegan, she states:

> President Clinton made it abundantly clear that he had decided that smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn. Nevertheless, because class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

Well, that is a pretty strong allegation. But I think it is accurate on the basis of effectively anecdotal evidence. The President concluded this sounds good, looks good, this is appealing, and this was going to be his education initiative: 100,000 new teachers, paid for by the Federal Government, without having the research to demonstrate that, in fact, it correlates to better academic performance.

This program requires that the money be used for new teachers. Yet, many States have already implemented class size reduction programs on their own. At least 25 States, including California, Florida, Nevada, Tennessee, Wisconsin, Virginia, and Maryland, have either tried a class size reduction program or are currently considering a class size reduction program.

What about the 25 States that, on their own, many times at the expense of their constituents and their school patrons, have implemented their own class size reduction programs? What about those who are ahead of the curve

and have sought to address this at the local level? Are we now going to say we are imposing this upon you, that you have to hire these new teachers if you want the benefit of this Federal program?

In his testimony before the Senate Health and Education Committee, on February 23, Michigan Governor John Engler said this. I know our Presiding Officer, the Senator from Michigan, will concur with this. Governor Engler has been one of the most creative and innovative Governors both in the area of welfare—pushing welfare reform a number of years ago and seeing a tremendous revolution in the welfare system in Michigan—and he has now been pushing hard for greater flexibility for the schools in Michigan and the schools across this country. He said in his testimony before our committee:

Many Governors feel so strongly that the bureaucracy is the problem that we cannot imagine being unable to improve education with greater funding flexibility.

He didn't say send us more money. He might not turn that down, I don't know; but he didn't say that was the greater need. He said the problem is the bureaucracy. Give us greater flexibility and we will improve education.

Governor Ridge of Pennsylvania said in his testimony before our committee:

We all care about teacher competency, social promotion and class size and many other things, yet, we must recognize that the States themselves are designing programs that meet their unique needs.

The States themselves are designing programs. Once again, it is a matter of trust. Who are we to conclude in the U.S. Senate that we can be trusted to know what is best for local schools in Michigan, Arkansas, Vermont, and Washington State, but the Governors don't, the school superintendents don't, or that the local elected school boards can't be trusted? I think that is a misconception and an insult to those local leaders who care as much about the welfare and the education of children as we do here in the Senate.

Reducing class size simply does not necessarily mean we are going to have improved performance. It does not deliver the results. States performing exceptionally well on achievement tests do not have an extraordinarily high number of teachers per student. For example, the State of Minnesota ranked third in the 1996 NAEP test scores for eighth grade mathematics. They ranked third on the NAEP test in eighth grade math. They rank 42nd in students per teacher.

If lowering class size were the panacea, then Minnesota, I think, would have a hard time explaining why they rank third in the Nation in eighth grade math and 42nd in class size. There simply is no clear correlation. Without the research, without the hearings, without the evidence, why would we want to pass it? Is it because, like cotton candy, it looks good and sweet?

On the other hand, schools that have a low student/teacher ratio do not necessarily have a high achievement score. Example: The District of Columbia has the lowest number of students per teacher—13.7—of any State or Federal jurisdiction. It is 13.7. Yet, it ranked 41st in its 1996 NAEP test scores for eighth grade math. In contrast, we have Minnesota. I know there are a lot of factors that can be involved, but that tells me there is not a clear correlation between class size and academic performance.

Eric Hanushek, an economics and public policy professor at the University of Rochester, maintains that teacher quality ''has 20 times the impact of class size. Teacher quality just swamps all the evidence we have on class size. If I had a choice between a large class with a good teacher and a small class with a lousy one, I'd take the large class any day.''

The teacher quality is far more critical in ensuring the quality of the education of our children than the student/teacher ratio, the class size.

I remember, vaguely, when I was in the second grade we had too many second graders; we had 37. And so the superintendent decided we were going to take 7 of the second graders—me being one of them—and put them in a joint class with second and third grade. Mrs. Hare was the teacher. Some of the parents expressed concern that we were going to have a combined class because the class was too big. But we had an extraordinary teacher, a quality teacher, in a combined class of 7 from one grade and 20 from another grade. But it worked. It worked not because the class size was perfect, or because the student/teacher ratio was perfect, but because, as Senator SESSIONS referred to it, the magic of learning in a classroom was taking place. We had a quality teacher who cared about the kids and instilled in us students a desire to learn. That is what we can do about education—improve the quality of teachers in the classroom, not some feel-good measure of hiring 100,000 teachers, whether that be the need or not.

Mr. President, about 1,100 studies have been made of class size. Out of those 1,100, only a very small few made any link at all between small classes and improved achievement. The research and the evidence is simply not there.

The proponents of this measure keep mentioning that we need to fulfill the promise made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program, at a price tag of $1.2 billion.

What I would ask is this: What happens at the end of the 7 years when this authorization expires? We then have a new mandate that must be funded, or the States and localities will bear the burden of continuing the program which we started. Hiring 100,000 new teachers with the spending schedule to expire at the end of 7 years will result in one of two things: Either a new heavier tax burden upon our States in trying to pay for these teacher salaries, or a permanent entitlement established at the Federal level, and another step in nationalizing education control in this country.

What happens with new Federal education programs? Once in place, they grow. They grow. Year after year, they grow. And this will become a new prescriptive program that places more regulations on the localities and further contributes to a Federal oversight of what should be and has always been a local issue.

Some Members have been talking about the urgency with which we must enact class size legislation. But, before we create a new Federal program, shouldn't we, I ask my colleagues, fully fund the mandates that Congress has already placed on school districts?

Every time I meet with parents, teachers, principals and local school board members from across Arkansas, they have one common theme and one common complaint. And it is this: Senator HUTCHINSON, please fully fund special education.

When we placed that mandate upon the schools, we made a commitment and a pledge that we were going to provide 40 percent of the funding of that mandate at the Federal level. Now, before we have even gotten close to meeting that commitment, we start a host of new programs, including the initiative to hire 100,000 new teachers.

During the 1995–1996 school year, 53,880 students in Arkansas were served under IDEA. That is about 12 percent of all students in the State served under IDEA special education.

Funding for special education affects all schools and all school districts. It is not a problem limited to Little Rock, or Rogers, AR, or to the State of Arkansas. Every State has to deal with this critical funding problem.

We are failing to miss a critical point: If we provide more funding for special education, then schools will have more money available to hire more teachers, create afterschool programs, or build new schools, whatever the need is at the local level.

If we would, rather than funding 100,000 new teachers ''one size fits all'', whether that is the need at the local level or not, if we would instead take that funding, place it in IDEA special education funding, it then would allow the local school districts to determine with the resources that are now free where the greatest need is—computers, books, tutors, or even school construction. But the decisions would be made locally.

In 1975, Congress first mandated a free appropriate public education for school-age children with disabilities. We have, Mr. President, not fulfilled the responsibility to which we committed.

The formula for providing grants to States is authorized at 40 percent, the national average per-pupil expenditure. Congress has never provided more than 12½ percent of IDEA funding, and that

was back in 1979, 20 years ago. For fiscal year 1999, allocations to States represented only 11.7 percent of average per-pupil expenditures. Schools get only 11 percent of the funding, but 100 percent of the Federal mandates, and what an expensive mandate it is.

This shortfall in funding does not just affect special education students. Because schools are mandated by Federal law to provide a free and an appropriate public education, they must provide these services.

As Fort Smith public schools superintendent, Dr. Benny Gooden, wrote in a letter last week—one of our outstanding superintendents in Fort Smith, AR, who writes regularly about the burden that IDEA places upon local resources:

> For almost 25 years, local elementary and secondary schools and their governing boards of education have attempted to deliver essential educational services to children with disabilities under these Federal guidelines. During this time period, the costs associated with providing these services have escalated dramatically, while the level of Federal support has never approached the promised 40 percent of applicable costs which accompanied the initial passage of the legislation.

While providing an education to disabled students is necessary and desirable, we must recognize the effect of imposing unfunded mandates on our school districts.

The more that we fail to pay our fair share of the cost of educating disabled students, the more we force local school districts to take money away from other programs to fulfill their duty to special education students.

With all of the talk about the importance of enacting class size reduction programs now when school districts are working on their budgets, it is important to fully fund IDEA and allow school districts to free up more money for other uses.

The costs for educating a special education student can be 5 to 10 times the district average.

In addition, as we all are aware, the U.S. Supreme Court recently ruled that the related services provision in IDEA includes medical services. This is going to dramatically increase this figure even more.

Whether this was the intent of Congress or not, we made a commitment to fund 40 percent of IDEA costs. And we simply have not kept our promise.

How can we in good conscience make more promises? We are going to give you 100,000 new teachers across this Nation. In Arkansas, it is about one per school district. How can we think of making more promises when we have not fulfilled the ones we already made to them in regard to special education? We are imposing an undue burden on school districts. And, if school districts had to spend less money on special education, they could use the available funds in the way they see fit. If that is entirely for teachers, so be it. If it means professional development, so be it. If it means buying new computers, we ought to let those local districts make those decisions.

I see Senator COVERDELL, who has been one of the great leaders on educational reform in meeting our Republican vision for education, and I have spoken quite a while on this at this point.

I hope my colleagues know how strongly I feel about this. This is an important bill. It is an important step that we are taking.

Senator JEFFORDS did an outstanding job. I can't say enough about the leadership of Senator FRIST on this. We need not clutter this bill with amendments. We certainly don't need to start a new mandate on our schools. I hope that we will pass the bill quickly, pass a clean bill and send it to the President.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I think we are down to two speakers. We have agreed that Senator COVERDELL will speak for 5 minutes, and then I believe Senator BAUCUS will speak for about 6 or 7 minutes.

I want to commend the Senator from Arkansas for his very eloquent discussion of the differences on how money ought to be spent. I appreciate him coming and sharing those with us.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to associate myself with the remarks of the Senator from Arkansas. His eloquent statement delineates what is at stake here. I will expand upon it just briefly. As Senator JEFFORDS said, I will limit this to 5 minutes.

I would like to make three points with regard to what we will begin voting on tomorrow.

First, I want to make it very clear that from my perspective the amendment suggests that we should have a Federal program that envisions 100,000 Federal teachers, which is a bad idea. It is just not a good idea.

Mr. President, it envisions, or it suggests, that some Washington wizard wonk has some better idea about what ought to happen in Arkansas, Georgia and your State of Michigan. I just have to suggest that most of those wonks have never been to any of these locations. They have no idea—none—as to what that school board requires or needs. Some will require teachers. Some will require transportation. Some require construction. Some require a playground. And every American in the country knows that the needs of all of these school districts all across the Nation are all different. The Senator from Massachusetts would have us believe there is only one requirement, that only Washington knows what it is, and you are going to do it our way, the old Frank Sinatra song.

You are going to fill out this zillion-page application, and you are going to do it our way.

I suggest that if most Americans had a chance to evaluate whether the wonk from Washington should do it or the local school board should do it, they are going to go with the local school board.

That takes me to my second point. This idea that Washington is going to do it after you fill out the 15–20 page application is going to lead to systems that have not met their responsibilities being weighted to the advantage of this program. It will tend to reward those who have not yet done the job they were supposed to do. If you talk to the Governors of the States, many, including mine, have already expanded their numbers of teachers to reduce class size—all across the country, Texas, California, to Georgia. So a system that has one solution is only going to be weighted to those school districts that didn't do anything about it. True, maybe they need some assistance because they had a harder time meeting that standard, but mark my word, you will tend to reward systems that have not stepped up to the bar with this kind of program.

My third point. The fact that Washington bureaucrats, guided by the administration, are going to decide who is a winner and who is a loser suggests that it is going to be politically correct, that political correctness will suddenly weigh in on this. If you look at the record of decisionmaking about who the winners and losers are during the course of these last 6 years, it will substantiate the assertion I make. In department after department, agency after agency, the town is aswirl with politics getting in the way of policy. A program that picks winners and losers in Washington is already susceptible to it but particularly so now.

So the point that the Senator from Arkansas made that we should fully fund our previous commitments, which will have the effect of freeing up funds in local school districts all across the country to make their own decisions about what their priorities are, is a better idea; it is a better idea than having a bureaucrat who has never been on the scene, could not name one school superintendent, one school board member, or even the name of the communities to be affected, deciding what the priorities are all across the country. It makes no sense. It is a bad idea. It should be defeated so that we can proceed with this legislation that has been endorsed by 50 Governors. And I might point out those 50 Governors have not endorsed the amendment of the Senator from Massachusetts.

Mr. President, I thank the manager for granting me this time, and I yield back whatever of the 5 minutes might remain.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I will yield time as he may consume to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair. I thank my good friend, the Senator from Vermont, for yielding time.

Mr. President, I am very strongly in favor of the Education Flexibility Partnership Act. That is very simply because if there is any investment that makes sense in this country, it is investing in education, pure and simple, full stop, end of subject.

At all levels—whether it is Head Start, whether it is the early years zero to 3, whether it is after Head Start, whether it is kindergarten, whether it is elementary and secondary, whether it is college, whether it is postgraduate education, whether it is continuing education, whether it is technical skills development—education is the investment which is going to make the difference in our country and assure our future as Americans, the time we spend continuing to educate our people in a very thoughtful, constructive way. Of course, we do not want to just throw money at the problem but, rather, we want to invest wisely; and this legislation, S. 280, is very much, in my judgment, a step in that direction.

Let me address Ed-Flex, that is, the basic underlying bill, and tell you why I am so proud to be a cosponsor of the bill and why I think it is important legislation.

The name of the bill basically explains it—Ed-Flex. It is flexibility for educational programs, and particularly at home. It is very simple. The Federal Government, I believe, ought to trust parents, trust teachers, and trust local school boards. We should do everything in our power here in Washington to liberate our children from Federal Government rules that might make sense in Manhattan, NY, but perhaps do not make sense in Manhattan, MT.

I was a little surprised at the previous speaker, my good friend from Georgia, saying an amendment on this bill is Washington wizard wonk stuff telling local governments what to do. That is just not true. This is Ed-Flex. It is giving more flexibility to local communities to decide more on their own what makes most sense. For example, let's talk a little bit about computers. Right now, for example, a well meaning but distant Federal bureaucracy does too often stand in the way of a school district.

For example, let's talk about Federal funds allowed to a small Montana school, or even a large New York City school, to purchase computers for students with disabilities. We know those computers probably will not be used all day long, that is, computers, mandated by Washington, for students with disabilities. It obviously makes sense that these computers should be utilized to help other students when the disabled students do not need them. But there is a rule, a Washington rule, that prevents this from happening, preventing other students from using those computers.

That is the point of this bill, more flexibility. Under Ed-Flex, the underlying bill, States can get a waiver to use these computers to educate our kids. In short, the bill makes eminent sense. It is the next logical step to help our kids be better educated.

Let me address an amendment that has been under discussion, the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Washington, Mrs. MURRAY, an amendment to lower class size in our country.

This is pretty basic stuff. There aren't many things we can do to help students more than lowering class size. I hear some Senators in the Chamber say the opposite; they at least are very strongly implying that lower class size does not help kids, does not help the quality of education.

If we just think about it intuitively, Mr. President, that just doesn't make sense. But what is the evidence? One Senator recently mentioned Minnesota, a State that ranked third in recent national test scores but apparently, according to the Senator, has high average class sizes.

I cannot speak about Minnesota, but I can speak about my State of Montana. Our teacher-to-student ratio is much lower than the national average, but we are very proud of the quality of education in our State. Montana's fourth graders and eighth graders placed among the top four States in three of the four categories, again, with class sizes that are lower than average. I can tell you from at least my experience years ago going to Montana schools that we had smaller classes, and it made a big difference. I have very vivid memories of very good teachers in classes that were not too large.

I also want to relate an experience that is not directly relevant to this discussion, but I think it does have some bearing on the basic underlying point.

Mr. President, like a good number of other Senators, I have what I call a ''workday.'' About 1 day a month I work at some different job. I might wait tables, work at a sawmill, work in a mine. I show up at 8 in the morning with my sack lunch and I am there to work. I am not there to watch, I am there to work. My good friend, Senator GRAHAM from Florida, has been doing this for many, many years. Frankly, I got the idea from him about 6, 8, or 10 years ago. It is a great idea and it is one of the best parts about this job, frankly—to be able to do things like that.

One day on my workday in Helena, MT, I was assigned to a health care center. In the morning I helped an Alzheimer's patient. This patient was obviously in great need of care and I learned a lot, I must say, about the problem of Alzheimer's disease—both for the person who has it and with respect to the care giver.

But in the noon hour, for 2 hours the center assigned me to the Meals on Wheels Program. They gave me a little van loaded up with hot lunches and a list of names and told me which part of town to go to, to drive around and deliver these meals. This is the basic hot lunch program. About the second or third name on the list was a name that seemed familiar. It rang a bell; I wasn't sure what. It was Mrs. Foote.

I asked myself: Why is that familiar, that name, Mrs. Foote? I didn't think a lot about it. I knocked on the door and the lady said come in. She opened up the door, and way back in this hot little kitchen, sitting at the kitchen table, was a lady. Then it dawned on me.

I said, ''Mrs. Foote, by any chance did you ever teach kindergarten?''

She said, ''Why, yes, I did.''

I said, ''Did you teach kindergarten in the basement of the First Christian Church, at the corner of Power Street and Benton Street?''

''Why, yes, I did.''

That was my kindergarten teacher, whom I had not seen since kindergarten.

Why did I have such a strong memory of Mrs. Foote? One, I do vaguely recall, I must say we didn't have a large class. I must be honest and say I don't remember much about that. I do remember Mrs. Foote being a super teacher. She didn't remember me from Adam, as I must confess, but as I was talking to Mrs. Foote she then pulled out some newspaper articles about her.

I then realized why in many respects Mrs. Foote meant so much to me. Mrs. Foote had a master's degree in art history, she had a master's degree in English literature, yet she was teaching kindergarten. She was one of these wonderful Americans who was sacrificing her time to be a teacher, a high-quality teacher, and also a teacher, as I recall, who did not have an awful lot of kids in her class.

Not too long ago, in fact about a half-hour ago, I heard a Senator here on the floor saying, ''Gee, you give me a choice between a high-quality teacher and a large class size and I'll make the choice every time for the quality teacher.'' Obviously, that is a false choice. That is not what we are talking about here. We want high-quality teachers. But we also want small class sizes, because smaller classes—all things being equal—do help provide a better education.

This amendment, the Murray-Kennedy amendment, is an additional sum of money for teachers. We in Montana will get about $4 to $5 million. In addition, the amendment has a 15-percent provision, which is that 15 percent of the funds can be used to train teachers. It gives that additional flexibility.

I must say, this is a no-brainer, to me. I just don't know why school districts and teachers and parents would not like to have a little extra help, some extra help to hire a few more teachers, a little extra help to train a few more teachers. That is all this is. This is not rearranging the categories, the boxes. This is not taking money from one program to give to another. This is an add-on. This is additional.

So I hope some of the viewers and listeners—who earlier heard other Senators speak—realize this is not Washington telling State and local district school boards what to do. Rather, it is saying: Here is some additional money for some teachers, for some training, because we want to help you. We want to form a partnership with you to make sure our kids get the best quality education they could possibly get. That is all it is. It is that simple.

I strongly urge when we do vote on this tomorrow that the amendment pass. I know the bill is going to pass. It is a very important step we will be taking to help invest in our Nation's future.

I yield the floor.

AMENDMENT NO. 60, AS MODIFIED, TO AMENDMENT NO. 31

Mr. JEFFORDS. Mr. President, I have a modification at the desk for amendment No. 60, which I offer on behalf of Senator LOTT.

I ask unanimous consent the amendment be modified.

The PRESIDING OFFICER (Mr. BUNNING). Is there objection?

Without objection, so ordered.

The amendment (No. 60, as modified, to amendment No. 31), is as follows:

At the end, add the following:

SEC. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Act (20 USC 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to design class size reduction programs, or any other programs deemed appropriate by the local educational agencies and schools that best address their unique community needs and improve student performance.

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

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

Mr. JEFFORDS. I ask unanimous consent to add as cosponsors to amendment No. 60, as modified, Senators GREGG, COLLINS, FRIST, and SESSIONS.

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

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present and ask the time be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, first I wish to compliment my colleague and friend, Senator JEFFORDS, for his leadership on this bill. I am confident that tomorrow we will pass this bill.

Also, I wish to compliment Senator FRIST and others on the Labor Committee who have worked very, very hard to put together a good package, a responsible package, to allow the States to have more flexibility in dealing with Federal education programs so they can deliver a better product, and that is basically improving the education of our kids. That is a very noble goal.

By doing so, they are saying we want to set up a program, which we have already done in a pilot program in a few States, and make it available to all States. All State Governors, Democrats and Republicans, say we want to have that flexibility, give us the ability to ask the Federal Government for a waiver from a lot of the rules and regulations in managing these programs so we can do a better job.

Frankly, they are telling us they can do a better job, without Uncle Sam's rules and regulations, in trying to manage their schools. They did not need so much Federal help. It is really what the States were telling us.

Democrats as well as Republicans were saying that. I think they are exactly right in doing so. I compliment the sponsors of this legislation, and I am going to be pleased tomorrow when we pass it.

Unfortunately, there are a few amendments that are circulating around that I think would be very detrimental to this bill. As a matter of fact, I believe if they are adopted, we shouldn't pass this bill.

The main amendment I am going to address is the one that maybe has received more attention than others—the so-called 100,000 teachers that Senator KENNEDY, Senator MURRAY and others have been so laudatory about, saying, ''This is exactly what we need to improve the quality of education.''

A couple of comments: One, I think if schools need more teachers, the schools should be able to make that decision. That decision should not be made in Washington, DC. When I say ''the schools,'' I am talking about the school board administrators, the parents, the teachers, the local officials, the school board officials, the Governor. They should be making that decision. I do not think that is Senator KENNEDY's decision to make. I do not think that is the U.S. Senate's decision to make. Nor do I think it should be made by President Clinton. That is not our responsibility. That is a State responsibility. That is a local responsibility.

Frankly, the local government knows best what they can do to improve education, not Washington, DC. It may be a school in the Northeast needs more insulation because of the cold or maybe they need more computers, maybe they need a new building, maybe they need building repair, maybe they need more teachers. I don't know. I wouldn't think that we have the guts or the gall to say we know best, the government knows best, but when I look at Senator KENNEDY's amendment, that is exactly what it says.

Here we have a national program. We are going to have 100,000 teachers. It is going to be paid for by the Federal Government. Keep in mind, almost all teachers, K through 12, are paid for by State and local governments, yet now we have an amendment on the floor of the Senate that says, We want 100,000 teachers at a cost of over $11 billion, to be paid for by the Federal Government—100 percent paid for by the Federal Government. In some of the districts, the teachers will be paid for 65 percent by the Federal Government and 35 percent by the State government.

It is interesting. I have asked, What is the impact? Somebody said that we did part of this last year. We passed a bill last year that cost $1.2 billion, and we increased the number of teachers 30,000. Boy, that has really done a wonderful job. I looked at my State. As part of the bill that we passed last year, part of this 30,000 teachers, Oklahoma is going to get 348. Big deal. For the life of me, I do not think that is a Federal responsibility. Oklahoma is going to get $13 million to help pay for 348 teachers. Big deal. Is that really what the Federal Government is supposed to do? Is that our responsibility? I don't think so. At least Republican amendments are saying, ''Instead of teachers, let's at least allow the States to have the option. If we are going to have Federal money, let's have the money go to give the schools the option for teachers or for meeting our responsibility with kids that have special needs, giving States the flexibility to use the money either for schools or students with special needs,'' which we already have a Federal law stating the obligation for the States to do it, an unfunded mandate. So at least we give the States some flexibility. That is not in Senator KENNEDY and Senator MURRAY's amendment.

I am looking at this amendment. There are lots of things in here that deal with regulations and how the money is going to be used, basically telling the States here is how to do it; we know best. The Federal Government knows best. Senate Democrats know best. President Clinton knows best.

For the life of me, I just think that is a serious mistake—the Federal Government passing a bill last year that says Oklahoma gets 348 more teachers paid for for 1 year. I might mention, if we don't pay for it next year, what happens to that Federal teacher? I hate to say it, but we have 1,800 schools in the State of Oklahoma. We are going to get 348 teachers. That is about one-fifth or one-sixth of a teacher for each school, not each class, each school. Does that really make sense? I don't think it makes any sense. Which school is going to get a teacher? Which school is not going to get a teacher?

I know my colleagues on the Democrat side have an amendment that says we are going to have a Federal school building program, and the President proposed billions of dollars, I guess $11

billion, for more teachers and several billion dollars for more school buildings. Which school buildings are going to be replaced? Which school building is going to be repaired? We are going to be making those decisions in Washington, DC? Is that the proper use for incremental dollars? Do they get more bang in educational value out of buildings or in teachers? We are saying we don't know. We are saying why don't we free up some of the resources that we are now spending from the Federal Government to the States and let the States make the decision? Let the local school boards make the decision. Let the teachers make the decision. Let the parents make the decision.

Instead, my colleagues that are offering the amendment are saying, no, no, we will decide; the Federal Government is going to decide we need 100,000 teachers. I disagree.

It is interesting. Somebody said, well, we really need lower class size. For a little bit of history, most States have already been reducing the average sizes of their classes. That trend is expected to continue. My guess is that President Clinton feels, since he has promoted this, class size has really declined. In 1955, the average public school class size in the United States was 27 students. In 1975, it dropped to 21. Today it is down to 17.3. If you are talking about only elementary schools, the numbers are slightly higher, but they still show a decline, from 30.2 in 1955 to 18.5 today, 18.5. ''Well, it ought to go to 18.'' Well, it looks to me like demographically we are going to 18 anyway. That will happen whether the Federal Governments gets involved in hiring 100,000 teachers or not. We have spent $1.2 billion last year to hire 30,000 teachers. That money is only good for 1 year. Then under this bill, it says, well, let's spend more than that. Let's just spend billions every year.

It has amounts allocated: $1.4 billion for the year 2000; $1.5 billion for 2001; $1.7 billion for 2002, and on; I see $2.8 billion for the year 2005. This says here is a recipe where we can have the Federal Government spending more money, and it stops at the year 2005. We are going to pay for these Federal teachers only up to the year 2005 and then stop? Sorry, States, now it is your responsibility.

I just think that is a serious mistake. In my State of Oklahoma, I don't know exactly the number of teachers that we have, but 348 teachers, when we have 1,800 schools and lots and lots of teachers in each school. I just fail to find the wisdom in doing it.

There is a difference in philosophy between the Democrats and Republicans on this issue. We have basically said the States and local school districts should make a better decision. Senator KENNEDY and some of my colleagues on the Democrat side seem to think that they have the answer. They are going to dictate 100,000 teachers. They are going to dictate billions of dollars of the Federal Government building school buildings. I think that is a mistake.

I had my staff—this is almost 2 years old, a year; it was done May 15, 1997, so it is a little obsolete—I asked them, How many Federal programs are involved in education right now? I know there are a lot, but I don't know them all. I haven't served on the Labor and Education Committee for a long time—I was on it for several years—but I know there are a lot. As a matter of fact, there are a lot more than I imagined.

I will put this in the RECORD and maybe somebody can update it for me. According to this, in May of 1997, there were 788 Federal education programs, 788 Federal education programs that were spending at that point $968 billion. That is a lot of money. That is about one-seventeenth of all the Federal spending that we are spending today. Someone can't say we do not have any emphasis in education. What we have is a lot of Federal programs, probably 700-some, too many Federal programs, and we are spending billions of dollars, almost $100 billion, probably if this is updated it is over $100 billion, because I know we had significant increases in the last couple of years in education. Just in the Department of Education alone, there were 307 education programs, totaling $59 billion. Again, this is 1997.

So it shows you there is a lot of Federal input. I personally think we need to consolidate most of those programs, get rid of them, and give the money and the power back to the States and to the local school boards. What I think is, we do not need to have another program. ''Here are 100,000 teachers. Let's make this, instead of 788 programs, 789.'' I think President Clinton has proposed 8 or 9 new education programs alone.

We do not need more education programs. What we need to do is free the States and local school boards to where they can do a better job with the resources they now have without all the strings and redtape and bureaucracy they now have to comply with.

So I hope that will be what we will do. I hope that tomorrow when we are voting on this series of amendments, when we have amendments that are trying to micromanage how States spend money, run their schools, that we will table those amendments, that we will defeat those amendments, and we will pass the Ed-Flex bill which will give more flexibility to States and local school boards in actually administering Federal programs. They can do a better job in educating our kids, to improve the quality of education for the children of America.

So I encourage my colleagues to vote against these amendments that try to micromanage education from Washington, DC, and pass the Ed-Flex bill to give the flexibility to the States and to the local school boards to do a better job for our kids.

I yield the floor.

Mr. JEFFORDS. I thank the Senator from Oklahoma for an excellent statement. He has certainly put in perspective what we are trying to do here. We started out with a very simple bill, and now we have—well, we have the monster pared down somewhat by getting agreements on both sides. But I just remind everyone that we will be voting tomorrow on these amendments. There will be some debate time tomorrow morning for that purpose.

Mr. NICKLES. If the Senator will yield for just a second?

Mr. JEFFORDS. I yield.

Mr. NICKLES. One, I compliment Senator JEFFORDS for his management on this bill. I am delighted we have an agreement and we will get it completed. I compliment him for his leadership in the Labor Committee in putting this bill together. I somewhat regret the fact that the Democrats failed to show up at his markup. They want to amend the bill on the floor. They did not want to amend the bill in committee.

With the chairman's indulgence, I ask unanimous consent to have printed in the RECORD the table showing the number of departments, programs, and funding for the various education programs throughout the Federal Government.

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

DEPARTMENT, PROGRAMS AND FUNDING

[Number of programs in parentheses]

Department	Federal dollars
Appalachian Regional Commission (2)	$2,000,000
Barry Goldwater Scholarship Program (1)	2,900,000
Christopher Columbus Fellowship Program (1)	0
Corporation for National Service (11)	501,130,000
Department of Education (307)	59,045,043,938
Department of Commerce (20)	156,455,000
Department of Defense (15)	2,815,320,854
Department of Energy (22)	36,700,000
Department of Health and Human Services (172)	8,661,006,166
Department of Housing and Urban Development (9)	81,800,000
Department of Interior (27)	555,565,000
Department of Justice (21)	755,447,149
Department of the Treasury (1)	11,000,000
Department of Labor (21)	5,474,039,000
Department of Transportation (19)	121,672,000
Department of Veterans' Affairs (6)	1,436,074,000
Environmental Protection Agency (4)	11,103,800
Federal Emergency Management Administration (6)	118,512,000
General Services Administration (1)	0
Government Printing Office (2)	24,756,000
Harry Truman Scholarship Foundation (1)	3,187,000
James Madison Memorial Fellowship Program (1)	2,000,000
Library of Congress (5)	194,822,103
National Aeronautics and Space Administration (12)	153,300,000
National Archives (2)	5,000,000
National Institute for Literacy (1)	4,491,000
National Council on Disability (1)	200,000
National Endowment for the Arts/Humanities (13)	103,219,000
National Science Foundation (15)	2,939,230,000
Nuclear Regulatory Commission (3)	6,944,000
National Gallery of Art (1)	750,000
Office of Personnel Management (1)	0
Small Business Administration (2)	73,540,000
Smithsonian (14)	3,276,000
Social Security Administration (1)	85,700,000
State Department (1)	0
United States Information Agency (8)	125,558,000
United States Institute for Peace (4)	3,371,000
United States Department of Agriculture (33)	13,339,630,410
U.S. Agency for International Development (1)	14,600,000
Total number of programs (788).	
Total funding	96,869,343,420

Mr. NICKLES. I thank my colleague.

PERSONAL EXPLANATION

Mr. DORGAN. Mr. President, on Thursday evening, March 4 and Friday, March 5, I was necessarily absent because of several long-standing commitments in Bismarck. It was important

that I be in North Dakota for a conference I cosponsored, Women's Health-Women's Lives, to join Secretary of Energy Richardson for meetings on a range of energy issues, and for a meeting with the Governor and other state leaders about the state's water resources.

Had I been present for rollcall vote No. 32, to table the Jeffords amendment to S. 280, the Ed-Flex legislation, I would have voted ''nay.'' On rollcall vote No. 33, to table the Gramm amendment to prohibit implementation of the ''Know Your Customer'' banking regulations, I would have voted ''nay'' had I been present.

Mr. ROCKEFELLER. Mr. President, on Tuesday, March 9, 1999, I missed the second cloture vote on S. 280, the Education Flexibility Act.

I fully intended to be in the chamber for the vote yesterday, and had I been there I would have voted against cloture. While I support the concept of flexibility for education, I also believe that Democrats deserve right to offer education amendments on key priorities such as reducing class-size, providing after-school care, addressing the concern of crumbling schools, and a few other major priorities.

Senate Democrats have offered in good faith to accept time agreements and limited debates on our education priorities.

It is disappointing that instead of voting on education priorities for American students, teachers, and parents, we are debating procedural motions and closure petitions. Instead of using the time wisely to discuss the major education issues facing our schools, we are facing gridlock on procedure. That is not what the American people sent us to the Senate to do. We are willing to have our debate and cast our votes to reduce class sizes, to fix crumbling schools and to provide after-school care for children that need it to learn and be safe while parents work. If our Democratic amendments prevail, we strengthen the Education Flexibility Act and help schools. If our amendments do not get a majority, then we had the opportunity to debate and we can move forward on the underlying bipartisan legislation.

I wish I had been here on Tuesday to participate. Unfortunately, I got trapped in Charleston, West Virginia when the Ronald Reagan National Airport closed at 11 a.m. on March 9, 1999 due to the snow storm in Washington, DC. I had been in Charleston, West Virginia to vote in the mayoral election and to participate in the United Airlines announcement of two Mileage Plus Service Centers in my state which will create 600 new jobs. The new centers will be located in Charleston and Huntington. This is exciting news for my state, and I have been in touch with officials for months about this economic opportunity. At the time, I felt that I could personally vote in the local election, attend this exciting announcement and return in plenty of time for the 2:45 vote on the Senate floor. Due to the snow storm, I missed the vote.

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 for up to 10 minutes each.

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

THE EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. JEFFORDS. Mr. President, I will use a little of the morning business time myself to just bring everyone up to date as to where we are at this point. This concludes the debate time for today. Tomorrow there will be, I believe, 1 hour evenly divided for Members to talk on the amendment process.

The purpose of that time will be to try to make sure everybody understands the amendments, because we have a number of amendments. They seem low in number—there are about eight or nine amendments—but some of those are complicated by combinations of amendments. So I urge all of our Members to make sure that they understand the amendments.

Because this is an important piece of legislation, which I want to get through, and the leader does also, we will be using probably a tabling situation for many of the amendments. I want to explain why that is. That is because most of these amendments should be on the Elementary and Secondary Education Act reauthorization which is being worked on at this time. That is a very important bill. It is a $15 billion bill. It has most of the Federal programs. And we will be looking at it very closely to determine whether there should be a paring down of programs, how effective the various agencies and departments have been, and we will be spending the time of deliberation to better utilize and to make sure we can maximize our improvement.

As I said earlier today, the evidence is very clear that we have made very little improvement in our schools over the last 15 years, although we have been trying. Thus, it is important we take a close look at the Department of Education to see that those funds are being well spent.

PREVENTING HEARING LOSS

Mr. DASCHLE. Mr. President, today I bring to the attention of my colleagues an article that recently appeared in The Washington Post, ''Hearing Loss Touches a Younger Generation.'' This article raises important issues related to hearing loss and gives us practical advice for protecting our hearing.

Hearing loss affects approximately 28 million Americans and is affecting more of us at younger ages. Hearing difficulties among those ages 45 to 64 increased 26 percent between 1971 and 1990, while those between ages 18 and 44 experienced a 17 percent increase.

About one third of the cases of hearing loss are caused, at least in part, by extreme or consistent exposure to high decibel noises. While the Environmental Protection Agency has worked to decrease our exposure to loud noises at work, many Americans now face threats to optimal hearing during their leisure hours from loud music, lawn mowers and outdoor equipment, automobiles, airplanes and other sources. Too many Americans simply are not aware of the devastating impact loud sounds can have on their hearing.

At the encouragement of the Senate Appropriations Committee, the National Institute on Deafness and Other Communication Disorders (NIDCD) is leading a collaborative effort with the National Institute on Occupational Safety and Health (NIOSH) and the National Institute on Environmental Health Sciences (NIEHS) to help improve awareness about noise-induced hearing loss. It is my hope that this effort ultimately will help reverse the trend toward increasing noise-induced hearing loss.

Health professionals, too, play an important role in the treatment and prevention of hearing loss. In particular, I'd like to highlight the important work of audiologists in successfully combating and treating hearing loss. Over the years I have been impressed by the cost-effective, quality care they provide, most notably demonstrated in the Department of Veterans Affairs health care system, which has allowed veterans direct access to audiologists since 1992.

Through high standards of care by qualified health care professionals and through improved education about the dangers of hearing loss, I believe we can protect and improve the hearing of millions of Americans. I ask unanimous consent that the attached article be printed in the RECORD.

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

[From the Washington Post]

HEARING LOSS TOUCHES A YOUNGER GENERATION; WITH RISE IN NOISE, MORE SEEKING HELP

(By Susan Levine)

Tomi Browne listens to people's ears. To how they hear and what they don't. And for most of her 22 years as an audiologist, her clients have been overwhelmingly older—stereotypically so. Seniors pushing 70 or beyond. The hearing-aid set.

But lately, surprisingly, Browne's contemporaries have been showing up at her Northern Virginia office.

These are men and women in their forties to early fifties, baby boomers. They confess that they strain to catch words in crowded restaurants or meetings, or that the television suddenly needs to be turned higher. Loud sounds really hurt their ears, and maybe they've noticed an incessant buzzing.

Some walk out with the startling news that they've permanently lost hearing. More

than a few return to get fitted for hearing aids.

''I'm seeing more of my classmates . . . as patients, rather than them bringing in their parents,'' said Browne, 44. ''Sometimes they're even bringing in their teenage kids.''

Other audiologists report the same sobering age shift, and statistics are starting to corroborate the anecdotal evidence. Data from the National Health Interview Survey indicate that significantly more Americans are having difficulties hearing. From 1971 to 1990, problems among those ages 45 to 64 jumped 26 percent, while the 18 to 44 age group reported a 17 percent increase.

California researchers found an even sharper rise in hearing impairment among more than 5,000 men and women in Alameda County, with rates of impairment for those in their fifties increasing more than 150 percent from 1965 to 1994.

With people living longer than ever, ''This has to be viewed as a very serious health and social problem,'' said Sharon Fujikawa, president of the American Academy of Audiology. ''It really behooves us to conserve our hearing as much as possible or risk isolation.''

Marilyn Pena, a secretary from Germantown, was about 47 years old when she first learned her hearing was deficient. She ignored the diagnosis. Soon she also was ignoring her alarm clock—because she couldn't hear its wake-up beep—and resorting to lip reading at work. ''People at work would come up and whisper in [my] ear because they didn't want others to hear, and I couldn't hear, either,'' she said.

After seven years, pushed by frustrated friends, Pena finally hooked a hearing aid behind her left ear. She no longer guesses in vain at conversation or asks, ''What?'' countless times a day. ''Since I started wearing it, I'm much more observant. It's amazing how many people wear them.''

Worrisome changes also are taking place among children and teenagers, who are growing up with rock concerts far more deafening than those the Woodstock generation attended, along with the mega-volumes of everything from video arcades to boomboxes. A study published last year in the Journal of the American Medical Association showed that nearly 15 percent of children ages 6 to 19 tested suffered some hearing deficit in either low or high frequencies. Other research has identified pronounced differences among high-schoolers compared with previous decades.

The main culprit, many suspect, is noise—not just the noise blaring from the headsets that seem permanently attached to teenagers but the noise from their parents' surround-sound stereos, which can rival small recording studios. Add the barrage to moviegoers' ears during flicks such as ''Armageddon'' and ''Godzilla'' (prompting enough complaints that the National Association of Theater Owners convened a task force), and the blast from leaf blowers, mowers, personal watercraft, power tools, even vacuum cleaners.

Technological advances they may be—powerful conveniences for daily life—but they produce decibel levels that can prove downright dangerous to the ears over time.

''We've grown up in a sort of turned-on, switched-on society,'' said Carole Rogin, president of the Hearing Industries Association. The group, in partnership with the National Council on the Aging, just completed a survey of the social, psychological and physiological impact of hearing loss. It's telling that the two organizations decided to drop the age of those polled from 65 to 50.

For the estimated 28 million Americans with a hearing loss, noise is a leading cause, experts say. Once that would have traced back to the machinery din of mills and factories, but federal regulations have helped protect workers in industrial settings. Now it's more the hours away from work that are the problem. There's even a term for those who study excessive noise from leisure-time pursuits: recreational audiologists.

Dick Melia, of Arlington, never paid much attention to how annoying the lawn mower or tools were that summer during graduate school when he worked for a contractor. The same goes for the civil rights demonstrations he participated in during the 1960s, and later, the pro basketball games at which he cheered. He'd leave the arena with his ears ringing.

But during his forties, he noticed other things: how he'd replay his voice mail several times to get all of a message, how he'd race to keep up in discussions, wondering what words he had missed. Then, one night at his office, a fire broke out. The alarm went off. ''I never heard it,'' Melia recounted.

His procrastination ended; at 50, he got hearing aids. ''There is a problem of stigma,'' said Melia, who directs disability and rehabilitation research within the U.S. Department of Education. ''There is something about hearing aids and the way society over the years has characterized hearing loss.''

For one, the subject is freighted with fears about growing old. But some scientists and audiologists question whether diminished hearing is an unavoidable consequence of aging, or rather the cumulative assault of a cacophonous world. Both loud, sustained sound and extreme, sudden sound can damage and ultimately destroy the delicate hair cells in the inner ear that translate sound waves into nerve impulses. High-frequency sounds are usually the first casualty—consonants such as S and F and children's and women's voices. The ability to distinguish sounds and block background noise also deteriorates.

Because all that generally occurs over time, the onset of hearing loss is slow and insidious.

''People aren't concerned if it doesn't happen now,'' said Laurie Hanin, who leads the audiology department at the League for the Hard of Hearing in New York City. The league is analyzing voluminous data from 20 years of screenings in the New York metropolitan area, and Hanin expects to find a decided decline in hearing acuity.

Hanin, 42, sometimes has trouble understanding conversation, an unwelcome portent of the future. ''My hearing tests normally, but I'm starting to have some problems,'' she said.

Last month, the National Institute on Deafness and Other Communication Disorders gathered 100 representatives of medical, research, volunteer and union organizations to talk about noise-induced hearing loss—how it occurs and how it can be prevented. The institute plans to launch a public awareness campaign on the issue in the spring.

Prevention and education were an ongoing effort at the Environmental Protection Agency until its Office of Noise Abatement was eliminated in 1982. That's about the time a push to require decibel labels on lawn equipment gave way to voluntary notices, which were ''a miserable failure,'' in Kenneth Feith's view, and explain why instructions on lawn mowers or leaf blowers virtually never advise hearing protection.

''I think we're going to see a population suffering from hearing loss that will impair learning, impair our ability to carry out tasks,'' said Feith, an EPA senior scientist and policy adviser who headed the Office of Noise Abatement.

Musicians may be getting the message faster than others, thanks to groups such as Hearing Education and Awareness for Rockers. The 10-year-old nonprofit California organization was founded by Kathy Peck, 39, whose bass career ended the morning after her band opened for Duran Duran. ''I had ringing in my ears that lasted three days. It felt like a bongo drum was in my head.'' She sustained substantial, irreversible damage.

Early on, HEAR gained visibility when Pete Townshend of the Who wrote it a $10,000 check and publicly acknowledged his own hearing loss. It soon will begin examining audiograms, demographic data and questionnaires from thousands of patients seen at HEAR's clinic in San Francisco. Most have been in their twenties and thirties.

Nightclubs such as the Capitol Ballroom and the 9:30 Club in the District now offer foam earplugs to patrons. Symphony orchestras increasingly make earplugs and plexiglass screens available to their musicians, especially those sitting within or near the percussion and brass sections. As part of the Navy bands' hearing conservation program, specially designed plugs are handed out even before a musician gets an assignment.

In the meantime, despite many people's refusal to admit they need help, sales of hearing aids are booming. Nearly 2 million were purchased last year, almost 25 percent more than in 1996, at a cost of $600 to $3,100 each. The most expensive are individually programmed digital devices capable of processing sounds 1 million times per second. When fitted within the ear canal, they are literally invisible.

One buyer in 1997 was President Clinton, who attributed his situation to an adolescence spent playing in school bands and rocking at concerts. According to staff members, the country's most prominent baby boomer wears his hearing aids sporadically. He is most likely to insert them for ceremonies or political gatherings, where he finds it harder to distinguish sounds.

Stephen Wells, a Washington lawyer who recently received bad news of his own, is weighing his options. Because of a childhood spent around tractors and harvesters on his family's Idaho farm, his right ear measures only borderline. And that's his better ear.

''My wife has been saying for a long time that I ought to see about a hearing test,'' said Wells, 51. He compares hearing aids to glasses in function but is uncertain how well they'll work for him day to day. ''I expect that I will at least try them.''

SAY AGAIN?

A number of conditions may disrupt the hearing process and lead to hearing loss. How the ear works and what commonly causes damage:

How the ear Hears

1. The outer ear collects sound waves and funnels them into the ear canal.

2. Sound waves strike the eardrum, causing it to vibrate.

3. Three tiny bones conduct the vibrations to the cochlea in the inner ear.

4. Tiny nerve endings in the cochlea, called hair cells, become stimulated. They transform the vibrations into electro-chemical impulses.

5. These impulses travel to the brain, where they are deciphered into recognizeable sounds.

Noise-induced hearing loss

Such loss is caused by one-time exposure to extremely loud sound or sustained exposure to sounds at highmdecibels. Both damage hair cells in the inner ear.

Symptoms of hearing loss

The following are frequent indicators of hearing loss. Persons experiencing any of

these symptoms should make an appointment with a hearing professional.

Straining to understand conversations.

Misunderstanding or needing to have things repeated.

Turning up TV or radio volume to a point where others complain.

Having constant ringing or buzzing in the ears.

Measuring sound

The loudness of sound is measured in units called decibels. Experts agree that continued exposure to noise above 85 decibels eventually will harm hearing. The scale increases logarithmically, meaning that the level of perceived loudness doubles every 10 decibels.

	Decibels
Softest audible sound:	0
Normal conversation:	40–60
City traffic noises:	80
Rock concert:	110–120
Sound becomes painful:	125
Jet plane:	140

Source: International Hearing Society, League for the Hard of Hearing and National Institute on Deafness and Other Communication Disorders.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 9, 1999, the federal debt stood at $5,650,748,864,597.49 (Five trillion, six hundred fifty billion, seven hundred forty-eight million, eight hundred sixty-four thousand, five hundred ninety-seven dollars and forty-nine cents).

One year ago, March 9, 1998, the federal debt stood at $5,523,019,000,000 (Five trillion, five hundred twenty-three billion, nineteen million).

Five years ago, March 9, 1994, the federal debt stood at $4,542,638,000,000 (Four trillion, five hundred forty-two billion, six hundred thirty-eight million).

Ten years ago, March 9, 1989, the federal debt stood at $2,740,636,000,000 (Two trillion, seven hundred forty billion, six hundred thirty-six million).

Fifteen years ago, March 9, 1984, the federal debt stood at $1,464,624,000,000 (One trillion, four hundred sixty-four billion, six hundred twenty-four million) which reflects a debt increase of more than $4 trillion—$4,186,124,864,597.49 (Four trillion, one hundred eighty-six billion, one hundred twenty-four million, eight hundred sixty-four thousand, five hundred ninety-seven dollars and forty-nine cents) during the past 15 years.

CONFIRMATION OF MONTIE DEER TO HEAD INDIAN GAMING COMMISSION

Mr. CAMPBELL. Mr. President, I am pleased to announce the confirmation by the Senate last night of Mr. Montie Deer to become Chairman of the National Indian Gaming Commission—the federal regulatory body overseeing certain Indian gaming activities nationwide.

After a hearing in February of this year, the Committee on Indian Affairs reported Mr. Deer to the full Senate. Mr. Deer is a qualified and dedicated public servant who most recently was the United States Attorney in Kansas.

Since 1988, Indian gaming has become a source of much-needed revenue for Indian tribal governments to provide jobs, services and frankly, hope, where there is not much. There are now some 185 tribes operating some form of gaming operations, with annual revenues of nearly $7 billion.

The National Indian Gaming Commission was created 11 years ago. This three-member agency has the responsibility to monitor and regulate certain forms of gaming conducted on Indian lands. The NIGC has the authority to approve management contracts; conduct background investigations; approve tribal gaming ordinances; and review and conduct audits of the books and records of Indian gaming operations.

The NIGC also has the authority and the responsibility to enforce violations of the Indian Gaming Regulatory Act, NIGC regulations and approved tribal gaming ordinances. Those involved with Indian gaming understand the need for a strong, effective Commission—one that protects the integrity of games offered by tribes. As we did last session, the Committee on Indian Affairs will soon consider legislation to strengthen the Commission and ensure it has the resources it needs to fulfill its obligations.

A strong Commission is meaningless without strong leadership and last night the Senate acted to ensure that strong and effective leadership will be the order of the day.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Mr. BURNS. Mr. President, I'm here to announce my strong support of Senator COLLINS' bill S. 335, the ''Deceptive Mail Prevention and Enforcement Act.'' I chose to be an original co-sponsor of this bill after hearing from several constituents who were confused, irritated, and even outraged by the deceptive language that is all too often found in sweepstakes and other promotional mailings.

I think every one of us has received at least a few junk mailings which brazenly inform us that we have just won millions of dollars or that we are about to receive a car, a luxury cruise, or some other prize that sounds too good to be true. Well, the sad truth is that it almost always IS too good to be true.

To many of us, these promotional mailings represent nothing more than a minor annoyance and are easily tossed into the garbage without a second thought. But for many others, these mailings are nothing more than a cruel hoax, a trap designed to play on the hopes and dreams of trusting folks who were raised in a time when most people meant what they said and said what they meant.

As an example of the misleading and downright dangerous content found in many of these mailings, I'd like to read into the record a portion of a letter that was sent to me last year by a constituent of mine who resides in Columbia Falls, Montana. This gentleman writes,

My father is a resident in a nursing home. He is 84, and suffers from mild dementia aggravated by high-powered medications which treat his incessant headaches. (The magazine he subscribes to) endlessly sends him these misleading and deliberately-designed ''You've Won!!!'' bulletins that he cannot understand except to believe fervently that he's just got to go pick up his check for hundreds of thousands or even millions of dollars.

I believe these kinds of letters are deliberately designed to prey on the infirmities of old people, and of course get them to sign things that obligate them to free trials and unneeded products. Every episode brings my father increased stress, more headaches, and the need for additional medication. I am sure there are hundreds of thousands of people like Dad who want nothing to do with these phony promotions, but who can't get the mailers to remove them from the lists. Many, like Dad, don't have the daily clarity of thought to deal with mass-mailed deceptive come-ons like this.

Mr. President, I believe that the Deceptive Mail Prevention and Enforcement Act will go a long way towards preventing this kind of abuse of our senior citizens and other trusting individuals. Senator COLLINS' bill would not only establish strict new standards for honesty and disclosure in promotional mailings, but would provide strong new financial penalties for those who continue to violate these standards. It is my hope that the Committee on Governmental Affairs will be able to approve this legislation quickly, on a bi-partisan basis, so that we can bring an end to this plague of deceptive sweepstakes mailings which prey on our most vulnerable citizens.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT CONCERNING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the

President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1999, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1999.*

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 45. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable Harry A. Blackmun, former Associate Justice of the Supreme Court of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 576. An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes (Rept. No. 106–11).

By Mr. ROTH, from the Committee on Finance, without amendment:

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 (Rept. No. 106–13).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 96. A bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date (Rept. No. 106–10).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 92. A bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government (Rept. No. 106–12).

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. BREAUX (for himself and Mr. MACK):

S. 572. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. DORGAN):

S. 573. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 574. 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 Environment and Public Works.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 575. A bill to redesignate the National School Lunch Act as the ''Richard B. Russell National School Lunch Act''; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMM:

S. 576. An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. HATCH (for himself and Mr. DEWINE):

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 578. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. SMITH of Oregon, Mr. BYRD, Mr. HAGEL, Mr. DODD, Mr. LUGAR, Mr. KYL, Mr. HATCH, Mr. GRAMS, Mr. CHAFEE, Mr. HELMS, Mr. THOMAS, and Mr. MCCAIN):

S. 579. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. NICKLES, Ms. COLLINS, Mr. BREAUX, Mr. INOUYE, Mr. MACK, Mr. HAGEL, Mr. SANTORUM, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 580. A bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 581. A bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 582. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (by request):

S. 583. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisastermitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. LAUTENBERG):

S. 584. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment under the medicaid program of certain tobacco-related funds received by a State if a State uses a portion of such funds for tobacco use prevention and health care and early learning programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. MOYNIHAN, Mr. LOTT, Mr. BROWNBACK, and Mr. WELLSTONE):

S. Res. 60. A resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself and Mr. MACK):

S. 572. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

SUBPART F OF INTERNAL REVENUE CODE

Mr. BREAUX. Mr. President, today Mr. MACK and I are again introducing legislation to place a permanent moratorium on the Department of the

Treasury's authority to finalize any proposed regulations issued pursuant to Notice 98–35, dealing with the treatment of hybrid branch transactions under subpart F of the Internal Revenue Code. Our bill also prohibits Treasury from issuing new regulations relating to the tax treatment of hybrid transactions under subpart F and requires the Secretary to conduct a study of the tax treatment of hybrid transactions and to provide a written report to the Senate Committee on Finance and the House Committee on Ways and Means.

By way of background, the United States generally subjects U.S. citizens and corporations to current taxation on their worldwide income. Two important devices mitigate or eliminate double taxation of income earned from foreign sources. First, bilateral income tax treaties with many countries exempt American taxpayers from paying foreign taxes on certain types of income (e.g. interest) and impose reduced rates of tax on other types (e.g. dividends and royalties). Second, U.S. taxpayers receive a credit against U.S. taxes for foreign taxes paid on foreign source income. To reiterate, these devices have been part of our international tax rules for decades and are aimed at preventing U.S. businesses from being taxed twice on the same income. The policy of currently taxing U.S. citizens on their worldwide income is in direct contrast with the regimes employed by most of our foreign trading competitors. Generally they tax their citizens and domestic corporations only on the income earned within their borders (the so-called ''water's edge'' approach).

Foreign corporations generally are also not subject to U.S. tax on income earned outside the United States, even if the foreign corporation is controlled by a U.S. parent. Thus, U.S. tax on income earned by foreign subsidiaries of U.S. companies—that is, from foreign operations conducted through a controlled foreign corporation (CFC)—is generally deferred until dividends paid by the CFC are received by its U.S. parent. This policy is referred to as ''tax deferral.''

In 1961, President John F. Kennedy proposed eliminating tax deferral with respect to the earnings of U.S.-controlled foreign subsidiaries. The proposal provided that U.S. corporations would be currently taxable on their share of the earnings of CFCs, except in the case of investments in certain ''less developed countries.'' The business community strongly opposed the proposal, arguing that in order for U.S. multinational companies to be able to compete effectively in global markets, their CFCs should be subject only to the same taxes to which their foreign competitors were subject.

In the Revenue Act of 1962, Congress rejected the President's proposal to completely eliminate tax deferral, recognizing that to do so would place U.S. companies operating in overseas markets at a significant disadvantage vis-a-vis their foreign competitors. Instead, Congress opted to adopt a policy regime designed to end deferral only with respect to income earned from so-called ''tax haven'' operations. This regime, known as ''subpart F,'' generally is aimed at currently taxing foreign source income that is easily moveable from one taxing jurisdiction to another and that is subject to low rates of foreign tax.

Thus, the subpart F provisions of the Internal Revenue Code (found in sections 951–964) have always reflected a balancing of two competing policy objectives: capital export neutrality (i.e. neutrality of taxation as between domestic and foreign operations) and capital import neutrality (i.e. neutrality of taxation as between CFCs and their foreign competitors). While these competing principles continue to form the foundation of subpart F today, recent actions by the Department of the Treasury threaten to upset this long-standing balance.

On January 16, 1998, the Department of the Treasury announced in Notice 98–11 its intention to issue regulations to prevent the use of hybrid branches ''to circumvent the purposes of subpart F.'' The hybrid branch arrangements identified in Notice 98–11 involved entities characterized for U.S. tax purposes as part of a controlled foreign corporation, but characterized for purposes of the tax law of the country in which the CFC was incorporated as a separate entity. The Notice indicated that the creation of such hybrid branches was facilitated by the entity classification rules contained in section 301.7701–I through –3 of the Income Tax Regulations (the ''check the box'' regulations).

Notice 98–11 acknowledged that U.S. international tax policy seeks to balance the objectives of capital export neutrality with the objective of allowing U.S. businesses to compete on a level playing field with foreign competitors. In the view of the Treasury and IRS, however, the hybrid transactions attacked in the Notice ''upset that balance.'' Treasury indicated that the regulations to be issued generally would apply to hybrid branch arrangements entered into or substantially modified after January 16, 1998, and would provide that certain payments to and from foreign hybrid branches of CFCs would be treated as generating subpart F income to U.S. shareholders in situations in which subpart F would not otherwise apply to a hybrid branch as a separate entity. This represented a significant expansion of subpart F, by regulation rather than through legislation.

Shortly after Notice 98–11 was issued, the Administration released its Fiscal Year 1999 budget proposals which, among other things, included a provision requesting Congress to statutorily grant broad regulatory authority to the Treasury Secretary to prescribe regulations clarifying the tax consequences of hybrid transactions in cases in which the intended results are inconsistent with the purposes of U.S. tax law. . . . While the explanation accompanying the budget proposal argued that this grant of authority as applied to many cases ''merely makes the Secretary's current general regulatory authority more specific, and directs the Secretary to promulgate regulations pursuant to such authority,'' the explanation conceded that in other cases, ''the Secretary's authority may be questioned and should be clarified.''

Notice 98–11 and the accompanying budget proposal generated widespread concerns in the Congress and the business community that the Treasury was undertaking a major new initiative in the international tax arena that would undermine the ability of U.S. multinationals to compete in international markets. For example, House Ways and Means Committee Chairman BILL ARCHER wrote to Treasury Secretary Rubin on March 20, 1998 requesting that ''Notice 98–11 be withdrawn and that no regulations in this area be issued or allowed to take effect until Congress has an appropriate opportunity, to consider these matters in the normal legislative process.'' The Ranking Democrat on the Committee, Charles RANGEL, wrote to Secretary Rubin expressing strong concerns about the Treasury's increasing propensity to ''legislate through the regulatory process as evidenced by Notice 98–11.''

Despite these concerns, on March 23, 1998, the Treasury department issued two sets of proposed and temporary regulations, the first relating to the treatment of hybrid branch arrangements under subpart F, and the second relating to the treatment of a CFC's distributive share of partnership income. As Notice 98–11 had promised, the regulations provided that certain payments between a controlled foreign corporation and a hybrid branch would be recharacterized as subpart F income if the payments reduce the payer's foreign taxes.

The week after the temporary and proposed regulations were issued, the Senate Finance Committee considered H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1998. A provision was included in the bill prohibiting the Treasury and IRS from implementing temporary or final regulations with respect to Notice 98–11 prior to six months after the date of enactment of H.R. 2676. The Senate bill also included language expressing the ''sense of the Senate'' that ''the Department of the Treasury and the Internal Revenue Service should withdraw Notice 98–11 and the regulations issued thereunder, and that the Congress, and not the Department of the Treasury or the Internal Revenue Service, should determine the international tax policy issues relating to the treatment of hybrid transactions under subpart F provisions of the Code.''

Opposition to Notice 98–11 and the temporary and proposed regulations

continued to mount. On April 23, 1998, 33 Members of the House Ways and Means Committee wrote to Secretary Rubin expressing concern about the Treasury's decision to move forward and issue regulations pursuant to Notice 98–11 without an appropriate opportunity for Congress to consider this issue in the normal legislative process, urging Treasury to withdraw the regulations.

In the face of these and other pressures from the Congress and the business community, on June 19, 1998, the Treasury Department announced in Notice 98–35 that it was withdrawing Notice 98–11 and the related temporary, and proposed regulations. According to Notice 98–35, Treasury intends to issue a new set of proposed regulations to be effective in general for payments made under hybrid branch arrangements on or after June 19, 1998. These regulations, however, will not be finalized before January 1, 2000, in order to permit both the Congress and Treasury Department the opportunity to further study the issues that were raised following the publication of Notice 98–11 earlier this year.

While we applaud the Treasury's decision to withdraw Notice 98–11 and the temporary regulations, we believe that additional legislative action is needed to prevent the Treasury from finalizing the forthcoming regulations until Congress considers the issues involved. We believe that only the Congress has the authority to achieve a permanent resolution of this issue. Notice 98–35, like its predecessor, Notice 98–11 continues to suffer from a fatal flaw; it is the prerogative of Congress, and not the Executive Branch, to pass laws establishing the nation's fundamental tax policies. Simply put, Notice 98–35 adds restrictions to the subpart F regime that are not supported by the Code's clear statutory language, and there has been no express delegation of regulatory authority to the Treasury that relates specifically to the issues presented in the Notice.

More importantly, we question the policy objectives to be achieved by Notice 98–35 and the accompanying proposed regulations. We do not understand the rationale for penalizing U.S. multinational companies for employing normal tax planning strategies that reduce foreign (as opposed to U.S.) income taxes. Moreover, Notice 98–35 is contrary to recent Congressional efforts to simplify the international tax provisions of the Code. For example, the Congress reduced complexity and ridded the code of a perverse incentive for U.S. companies to invest overseas by repealing the Section 956A tax on excess passive earnings in 1996. Again in 1997, the Congress repealed the application of the Passive Foreign Investment Company regime to U.S. shareholders of controlled foreign corporations because of the complexity involved in applying both regimes, in addition to enacting a host of other foreign tax simplifications. The Senate Finance Committee will hold a hearing on March 11, 1999 to further investigate the reforms needed in the international tax arena that not only reduce complexity, but also encourage U.S. global economic competition. I fully expect Notice 98–35 to be discussed at this hearing.

In order for Congress to gain a better understanding of the Treasury Department's position on this matter, our bill would require the Treasury to conduct a thorough study of the tax treatment of hybrid transactions under subpart F and to provide a report to the Senate Committee on Finance and House Committee on Ways and Means on this issue.

If the forthcoming regulations are permitted to be finalized by the Treasury, U.S. multinational businesses will be placed at a competitive disadvantage vis-a-vis foreign companies who remain free to employ strategies to reduce the foreign taxes they pay. Clearly, such a result should be permitted to take effect only if Congress, after having an opportunity to fully consider all of the tax and economic issues involved, agrees that the arguments advanced by the Treasury are compelling and determines that additional statutory changes to subpart F are necessary and appropriate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HYBRID TRANSACTIONS UNDER SUBPART F.

(a) PROHIBITION ON REGULATIONS.—The Secretary of the Treasury (or his delegate)—

(1) shall not issue temporary or final regulations relating to the treatment of hybrid transactions under subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 pursuant to Internal Revenue Service Notice 98–35 or any other regulations reaching the same or similar result as such notice,

(2) shall retroactively withdraw any regulations described in paragraph (1) which were issued after the date of such notice and before the date of the enactment of this Act, and

(3) shall not modify or withdraw sections 301.7701–1 through 301.7701–3 of the Treasury Regulations (relating to the classification of certain business entities) in a manner which alters the treatment of hybrid transactions under such subpart F.

(b) STUDY AND REPORT.—The Secretary of the Treasury (or his delegate) shall study the tax treatment of hybrid transactions under such subpart F and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The Secretary shall hold at least one public hearing to receive comments from any interested party prior to submitting such report.

Mr. MACK. Mr. President, today Senator BREAUX and I introduce a bill reaffirming that the lawmaking power is the province of the Congress, not the executive branch. Our bill prohibits the Treasury Department from issuing regulations that would impose taxes on U.S. companies merely because one of their subsidiaries pays money to itself.

As a general rule, U.S. corporations pay U.S. corporate income tax on the earnings of their foreign subsidiaries only when those earnings are actually distributed to the U.S. parent companies. An exception to this general rule is contained in subpart F of the Internal Revenue Code, which accelerates the income tax liability of U.S. parent companies under certain circumstances. The Treasury Department has announced, in Notice 98–35, an intention to issue regulations that will accelerate income tax liability for U.S. companies—not based on the specific circumstances enumerated in subpart F, but instead on a new ''interpretation'' of the ''policies'' that Treasury infers from that 36-year-old provision. This action crosses the line between administering the laws and making the laws, and cannot be allowed by Congress.

Notice 98–35 concerns so-called ''hybrid arrangements.'' These involve business entities that are considered separate corporations for foreign tax purposes, but are viewed as one company with a branch office for U.S. purposes. U.S. companies organize their subsidiaries in this manner to reduce the amount of foreign taxes they owe. Transactions between a subsidiary and its branch have no impact on U.S. taxable income of the parent, as its subsidiary is merely paying money to itself. But the Treasury Department intends to impose a tax on the U.S. parent to penalize it for reducing the foreign taxes it owes.

This effort is wrong for several reasons. First, the Treasury Department possesses only the power to issue regulations to administer the laws passed by Congress. New rules based on Congressional purpose are known as laws, and under the Constitution laws are made by Congress.

Second, the Treasury Department is elevating one policy underlying subpart F—taxing domestic and foreign operations in the same manner—over the other policy of maintaining the competitiveness of U.S. companies in foreign markets. This proposed tax would put U.S.-owned subsidiaries at a competitive disadvantage.

Finally, the Treasury Department should not impose a tax on U.S. companies to force these companies to reorganize in a way that increases the taxes they owe to foreign countries. The Treasury Department is not the tax collector for other nations. And by raising the foreign tax bills of U.S. companies, the Treasury Department is also increasing the size of foreign tax credits and thereby reducing U.S. tax revenues.

The Treasury Department is not only making policy that it has no right to make, it is also making bad policy. Our bill places a moratorium on this lawmaking. It also directs the Treasury

Secretary to study these issues and submit a report to the tax-writing committees of Congress. Many people and organizations, including the Treasury Department, desire changes in the tax laws. But only Congress has the power to make these changes, and this is a power we intend to keep.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. DORGAN):

S. 573. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

MEDICAL INFORMATION PRIVACY AND SECURITY ACT

Mr. LEAHY. Mr. President, today, I am pleased to be joined by Senators KENNEDY, DASCHLE and DORGAN in introducing the Medical Information Privacy and Security Act (MIPSA). I am also pleased that a companion bill will be introduced in the House by Congressman EDWARD MARKEY.

The Millennium Bug is not the only computer-related problem Congress confronts this year. We face the deadline that Congress set for itself of August 21, 1999, to solve the multitude of privacy glitches in the handling of our medical records.

At a time when some states are selling driving license photos and information, when our leading computer chip and software companies have built secret identifiers into their products to trace our every move in cyberspace without our consent, it is time for Congress to wake up to the privacy rights and expectations of all Americans before it is too late.

The trouble is this: If you have a medical record, you have a medical privacy problem.

A guiding principle in drafting this legislation has been that the movement to a more integrated system of health care in our country will only continue to be supported by the American people if they are assured that the personal privacy of their health care information is protected. In fact, without the confidence that one's personal privacy will be protected, many will be discouraged from seeking medical help.

Most of us envision that our medical records are held in a manila file folder under the watchful care of our health care provider. If this is what you are picturing, you are sorely mistaken. Increased computerization of medical records and other health information is fueling both the supply and demand for our personal information. I do not want advancing technology to lead to a loss of personal privacy, and I do not want the fear that confidentiality is being compromised to deter people from seeking medical treatment or to stifle technological or scientific development.

The traditional right of confidentiality between a health care provider and a patient is at risk. This erosion may reduce the willingness of patients to confide in physicians and other practitioners and may inhibit patients from seeking care.

Unlike some, I believe that computerization can assure more privacy to individuals than the current system, if MIPSA is enacted. But if we do not act the increased potential for embarrassment and harassment is tremendous.

The ability to compile, store and cross reference personal health information has made our intimate health history a valuable commodity. In 1996 alone, the health care industry spent an estimated $10 to $15 billion on information technology.

This data can be very useful for quality assurance, and to provide more cost effective health care. But I doubt that the American public would agree with a Fortune magazine article which lauded a health insurer that poked through the individual medical records of clients to figure out who may be depressed and could benefit from the use of the anti-depressant Prozac. Are we now encouraging the replacement of sound clinical judgment of doctors with health insurance clerks who look at records to determine whether you are not really suffering from a physical illness, but a mental illness?

Just a few days ago The Wall Street Journal wrote about a company that is ''seeking the mother lode in health 'data mining.' '' This company wants to get medical data on millions of Americans to sell to any buyer. Currently there are no laws constraining the creation of large data bases filled with sensitive personally identifiable information on any of us. Our information is like gold to these ''data miners.''

If this battle is between American families who want some privacy and big business buying access to their personal medical records, I will stand with American families every time.

Last year, an article in the Washington Post described the story of a woman whose prescription purchases were tracked electronically by a pharmacy benefits management company two states away, hired by her employer. With every swipe of her prescription-drug card she saved 50% on her prescriptions. At the same time, however, without her knowledge her sensitive health information was being compiled. Her doctor was soon informed that she would be enrolled in a ''depression program,'' watched for continued use of anti-depression medications, and be targeted for ''educational'' material on depression. All of this was done at the behest of her employer who had unfettered access to all of her personal health information.

This woman was not suffering from a depression-related illness; her doctor prescribed the medication to help her sleep. This woman had no idea that by signing up for her managed care plan she was signing up to have her personal health information disclosed to individuals she had never even met.

Employer access to personal health information of their workers is a real problem. A recent University of Illinois study found that 35 percent of all Fortune 500 companies regularly review health information before making hiring decisions. On-work-site health care providers have testified before Congress that they are routinely pressured for employee health information and must comply or lose their jobs.

What MIPSA makes clear is that there must be a ''fire wall'' between those within a company involved in providing health services and benefits, and other managers. The goal of privacy legislation is to be the first line of defense, so that individuals are not put in the situation of possibly being discriminated against. Our bill complements other laws and proposed legislation that bar discrimination based on health status.

We must not let privacy slide to the point that the only way for a person to ensure confidentiality is to avoid seeking medical treatment.

The simple fact is that many patients will not agree to participate in health research or to be tested if they fear the information that is revealed in the course of the research could be released, bringing them harm. In genetic testing studies at the National Institutes of Health, thirty-two percent of eligible people who were offered a test for breast cancer risk declined to take it, citing concerns about loss of privacy and the potential for discrimination in health insurance.

The bill we are introducing today, the Medical Information Privacy and Security Act, would be the first comprehensive federal health privacy law.

Our bill is broad in scope: It applies to medical records in whatever form—paper or electronic. It applies to each release of medical information, including re-releases. It comprehensively covers entities other than just health care providers and payers, such as life insurance companies, employers and marketers and others who may have access to sensitive personal health data.

It gives individuals the right to inspect, copy and supplement their protected health information.

It allows individuals to require the segregation of portions of their medical records, such as mental health records, from broad viewing by individuals who are not directly involved in their care.

It gives individuals a civil right of action against anyone who misuses their personally identifiable health information. It establishes criminal and civil penalties that can be invoked if individually identifiable health information is knowingly or negligently misused.

It creates a set of rules and norms to govern the disclosure of personal

health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment and to facilitate effective oversight. Special allowances are made for situations such as emergency medical care and public health requirements.

We have been very careful to balance the right to privacy with the needs of providers and health care plans, who can use medical information to improve the care of patients. MIPSA does not force patients to sign a blanket authorization allowing their information to go to anyone for any purpose in order to receive care. Unfortunately, individuals now have no choice but to sign away their rights if they want any health care treatment at all.

MIPSA changes the authorization procedure by requiring that providers, health plans and hospitals clearly lay out to patients how their protected health information will be used, who will have access to their protected health information, and for what purpose. If anyone wants to use or disclose personally identifiable health information for a purpose that is not directly related to their treatment or billing, the patient has that right to say no without losing the ability to receive needed health care.

It also takes special care to make sure that important medical research continues. MIPSA extends the protective practices currently followed by the National Institutes of Health (NIH) to all health research efforts—whether publicly or privately funded.

It establishes a clear and enforceable right of privacy for all personally identifiable medical information including information regarding the results of genetic tests.

We have tried to accommodate legitimate oversight concerns so that we do not create unnecessary impediments to health care fraud investigations. Effective health care oversight is essential if our health care system is to function and fulfill its intended goals. Otherwise, we risk establishing a publicly sanctioned playground for the unscrupulous. Health care is too important a public investment to be the subject of undetected fraud or abuse.

It prohibits law enforcement agents from searching through medical records without a warrant. It does not limit law enforcement agents in gaining information while in hot pursuit of a suspect.

We also require anyone who maintains your medical information to have strong safeguards in place. And MIPSA offers strong enforcement provisions and remedies for the misuse of medical information.

It sets up a national office of health information privacy to aid consumers in learning about their rights and about how they can seek recourse for violations of their rights.

Most importantly, our bill does not preempt any federal or state law or regulation that offers stronger privacy safeguards. We propose a floor rather than a ceiling, achieving two goals:

First, a strong federal privacy law will eliminate much of the current patchwork of state laws governing the exchange of medical information, and will replace the patchwork with strong, clear standards that will apply to everyone.

Second, MIPSA makes room for the many possible future threats to medical privacy that we may not even anticipate today. As medical and information technology moves forward into the next century we must maintain the public's right to seek stronger medical privacy laws closer to home.

The elements of MIPSA are essential to any strong medical privacy effort.

I am encouraged that a variety of public policy and health professional organizations, across the political spectrum, are signaling their intentions to step forward to join forces with consumers during this debate.

We have 164 days to implement a strong federal medical privacy law. With the clock ticking toward the August deadline, let us act sooner rather than later.

Mr. KENNEDY. Mr. President, we are here today to propose legislation to protect the privacy of personal medical information in our rapidly changing health care system. Today, video rental records have greater protection than sensitive medical information. Last month, we learned that the University of Michigan Medical Center posted information from thousands of patient records on the Internet, without any password protection or other safeguards. In many other cases, individual patients have been harmed by improper release of their private medical records.

The legislation that Senator DASCHLE, Senator LEAHY, Congressman MARKEY, and I are introducing today—the Medical Information Privacy and Security Act—puts patients first, while allowing for legitimate uses of medical information to improve health care.

Congress recognized the need to act to protect the privacy of medical information when we passed the Kassebaum-Kennedy Act in 1996. That legislation contained a provision requiring Congress to pass legislation on the issue by August of this year. If the deadline is not met, the Administration has the power to act by regulation.

The measure we are introducing ensures strong protections nationwide. It also allows individual states to take additional action. Stronger state laws are not pre-empted.

The goal of these protections is to safeguard the confidential relationship between patients and physicians. Patients concerned about their privacy are less likely to disclose important information to their physicians. A recent survey by the California HealthCare Foundation found that one in six adults has taken steps to protect their personal medical information, such as providing inaccurate information in their medical history, or asking physicians not to include certain information in their medical records.

Our legislation recognizes the fundamental right of patients to limit disclosure of personally-identifiable medical information. We have balanced that right with the needs of providers and health care plans to use medical information to improve patient care. Our proposal does not force patients to sign a blanket authorization in order to receive care. Instead, it contains a flexible framework that can be modified to fit different situations.

Medical research is essential for progress against disease. But it is also essential for patients to have confidence that research is beneficial, not an invasion of privacy. In genetic testing studies at the National Institutes of Health, 32 percent of eligible people who were offered a test for breast cancer declined to take it, because of concerns about loss of privacy and the potential for discrimination in health insurance.

Currently, most federal health research is governed by the ''Common Rule'', which includes evaluations by Institutional Review Boards in order to protect patients involved in the research. Our proposed legislation strengthens the privacy provisions in the ''Common Rule,'' and extends those protections to all health research.

These issues are important, and I am optimistic that Congress will act in time to meet the August deadline. We have a responsibility to enact strong protections for privacy in all aspects of health care, and now is the time to act.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 575. A bill to redesignate the National School Lunch Act as the ''Richard B. Russell National School Lunch Act''; to the Committee on Agriculture, Nutrition, and Forestry.

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Mr. CLELAND. Mr. President, I rise today to introduce a bill to rename the National School Lunch Act after Senator Richard Russell. I am pleased to have Senator COVERDELL as a original co-sponsor.

Having met Senator Russell over 30 years ago when I was an intern on Capitol Hill, I gained a deep respect and reverence for the ''Senator from Georgia'' Richard B. Russell. Since being elected to the Senate over two years ago, I have been looking for a way to appropriately honor and express my appreciation for the contributions of Senator Russell. Honestly, I, like many others, usually associate Senator Russell with military issues and the work he did to provide our nation with a strong national defense. However, in researching his history in the Senate, I noticed that, time and again, Senator Russell stated that he viewed his proudest achievement in the Senate as the School Lunch Act.

On February 26, 1946, speaking on the Senate floor, Senator Russell noted that the School Lunch Program, ''has been one of the most helpful ones which has been inaugurated and promises to contribute more to the cause of public education in these United States than has any other policy which has been adopted since the creation of free public schools.'' Strong words, not only about the school lunch program, but about Senator Russell's commitment to the same.

Starting the first grade in 1947, I, like some of you, have always considered myself to be a true product of the national school lunch program. The program has been woven into the fabric of the American family. Today, the National School Lunch Program operates in more than 95,000 public and nonprofit private schools and residential child care institutions throughout the country, providing nutritionally balanced, low-cost or free lunches to more than 26 million children each school day. The knowledge that every one of our children is ensured a healthy and affordable meal every school day provides us all with a great deal of comfort and satisfaction. The program is available in almost 99 percent of all public schools, and in many private schools as well. About 92 percent of all students nationwide have access to meals through the National School Lunch Program. As cited in several studies, a well fed child is more likely to do better in school and is less likely to misbehave—both highly desirable outcomes.

Senator Russell was a tireless champion for establishing a program to deliver a healthy meal to our nation's schoolchildren. Senator Russell began his campaign to make school feeding programs available in the mid 1930's by utilizing Section 32 funds of the Act of August 24, 1935. As Chairman of the Subcommittee on Agricultural Appropriations, Senator Russell exerted a great deal of influence and was a vigilant advocate of directing the Section 32 food surpluses towards school feeding programs. In the early 1940's, Senator Russell introduced several bills authorizing a national school lunch program. And, after several unsuccessful attempts, Senator Russell sponsored and pushed through the National School Lunch Act in 1946.

Senator Russell's strong commitment to domestic agriculture production strengthened his support for the school feeding programs. In fact, Senator Russell's commitment to a strong national defense may have also played a role in his support for the program. As you know, Senator Russell served as a member, and later Chairman, of the Senate Armed Services Committee. During World War II and in post war hearings before the Armed Services Committee, testimony was provided by General Hershey and Surgeon General Parran and others indicating that a large percentage of men rejected from military service had diet-related health problems. This revelation resulted in the recognition by many that the school lunch program is a matter of national security.

As stated in a report I received from the Congressional Research Service, ''Senator Russell played a key role in the creation and formation of the national school lunch program. The historical record of Senator Russell's actions on behalf of this program in the 1930's and 1940's give him a strong claim to being regarded as the ''father'' of the national school lunch program, and make a strong case for renaming the 1946 Act after him.'' There have most certainly been several other members from the House and Senate, both past and present, who have played an irreplaceable role in developing and championing the cause of the school lunch program and I believe that all of these members should be commended for their dedication. This proposal is not meant to diminish the contribution of countless others, but simply to recognize that Senator Russell played a primary role in the passage of the National School Lunch Act. I am convinced that no other member was as significant as Senator Russell in seeing the National School Lunch Act enacted into law. I am pleased to have received the strong endorsement of the Georgia School Food Service Association in their Resolution of support on January 23, 1999.

Considering Senator Russell's vital role in making the school lunch program a reality and the passion he expressed for being its author, I believe that by renaming the School Lunch Act in his honor, we can fittingly memorialize his contribution, as well as call renewed attention to this vital national program. I ask for my colleagues support.

Mr. President, I ask unanimous consent that the text, a letter of support, be printed in the RECORD.

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

GEORGIA SCHOOL FOOD SERVICE ASSOCIATION RESOLUTION IN SUPPORT OF SENATOR MAX CLELAND'S PROPOSAL TO MEMORIALIZE SENATOR RICHARD B. RUSSELL

Whereas, The Georgia School Food Service Association (GSFSA) has learned that Senator Max Cleland wishes to sponsor legislation to permanently associate the name of Senator Richard B. Russell with and to memorialize the contribution that he made to the establishment of the National School Lunch Act by naming The National School Lunch Act of 1946 (NSLA), the Richard B. Russell National School Lunch Act, and

Whereas, Senator Richard B. Russell has been known as ''the father of the school lunch act'' as documented in a 1973 publication, ''Education in the States,'' published by The National Education Association in cooperation with The Chief State School Officers, and

Whereas, a review of the 1945–46 Congressional debates leading up to the passage of the Act in May 1946 and signing by President Harry Truman on June 4, 1946 reflects the leadership role of Senator Russell as author of the bill that finally was approved by the Congress, and

Whereas, Senator Russell's success in getting the legislation passed was greatly enhanced by the outstanding bi-partisan support in the Senate by Senator George D. Aiken, Vermont and Senator Allen J. Ellender, Louisiana and in collaboration with The House of Representatives under the committee leadership of Congressman Flannagan of Virginia, and

Whereas, with the passage of time the names of NSLA pioneers are faded from memory and we believe there should be an appropriate memorial established to perpetuate the memory of the contribution made by the visionary Richard B. Russell for the program.

Whereas, the year 2000 will mark the 55th Anniversary of The National School Lunch Act and GSFSA joins with Senator Max Cleland in believing that the time is right for the name of Richard B. Russell to be memorialized and permanently attached to The National School Lunch Act, and

Whereas, the vision of this program defined by Senator Russell and articulated in The NSLA, Section 1 Policy, to ''safeguard the health and well-being of all children . . . by supporting the establishment of programs and promoting the consumption of nutritious agricultural commodities'' laid the foundation as a nutrition program for all children, and

Whereas, this vision enacted into legislation in 1946 has provided the framework for the growth of Child Nutrition Programs, which began as a single meal, and has been expanded many times by many Congressional sessions promoted by the leaders in Congress to a year round, all day program serving breakfast, lunch, after school supplements, summer food service, and the child and adult care food program, and

Whereas, the leadership and commitment of Senator Richard B. Russell as Chairman of the US Senate Committee on Agriculture and Forestry in close collaboration with a bi-partisan group in the Senate and a collaborative relationship with the US House of Representatives, persisted through 10 years of year-to-year appropriations for the program and two long years of debate and resulted in the enactment of permanent legislation that established an infrastructure for the school lunch program and a framework for all child nutrition programs, and

Whereas, his leadership for the program did not stop at that point as he had a major role in having the school lunch program designated as an educational program in the states as many state agencies were vying to have administration of the program, and

Whereas his leadership continued into the 1960's during his final years in the US Senate when he was Chair of the Armed Services Committee, and he provided leadership to have the apportionment formula changed to allocate money to the states on the number of meals served rather than on state enrollment of children,

THE GEORGIA SCHOOL FOOD SERVICE ASSOCIATION THEREFORE RECOMMENDS

That the General Assembly of Georgia be requested to adopt this resolution in support of Senator Cleland's proposal to have the National School Lunch Act of 1946 renamed the Richard B. Russell National School Lunch Act, and

The American School Food Service Association be requested to provide support for Senator Cleland's proposal for permanently associating Senator Russell's name with the NSLA, which would be an appropriate memorial to his leadership in authoring legislation that established the foundation for a program that has been successful for more than half-a-century, and,

The GSFSA expresses its appreciation to Senator Max Cleland for recognizing the importance of memorializing Senator Russell

as ''the father of the school lunch program'' by attaching his name to the Act, and pledges its support to Senator Cleland in having his proposal turned into reality, and finally,

That copies of this resolution be provided all members of the Georgia Congressional delegation as a means of seeking their support for honoring an outstanding statesman from Georgia who has been memorialized in many ways, including having a Senate Office Building named in his honor, but has never been publicly honored for the ''piece of legislation that he often claimed to be his proudest work'' that of the passage of the NSLA, as it served all children, the education program and the agriculture programs of the nation. ''this program has been one of the most helpful ones which has been inaugurated and promises to contribute more to the cause of public education in these United States than has any other policy which has been adopted since the creation of free public schools.''—Richard B. Russell, Feb. 26, 1946. The Congressional Record

Approved by,

JOAN KIDD,
President, GSFSA.

By Mr. HATCH:

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquors; to the Committee on the Judiciary.

THE TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

Mr. HATCH. Mr. President, today I am proud to introduce the Twenty-First Amendment Enforcement Act. This legislation will provide a mechanism enabling States to more effectively enforce their laws regulating the interstate shipment of alcoholic beverages.

Interstate shipments of alcohol directly to consumers are increasing exponentially. Unfortunately, along with that growing commerce, problems associated with that trade are also growing. While I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Twenty-First Amendment.

All States, including the State of Utah, need to be sure that the liquor that is brought into their State is labelled properly and subject to certain quality control standards. States need to protect their citizens from consumer fraud and have a claim to the tax revenue generated by the sale of such goods. And of the utmost importance, States need to ensure that minors are not provided with unfettered access to alcohol. Unfortunately, indiscriminate direct sales of alcohol have opened a sophisticated generation of minors to the perils of alcohol abuse.

I can tell you that my home State of Utah, which has some of the strictest controls in the nation on the distribution of alcohol, is not immune from the dangers of direct sales. A recent story which ran on KUTV in Salt Lake City showed how a thirteen year old was able to purchase beer over the internet and have it shipped directly to her home—no questions asked. If a thirteen year old is capable of ordering beer and having it delivered by merely borrowing her brother's credit card and making a few clicks with her mouse, there is something very wrong with the level of control that is being exercised over these sales. Of course the Utah case is not an isolated example. Stings set up by authorities in New York and Maryland have also shown how easy it is for minors to obtain alcohol.

Debate over the control of alcoholic beverages has been raging for as long as this country has existed. Prior to 1933, every time individuals or legislative bodies engaged in efforts to control the flow and consumption of alcohol, whether by moral persuasion, legislation or Constitutional Prohibition, others were equally determined to repeal, circumvent or ignore those barriers. However, the Twenty-First Amendment did, for a time, create an ordered system for the distribution of alcohol.

The Twenty-First Amendment was ratified in 1933. That amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. By virtue of that grant of authority, each State created its own unique regulatory scheme to control the flow of alcohol. Some set up State stores to effectuate control of the shipment into, and dissemination of alcohol within, their State. Others refrained from direct control of the product, but set up other systems designed to monitor the shipments and ensure compliance with its laws. But whatever the type of State system enacted, the purpose was much the same: to protect its citizens and ensure that its laws were obeyed.

Although not perfect, the systems set up by the States worked reasonably well for many years. However, modern technology has opened the door for abuse and created the need for further governmental action to address those abuses. No longer must a State prosecute just an errant neighborhood retailer for selling to a minor—now, the ones selling to minors and others in violation of a State's regulatory laws are a continent away. A small winery can create its own web page and accept orders over the internet; a large retailer can advertise nationally in the New York Times and accept orders over the phone; an ad can be placed in a magazine with a national circulation offering sales through an 800 number.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry.

I should also note that I am certainly sympathetic to the small wineries and specialty micro-breweries who feel that the requirement that they operate through a three tier system (producer-wholesaler-retailer) which does not embrace them may, in effect, shut them out of the marketplace. They make the argument that if wholesalers do not carry their product, they have no other avenue to the consumer other than through direct sales. However, if there is a problem with the system, we need to fix the system, not break the laws.

Federal law already prohibits the interstate shipment of alcohol in violation of State law. Unfortunately that general prohibition lacks any enforcement mechanism. The legislation I am introducing simply provides that mechanism by permitting the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, to be permitted to file an action in federal court for an injunction to stop those illegal shipments.

This bill is balanced to ensure due process and fairness to both the State bringing the action and the company or individual alleged to have violated the State's laws. The bill:

1. Permits the chief law enforcement officer of a State to seek an injunction in federal court to prevent the violation of its laws regulating the importation or transportation of alcohol;
2. Allows for venue for the suit where the defendant resides and where the violations occur;
3. Does not require the posting of a bond by the requesting party;
4. Does not permit an injunction without notice to the opposing party;
5. Requires that any injunction be specific as to the parties, the conduct and the rationale underlying that injunction;
6. Allows for quick consideration of the application for an injunction and conserves court resources by avoiding redundant proceedings;
7. Mandates a bench trial; and
8. Does not preclude other remedies allowed by law.

Some will argue that State courts are capable of handling this issue. Unfortunately, States have had mixed success in enforcing their laws through State court actions. Companies and individuals have raised jurisdictional, procedural and legal defenses that have stalled those efforts, and that continue to hamper effective enforcement. It is, in part, because of those inconsistent rulings, that federal leadership is needed in this area.

Moreover, the scope and limitations of a State's ability to effectively enact laws under the Twenty-First Amendment are essentially federal questions that need to be decided by a federal court, and perhaps ultimately, by the Supreme Court. Only through such rulings can both the States and companies seeking to conduct interstate shipments be assured of consistency in interpretation and enforcement of the laws.

The introduction of a bill is just the beginning of the legislative process. It is my hope that, working together, we can reach an agreement on how best to balance legitimate commercial interests with the Constitutional rights of the States as ceded to them by the Twenty-First Amendment.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 577

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 ''Twenty-First Amendment Enforcement Act''.

SEC. 2. SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.

The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:

''SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

''(2) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

''(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

''(1) restrain the person from engaging, or continuing to engage, in the violation; and

''(2) enforce compliance with the State law.

''(c) FEDERAL JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

''(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

''(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

''(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

''(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

''(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

''(A) set forth the reasons for the issuance of the order;

''(B) be specific in terms;

''(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

''(D) be binding only upon—

''(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

''(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

''(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

''(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

''(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

''(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

''(g) ADDITIONAL REMEDIES.—

''(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

''(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.''.

By Mr. JEFFORDS (for himself and Mr. DODD).

S. 578. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE PERSONAL INFORMATION NONDISCLOSURE ACT OF 1998

Mr. DODD. Mr. President. I am pleased to join the Chairman of the Health, Education, Labor and Pensions Committee, Senator JEFFORDS, in introducing the Health Care Personal Information Nondisclosure (PIN) Act of 1999. This legislation is designed to offer Americans the peace of mind that comes with knowing that their most personal and private medical information is protected from misuse and exploitation.

Medicine has changed dramatically since the time Norman Rockwell painted the scene of a doctor examining his young patient's doll. The flow of medical information is no longer confined to doctor-patient conversations and hospital charts. Recent technological advances have introduced more efficient methods of organizing data that allow information to be shared instantaneously—helping to contain costs—and even save lives.

But in the view of many Americans, the widespread sharing of medical records without appropriate safeguards, even in the pursuit of admirable goals, creates a staggering potential for abuse.

In fact, concerns that medical information is not being adequately protected from misuse has led some patients to avoid full disclosure of mental health or other sensitive conditions to their physicians and to unnecessarily forego opportunities for treatment—in effect negating the benefits of the new technology.

The Health Care PIN Act offers the privacy protections that the public demands. This legislation sets clear guidelines for the use and disclosure of medical information by health care providers, researchers, insurers, employers and others. The Health Care PIN Act provides individuals with control over their most personal information, yet promotes the efficient exchange of health data for the purposes of treatment, payment, research and oversight. To ensure the accountability of entities and individuals with access to personal medical information, the legislation impose stiff penalties for unauthorized disclosures.

Just as you lock your doors to protect your home, this measure can act as deadbolt against those who would exploit your medical privacy.

This legislation represents commonsense middle ground in the range of proposals that have been offered both this and the previous Congress. I look forward to working with Senator JEFFORDS, as well as with Senators BENNETT, LEAHY, and KENNEDY, who have contributed so much to this debate, to move forward quickly to enact comprehensive, bipartisan legislation.

By Mr. SPECTER:

S. 581. A bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Pennsylvania Battlefields Protection Act, legislation which will protect two important Revolutionary War sites in Pennsylvania and authorize the construction and operation of a new museum and visitor center dedicated to the American Revolution at Valley Forge National Historical Park. Representative CURT WELDON has introduced similar legislation in the House, with the remaining twenty Members of the Pennsylvania House delegation joining him in this effort.

The first part of this legislation authorizes $3 million for the acquisition of the 472-acre area generally known as the Meetinghouse Road Corridor, where the largest engagement of the American Revolution, the Battle of Brandywine, took place from September 10–11,

1777. During the 1777 British campaign to capture Philadelphia, British General William Howe defeated but proved unable to demoralize General George Washington's Continental Army of 12,500 men at the Battle of Brandywine.

While George Washington's and the Marquis de Lafayette's headquarters are preserved as part of the Brandywine Battlefield Park, the area where the actual fighting took place is not. The land is privately held and is in immediate danger of being sold and developed. The battlefield was declared a National Historic Landmark in 1961, and local officials, preservation groups, and the Commonwealth of Pennsylvania have been working together to protect the battlefield. This legislation will provide half of the $6 million needed to purchase the land from willing buyers, with the remaining $3 million to be raised from non-federal sources on a dollar for dollar basis. As with all aspects of this legislation, I have worked closely with the National Park Service, and they are supportive of federal assistance to protect this important Revolutionary War site.

This legislation will also protect the Paoli Battlefield, in Malvern, Pennsylvania, where at least fifty-three Americans were killed. Shortly after the Battle of Brandywine, General Washington ordered General ''Mad'' Anthony Wayne and 2,000 of his men to move to the rear and contain the British army. The British learned of General Wayne's move and attacked and bayoneted Wayne's men on September 20, 1777 in what has infamously become known as the Paoli massacre.

While the Senate passed legislation which I introduced late in the 105th Congress to authorize the addition of the Paoli Battlefield site to Valley Forge National Historical Park, at that time the bill did not enjoy the support of the National Park Service and eventually died in the House of Representatives. I have worked with Congressman WELDON on this legislation, and we believe that the federal government should provide assistance to acquire the 40-acre Paoli Battlefield, an unprotected Revolutionary War site that is privately owned by the Malvern Preparatory School. The School intends to sell the land in order to strengthen its endowment, but officials have agreed to give the community a first chance to purchase the land for historical preservation purposes. Thus, the Paoli Battlefield will become open to residential or commercial development if $2.5 million is not raised by September 1999 to purchase the land. This bill envisions a combination of public and private financing to purchase the battlefield by authorizing a purchase price of $2.5 million with not less than $1 million in nonfederal funds. After much consultation with the National Park Service, I am now informed that they are supportive of this approach to protecting Paoli Battlefield.

The bill also authorizes the Secretary of the Interior to enter into a cooperative agreement with the Borough of Malvern, which has agreed to manage the 45-acre Paoli Battlefield site in perpetuity. A similar provision authorizes the Secretary of Interior to enter into a cooperative agreement with the Commonwealth of Pennsylvania or the Brandywine Conservancy to manage the Meetinghouse Road Corridor area of the Brandywine Battlefield. Moreover, the bill directs the Secretary of Interior to undertake a resource study of Paoli and Brandywine Battlefields to identify the full range of their resources and historic themes and alternatives for National Park Service involvement at these two sites.

Finally, the last section of the bill authorizes the Secretary of Interior to enter into an agreement with the private, non-profit Valley Forge Historical Society to construct and operate a museum and visitor center within the boundaries of Valley Forge National Historical Park. After the Battles of Brandywine, the Clouds, Paoli, Germantown, and Whitemarsh, the Continental Army made Valley Forge its camp from December 19, 1777 to June 19, 1778, when it emerged as a new, better equipped, and well trained American army. Currently, there is no museum in the United States dedicated to the American Revolution. I believe it is important that Congress provide the authorization to bring this worthwhile project to fruition, which will not only tell the story of the Philadelphia campaign, but the story of the entire American Revolution as well.

This museum will combine the holdings of the Valley Forge National Historical Park and the Valley Forge Historical Society, making it the largest collection of Revolutionary War era artifacts in the world. The Valley Forge Historical Society, established in 1918, has a long history of service to the park, and has amassed one of the best collections of artifacts, art, books, and documents relating to the 1777–1778 encampment of the Continental Army at Valley Forge, the American Revolution, and the American colonial era. Their collection is currently housed in a facility that is inadequate to properly maintain, preserve, and display the Society's ever-growing collection. Construction of a new facility will rectify this situation.

This project is supported by local officials, and a new facility is part of the Valley Forge National Historical Park's General Management Plan, which has identified inadequacies in the park's current visitor center and calls for the development of a new or significantly renovated museum and visitor center. The museum will educate an estimated 500,000 visitors a year about the critical events surrounding the birth of our nation.

This legislation authorizes the Valley Forge Historical Society to operate the museum in cooperation with the Secretary of Interior. This project will directly support the historical, educational, and interpretive activities and needs of Valley Forge National Historical Park and the Valley Forge Historical Society while combining two outstanding museum collections.

Mr. President, too many important historical sites, especially Revolutionary War battlefields, have already been lost to residential and commercial development. The 105th Congress made a commitment to protecting battlefield sites. I have been pleased to support these efforts as well as the successful effort to obtain funding in the FY99 Interior and Related Agencies Appropriations bill to begin conducting the Revolutionary War and War of 1812 Historic Preservation Study. I hope the 106th Congress will continue that commitment by protecting the Brandywine and Paoli Battlefields. In addition, this legislation holds enormous potential for all Americans to learn about our country's rich history by establishing a new visitor center and museum at Valley Forge National Historical Park, which will then be better able to tell the story of the American Revolution. I therefore urge my colleagues to support this bill.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 582. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition today to reintroduce legislation to authorize the operation of the Gateway Visitor Center in Independence National Historical Park in Philadelphia, Pennsylvania. Similar legislation has already been introduced in the House of Representatives by Representatives ROBERT BORSKI, CURT WELDON, and ROBERT BRADY.

As many of my colleagues are aware, Independence National Historical Park is one of the National Park Service's crown jewels, home to the Liberty Bell and Independence Hall and the birthplace of the Constitution and the Declaration of Independence. In the Spring of 1997, the Final General Management Plan for Independence Park was released, which spells out the vision for the Park for the next fifteen years. The first block of Independence Mall will contain a new home for the Liberty Bell, the second block the Gateway Visitor Center, and the third block the National Constitution Center. The revitalization of Independence Mall is well underway, but legislation is needed to fully implement the General Management Plan with regards to the Gateway Visitor Center.

The National Park Service is aware that this type of site-specific legislation is necessary for the Gateway Visitor Center. I have worked closely with the National Park Service and the Gateway Visitor Center Corporation in

developing this legislation, and the National Park Service expressed its full support for this legislation during hearings held in the 105th Congress.

I would note that the $24 million needed to construct the Gateway Visitor Center has already been committed, with the City of Philadelphia contributing $5 million, the Commonwealth of Pennsylvania $10 million, and various Foundations $15 million, of which $6 million will fund an endowment. The legislation I am introducing today merely provides the authorization for the operation of the Center. The Gateway Visitor Center will be financially self-sustaining, with only a modest contribution coming from the National Park Service for operations and maintenance.

While the Gateway Visitor Center will provide the traditional services to visitors to the Park, the Center will also provide some services which are somewhat beyond the scope of existing National Park Service legislation. In addition to its role as the Park's primary visitor center, providing visitor orientation to the Park, the city, and the region as a whole, the Gateway Visitor Center will be permitted to charge fees, conduct events, and sell merchandise, tickets, and food to visitors to the Center. These activities will allow the Gateway Visitor Center to meet its parkwide, citywide and regional missions while defraying the operating and management expenses of the Center.

The current visitor center in Independence National Historical Park is poorly located, making it underutilized and inconvenient to the millions of people who visit the Park each year. The Gateway Visitor Center will serve far more people than ever possible with the current facility by providing information, interpretation, facilities, and services to visitors to the Park, its surrounding historic areas, the City of Philadelphia, and the region in order to assist visitors in their enjoyment of the historical, cultural, educational, and recreational resources of the area. The Gateway Visitor Center will be a major asset for the Park and critical to the central management goal addressed in the General Management Plan of creating an outstanding visitor experience. The Gateway Visitor Center holds enormous potential for Independence National Historical Park and the greater Philadelphia region as a whole, and I therefore urge my colleagues to support this legislation.

By Mr. CHAFEE (by request):

S. 583. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for pre-disaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

DISASTER MITIGATION ACT OF 1999

Mr. CHAFEE. Mr. President, today, at the administration's request, I am introducing the Disaster Mitigation Act of 1999. This bill is designed to promote pre-disaster mitigation and streamline the operations of the Federal Emergency Management Agency (FEMA).

Last year, the Senate Committee on Environment and Public Works, which has oversight over FEMA, considered S. 2361, legislation authored by Senators INHOFE and GRAHAM that was based in part on the administration's 1997 proposal. While S. 2361 was reported by the committee, it was not considered by the Senate before it adjourned last November.

I believe it makes sense for Congress and FEMA to pay attention to pre-disaster mitigation efforts—i.e., the steps that can be taken before a disaster strikes. It also makes sense for us to ensure that FEMA's operations are streamlined so that the administering of disaster relief proceeds as smoothly and efficiently as possible. Taking these steps not only would be easier on the budget, but also would help prevent needless human suffering.

It is my hope that working with the administration, we will be able to craft legislation that will accomplish our goals. I look forward to working with my colleagues and administration officials toward that end.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Pre-Disaster Hazard Mitigation.
Sec. 103. Maximum contribution for mitigation costs.
Sec. 104. Conforming amendment.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

Sec. 201. Insurance.
Sec. 202. Management costs.
Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 204. Federal assistance to households.
Sec. 205. Repeals.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.

SEC. 2. AMENDMENTS TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE I—PREDISASTER HAZARDS MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes and flooding, cause great danger to human life and to property throughout the United States.

(2) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and on implementing adequate measures to reduce losses from such disasters, and to ensure that communities' critical public infrastructure and facilities will continue to function after a disaster.

(3) expenditures for post-disaster assistance are increasing without commensurate reductions in the likelihood of future losses from such natural disasters;

(4) high priority in the expenditure of Federal funds under this Act should be given to mitigate hazards for existing and new construction at the local level;

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities can form effective community-based partnerships for hazard mitigation purposes, implement effective hazards mitigation measures that reduce the existing disaster potential, ensure continued functionality of communities' critical public infrastructure, leverage additional non-Federal resources into their disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing construction.

(b) PURPOSE.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption and disaster assistance costs resulting from natural hazards, and

(2) provides a source of pre-disaster mitigation funding that will assist states and local governments in implementing effective mitigation measures that are designed to ensure the continued functionality of their critical facilities and public infrastructure after a natural disaster.

SEC. 102. PRE-DISASTER HAZARD MITIGATION.

(a) Title II of the Act is amended by adding new section 203 as follows:

''SEC. 203. PRE-DISASTER HAZARD MITIGATION.

''(a) GENERAL AUTHORITY.—The Director may establish a program of technical and financial assistance to states and local governments that implement predisaster mitigation measures in order to reduce injuries and loss of life and damage and destruction of property including damage to their critical public infrastructure and facilities.

''(b) APPROVAL BY DIRECTOR.—If the Director finds that a state or local government has identified all natural hazards in its jurisdiction and has demonstrated its ability to form effective public/private disaster mitigation partnerships, he may provide financial assistance to the State or local government for such purposes from the fund established under subsection (d) of this section.

''(c) PURPOSE OF GRANTS.—(1) The financial assistance shall be used principally by states and local governments to implement the predisaster hazard mitigation measures contained in proposals approved by the Director. Funding may also be used to support effective public/private partnerships, to ensure that new community growth and construction is disaster resistant, and to improve the

assessment of a community's natural hazards vulnerabilities or to set a community's mitigation priorities.

''(2) The Director shall take into account the following when establishing priorities for pre-disaster mitigation grants:

''(A) The level and nature of the risks to be mitigated;

''(B) Grantee commitment to reduce damages from future disasters;

''(C) commitment by the State and local government to support ongoing non-Federal support for the mitigation measures to be undertaken.

''(d) NATIONAL PRE-DISASTER MITIGATION FUND.—To carry out the pre-disaster mitigation program authorized in subsection (a), the Director may establish in the United States Treasury a National Predisaster Mitigation Fund (''Fund''), which shall be available without fiscal year limitation for grants to States and local governments under subsection (b) of this section.

''(e) FUNDS FOR THE ACCOUNT.—The Fund shall be credited with:

''(1) Funds appropriated by the Congress for the purposes of this section, which funds shall be available until expended; and

''(2) sums available from bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible, given for purposes of pre-disaster mitigation.

''(f) FEDERAL SHARE.—Subject to the provisions of subsections (g) and (h) of this section, grants from the Fund shall be not more than 75 percent of the total costs of the mitigation proposal(s) approved by the Director.

''(g) LIMIT ON GRANTS.—No grants shall be made in excess of the money available in the Fund.

''(h) RULES GOVERNING THE ACCOUNT.—The Director shall publish rules to carry out the provisions of this section.

''(b) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the date of enactment of the Disaster Mitigation Act of 1999.

SEC. 103. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

''(a) IN GENERAL.—Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the last sentence by striking ''15 percent'' and inserting ''20 percent''.

''(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to each major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) after the date of enactment of this Act.

SEC. 104. CONFORMING AMENDMENT.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

''TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE''.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

SEC. 201. INSURANCE.

Section 311(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154(a)(2)) is amended—

(a) by inserting ''(A)'' before the sentence; and

(b) adding paragraph (B) to the subsection as follows:

''(B) The President shall publish rules to require States, communities or other applicants to protect property through self-insurance or adequate mitigation measures if the appropriate State insurance commissioner makes the certification provided in paragraph (A) and the President determines that the property is not adequately protected against natural or other disasters.''

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding a new Section 322 as follows:

''SEC. 322. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—The term 'management cost', as used in this section, includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

''(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

''(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.''.

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) IN GENERAL.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under that subsection, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) REVIEW; OTHER EXPENSES.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under that section.

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) MINIMUM FEDERAL SHARE.—Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended to read as follows:

''(b)(1) Except as provided in paragraph (2) of this subsection, the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) The President shall publish rules to reduce the Federal share of assistance under this section for the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility that has previously received significant disaster assistance under this Act on multiple occasions.''

(b) CONTRIBUTIONS AND FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting new subsection (e) to read as follows:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

''(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

''(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

''(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

''SEC. 408. FEDERAL ASSISTANCE TO HOUSEHOLDS.

''(a) GENERAL AUTHORITY.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

''(1) as a direct result of a major disaster have necessary expenses and serious needs; and

''(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan or other financial assistance from the Small Business Administration or another Federal agency. Inability to meet necessary expenses and serious needs through loan or other financial assistance from the Small Business Administration or another Federal agency shall not apply to temporary housing or rental assistance under subsection (c)(2) or to permanent housing construction under subsection (c)(4) of this section.

''(b) HOUSING ASSISTANCE.—

''(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to household to respond to the disaster-related housing needs of households that are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

''(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance

to be provided to disaster victims under this section based on considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

''(c) TYPES OF HOUSING ASSISTANCE.—

''(1) Federal assistance under this subjection shall continue no longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that it is in the public interest to extend such 18-month period.

''(2) TEMPORARY HOUSING.—

''(A) FINANCIAL ASSISTANCE.—

''(i) IN GENERAL.—The President may provide financial assistance under this section to households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

''(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the sum of—

''(I) the fair market rent for the accommodation being provided; and

''(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

''(B) DIRECT ASSISTANCE.—

''(i) IN GENERAL.—The President may directly provide under this section housing units, acquired by purchase or lease, to households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

''(ii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in paragraph (c)(1), the President may charge fair market rent for the accommodation being furnished.

''(3) REPAIRS.—

''(A) IN GENERAL.—The President may provide financial assistance for the repair of owner-occupied primary residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

''(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

''(i) is used for emergency repairs to make a private primary residence habitable; and

''(ii) does not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for Urban Consumers as reported by the Bureau of Labor Statistics of the Department of Labor.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (c)(1) are unavailable, infeasible, or not cost effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

''(1) SITES.—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is provided by the State or local government; and

''(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

''(2) DISPOSAL OF UNITS.—

''(A) SALE TO OCCUPANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the household who is occupying the unit if the household needs permanent housing.

''(ii) SALES PRICE.—Sales of temporary housing units under this clause shall be accomplished at prices that are fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

''(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL.—

''(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purpose of housing disaster victims may be resold.

''(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or other making available, the State, other governmental agency, or voluntary organizations agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

''(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

''(g) MAXIMUM AMOUNT OF ASSISTANCE.—The maximum amount of financial assistance that a household may receive under this section with respect to a single major disaster shall be $25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

''(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking ''temporary housing''.

(c) REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 205. REPEALS.

(a) ASSOCIATED EXPENSES.—Subject to the provisions of section 202(b)(2) of this Act, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) is repealed.

(b) COMMUNITY DISASTER LOANS.—Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is repealed.

(c) SIMPLIFIED PROCEDURE.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is repealed.

SECTIONAL ANALYSIS

Sec. 1 Short title; table of contents. Section 1 establishes the short title of the bill as the ''Disaster Mitigation Act of 1999.''

Sec. 2. Amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This section states that unless otherwise specified, any amendment or repeal of a section or provision shall be considered to be made to the Stafford Act.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose. Adopts the findings and statement of purpose found in S. 2361, 105th Congress. Section 101 describes four findings of Congress: (1) greater emphasis needs to be placed on hazard identification and hazard mitigation, (2) expenditures for disaster assistance are increasing without evidence of potential reduction of future losses, (3) a high priority should be placed on the implementation or predisaster mitigation activities, and (4) a unified effort will be successful in reducing future losses from natural disasters.

These findings signal the importance of commitments by States and local communities to long-term disaster mitigation efforts (including developing appropriate construction standards, practices and materials) for new and existing structures. Such commitments can help reduce the rise of future damage to life and property and ensure that critical facilities and public infrastructure will function after a disaster strikes.

Sec. 102. Pre-Disaster Hazard Mitigation. Section 102 creates a new Section 203 in the Stafford Act that authorizes the Director to establish a program for States, local governments, and other entities for carrying out predisaster mitigation activities that exhibit long-term, cost-effective benefits and substantially reduce the risk of future damage from major disasters. For the purposes of this section, the term ''entities'' refers to governmental entities of the State or local government, regional planning organizations, governmental units organized along watershed or other planning foci, or tribal governments.

In selecting a site, the Director must consider the likelihood of damage resulting from a natural disaster; the identification of cost effective mitigation activities with meaningful outcomes; the consistency with State mitigation programs; the opportunity to maximize net benefits to society; the ability of a State or local government or entity to fund mitigation activities; private sector interest; and other criteria established in coordination with State and local governments. The Director must take into account

the level and nature of risks to be mitigated, grantee commitment to reduce damages from future disasters, and commitment by the State or local government to support ongoing non-Federal support for the mitigation measures to be undertaken when establishing priorities for pre-disaster mitigation grants.

With regard to mitigation activities, this section requires the President and the States to consult on a list of those activities that are appropriate, and delegates decisions regarding selections from the list to local governments.

States receiving financial assistance under this section may use the assistance to fund activities to disseminate information about cost-effective mitigation technologies. Certain construction standards, practices, and materials have been proven effective in mitigating the risks or impacts of actual natural disasters. Public awareness of these technologies can allow communities to make informed decisions that can substantially reduce the risk of future damage, hardship or suffering from a major disaster.

Sec. 103. Maximum contribution for mitigation costs. Section 103 amends Section 404(a) of the Stafford Act by changing maximum hazard mitigation contributions from 15% to 20% of aggregate amount of grants. The changes made by this section are applicable to all major disasters declared after January 1, 1999.

Sec. 104. Conforming amendment. This section amends to the heading of Title II to read ''Title II—Disaster Preparedness and Mitigation Assistance''.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE.

Sec. 201. Insurance. Section 201 amends §311(a)(2) of the Stafford Act to authorize the President to require by regulation that States, communities or other applicants protect property through self-insurance or adequate mitigation measures if the State's insurance commissioner certifies that insurance is not reasonably available. Under current law if the State insurance commissioner certifies that insurance is not reasonably available, an applicant need not take any further action to insure or mitigate the property against future damage. This provision authorizes the President to require further action to reduce future potential damage to the affected property.

Sec. 202. Management costs. Section 203 adds a new Section 322 to the Stafford Act. It provides a definition for management costs and directs the President to establish management cost reimbursement rates, subject to periodic review, for grantees and subgrantees receiving assistance under the Act. Appropriate costs are to be established by Federal regulation. The current reimbursement system will remain in effect for disasters declared before the new rates are established.

Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities. Section 203 amends and reorganizes the section of the Stafford Act (Section 406) that provides authority to the President to make contributions to a State, local government, or person for the repair, restoration, or replacement of public facilities or private nonprofit facilities. As amended, this section establishes a minimum Federal share of 75 percent of the cost of such activities. Section 203 would also amend Section 206 to authorize reduction in Federal disaster assistance for facilities which had received disaster assistance in the past and for which insurance had not been maintained since receipt of the disaster assistance.

This section also sets new rules for cost estimates by allowing the cost of repairs in situations where the actual cost is above 120 percent or below 80 percent of the estimated cost to be reconsidered. In addition, it directs the President to establish an expert panel for development of procedures for cost estimations.

Sec. 204. Federal assistance to households. Section 204(a) amends Section 408 of the Stafford Act to combine the Housing and Individual and Family Grant (IFG) Programs. As amended, this section establishes the type of assistance available for housing, repairs, and construction, and caps total assistance per individual or household under the combined program at $25,000 per major disaster. It authorizes the President to assist individuals by replacing their homes under certain conditions or allowing them to rent alternate housing accommodations, and by providing financial assistance for medical, dental, funeral, personal property, and transportation expenses. The President is to issue regulations to determine eligibility for assistance.

Section 204(b) deletes the term ''temporary housing'' from §502(a)(6) of the Stafford Act. Section 502 specifies and limits the emergency assistance that the President may provide when he declares an emergency under the Act. Paragraph (a)(6) states that he may provide ''temporary housing assistance'' under §408 of the Act. This amendment would give the President authority to provide assistance under §408, which would encompass both housing and assistance to individuals and households in the consolidated section.

Sec. 204(c) repeals the Individual and Family Grant programs, which under this legislation are consolidated with the Temporary Housing program.

Sec. 205. Repeals. Section 205 repeals Section 406(f) and Section 417 of the Stafford Act (providing for Associated Expenses and for Community Disaster Loans), as well as Section 422 (regarding simplified procedure), in order to conform with the amendment made under Section 202(d) of the bill.

RAMSEYER/CORDON COMPARISON

Materials deleted within bold brackets **[ ]**, new text in *italic*.

SEC. 101. FINDINGS AND PURPOSE.

(d) FINDINGS.—The Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes and flooding, cause great danger to human life and to property throughout the United States.

(2) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and on implementing adequate measures to reduce losses from such disasters, and to ensure that communities' critical public infrastructure and facilities will continue to function after a disaster.

(3) expenditures for post-disaster assistance are increasing without commensurate reductions in the likelihood of future losses from such natural disasters;

(4) high priority in the expenditure of Federal funds under this Act should be given to mitigate hazards for existing and new construction at the local level;

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities can form effective community-based partnerships for hazard mitigation purposes, implement effective hazards mitigation measures that reduce the existing disaster potential, ensure continued functionality of communities' critical public infrastructure, leverage additional non-Federal resources into their disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing construction.

(b) PURPOSE.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption and disaster assistance costs resulting from natural hazards, and

(2) provides a source of pre-disaster mitigation funding that will assist states and local governments in implementing effective mitigation measures that are designed to ensure the continued functionality of their critical facilities and public infrastructure after a natural disaster.

SEC. 102. PRE-DISASTER HAZARD MITIGATION.

42 U.S.C. Sec. 203. PRE-DISASTER HAZARD MITIGATION.

(a) GENERAL AUTHORITY.—The Director may establish a program of technical and financial assistance to states and local governments that implement predisaster mitigation measures in order to reduce injuries and loss of life and damage and destruction of property including damage to their critical public infrastructure and facilities.

(b) APPROVAL BY DIRECTOR.—If the Director finds that a state or local government has identified all natural disaster hazards in its jurisdiction and has demonstrated its ability to form effective public/private disaster mitigation partnerships, he may make grants to the State or local government for such purposes from the fund established under subsection (d) of this section.

''(c) PURPOSE OF GRANTS.—(1) The financial assistance shall be used principally by states and local governments to implement the predisaster hazard mitigation measures contained in proposals approved by the Director. Funding may also be used to support effective public/private partnerships, to ensure that new community growth and construction is disaster resistant, and to improve the assessment of a community's natural hazards vulnerabilities or to set a community's mitigation priorities.

''(2) The Director shall take into account the following when establishing priorities for predisaster mitigation grants:

''(A) the level and nature of the risks to be mitigated;

''(B) Grantee commitment to reduce damages from future disasters;

''(C) commitment by the State or local government to support ongoing non-Federal support for the mitigation measures to be undertaken.

(d) NATIONAL PRE-DISASTER MITIGATION FUND.—To carry out the pre-disaster mitigation program authorized in subsection (a), the Director shall establish in the United States Treasury a National Predisaster Mitigation Fund (''Fund''), which shall be an account separate from any other accounts or funds, and which shall be available without fiscal year limitation for grants to States and local governments under subsection (b) of this section.

(e) FUNDS FOR THE ACCOUNT.—The Fund shall be credited with:

(1) funds appropriated by the Congress for the purposes of this section which funds shall be available until expended; and

(2) sums available from bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible, given for purposes of pre-disaster mitigation.

(f) FEDERAL SHARE.—Subject to the provisions of subsections (g) and (h) of this section, grants from the Fund shall be not more than 75 percent of the total cost of the mitigation proposal(s) approved by the Director.

(g) LIMIT ON GRANTS.—No grants shall be made in excess of the money available in the Fund.

3(h) RULES GOVERNING THE ACCOUNT.—The Director shall publish rules to carry out the provisions of this section.

SEC. 103. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

42 U.S.C. SEC. 404. HAZARD MITIGATION.

(a) IN GENERAL.—

The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are

cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures shall be identified following the evaluation of natural hazards under section 5176 of this title and shall be subject to approval by the President. The total of contributions under this section for a major disaster shall not exceed [15] *20* percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this chapter with respect to the major disaster.

SEC. 201. INSURANCE.
42 U.S.C. SEC. 311. INSURANCE.

(a) APPLICANTS FOR REPLACEMENT OF DAMAGED FACILITIES.—

* * * * *

(2) DETERMINATION.—

(A) In making a determination with respect to availability, adequacy, and necessity under paragraph (1), the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.

(B) The President shall publish rules to require States, communities or other applicants to protect property through self-insurance or adequate mitigation measures if the appropriate State insurance commissioner makes the certification provided in paragraph (A) and the President determines that the property is not adequately protected against natural or other disasters.

SEC. 202. MANAGEMENT COSTS
SEC. 322. MANAGEMENT COSTS.

(a) DEFINITION OF MANAGEMENT COST.—The term 'management cost', as used in this section, includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

(C) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES
42 U.S.C. SEC. 406. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

(a) MINIMUM FEDERAL SHARE.—

[§406] (b) MINIMUM FEDERAL SHARE.—

[The Federal share of assistance under this section shall be not less than—

(1) 75 percent of the net eligible cost of repair, restoration, reconstruction, or replacement carried out under this section;

(2) 100 percent of associated expenses described in subsections (f)(1) and (f)(2); and

(3) 75 percent of associated expenses described in subsections (f)(3), (f)(4), and (f)(5).]

(1) Except as provided in paragraph (2) of this subsection, the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

(2) The President shall publish rules to reduce the Federal share of assistance under this section for the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility that has previously received significant disaster assistance under this Act on multiple occasions.

(B) CONTRIBUTIONS AND FEDERAL SHARE

[(e) NET ELIGIBLE COST.—

[(1) General rule.—

[For purposes of this section, the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall, at a minimum, be treated as the net eligible cost of such repair, restoration, reconstruction, or replacement.

[(2) Special rule

[In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibility and not the contractor's responsibility.

[§406] *(e) Eligible cost.—*

(1) Determination—

(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.

SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS
42 U.S.C. [SEC. 408. TEMPORARY HOUSING ASSISTANCE

[(a) PROVISION OF TEMPORARY HOUSING—

[(1) IN GENERAL—

[The President may—

[(A) provide, by purchase or lease, temporary housing (including unoccupied habitable dwellings), suitable rental housing, mobile homes, or other readily fabricated dwellings to persons who, as a result of a major disaster, require temporary housing; and

[(B) reimburse State and local governments in accordance with paragraph (4) for the cost of sites provided under paragraph (2).

[(2) MOBILE HOME SITE—

[(A) IN GENERAL—

[Any mobile home or other readily fabricated dwelling provided under this section shall whenever possible be located on a site which—

[(i) is provided by the State or local government; and

[(ii) has utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

[(B) Other sites—

[Mobile homes and other readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible than sites described in subparagraph (A).

[(3) PERIOD—

[Federal financial and operational assistance under this section shall continue for not longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that due to extraordinary circumstances it would be in the public interest to extend such 18-month period.

[(4) FEDERAL SHARE—

[The Federal share of assistance under this section shall be 100 percent; except that the Federal share of assistance under this section for construction and site development costs (including installation of utilities) at a mobile home group site shall be 75 percent of the eligible cost of such assistance. The State or local government receiving assistance under this section shall pay any cost which is not paid for from the Federal share.

[(b) TEMPORARY MORTGAGE AND RENTAL PAYMENTS.—

[The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided for the duration of the period of financial hardship but not to exceed 18 months.

[(c) IN LIEU EXPENDITURES.—

[In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition.

[(d) TRANSFER OF TEMPORARY HOUSING—

[(1) DIRECT SALE TO OCCUPANTS—

[Notwithstanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

[(2) TRANSFERS TO STATES, LOCAL GOVERNMENTS, AND VOLUNTARY ORGANIZATIONS—

[The President may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this

paragraph a covenant to comply with the provisions of section 308 requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) and to the purposes of providing temporary housing for disaster victims in major disasters or emergencies.

[(e) NOTIFICATION—

[(1) IN GENERAL—

[Each person who applies for assistance under this section shall be notified regarding the type and amount of any assistance for which such person qualifies. Whenever practicable, such notice shall be provided within 7 days after the date of submission of such application.

[(2) INFORMATION—

[Notification under this subsection shall provide information regarding—

[(A) all forms of such assistance available;

[(B) any specific criteria which must be met to qualify for each type of assistance that is available;

[(C) any limitations which apply to each type of assistance; and

[(D) the address and telephone number of offices responsible for responding to—

[(i) appeals of determinations of eligibility for assistance; and

[(ii) requests for changes in the type or amount of assistance provided.

[(f) LOCATION—

[In providing assistance under this section, consideration shall be given to the location of and travel time to—

[(1) the applicant's home and place of business;

[(2) schools which the applicant or members of the applicant's family who reside with the applicant attend; and

[(3) crops of livestock which the applicant tends in the course of any involvement in farming which provides 25 percent or more of the applicant's annual income.]

Sec. 408. FEDERAL ASSISTANCE TO HOUSEHOLDS.

(a) GENERAL AUTHORITY.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

(1) as a direct result of a major disaster have necessary expenses and serious needs; and

(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan or other financial assistance from the Small Business Administration or another Federal agency. Inability to meet necessary expenses and serious needs through loan or other financial assistance from the Small Business Administration or another Federal agency shall not apply to temporary housing or rental assistance under subsection (c)(2) or to permanent housing construction under subsection (c)(4) of this section.

(b) HOUSING ASSISTANCE—

(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to households to respond to the disaster-related housing needs of households that are displaced from their predisaster primary residence or whose predisaster primary residence are rendered uninhabitable as a result of damage caused by a major disaster.

(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based on consideration of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

(c) TYPES OF HOUSING ASSISTANCE—

(1) Federal assistance under this subsection shall continue no longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that it is in the public interest to extend such 18-month period.

(2) TEMPORARY HOUSING—

(A) FINANCIAL ASSISTANCE—

(i)—IN GENERAL.—The President may provide financial assistance under this section to households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the sum of—

(I) the fair market rent for the accommodation being provided; and

(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

(B) DIRECT ASSISTANCE.—

(i) IN GENERAL.—The President may direct provide under this section housing units; acquired by purchase or lease, to households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

(ii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in clause (ii), the President may charge fair market rent for the accommodation being provided.

(3) REPAIRS.—

(A) IN GENERAL.—The President may provide financial assistance for the repair of owner-occupied primary residents, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

''(i) is used for emergency repairs to make a private primary residence habitable; and

''(ii) does not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for Urban Consumers as reported by the Bureau of Labor Statistics of the Department of Labor.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (c)(l) are unavailable, infeasible, or not cost effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE—

''(l) SITES—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is provided by the State or local government; and

''(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

''(2) DISPOSAL OF UNITS—

''(A) SALE TO OCCUPANTS—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the household who is occupying the unit if the household needs permanent housing.

''(ii) SALES PRICE.—Sales of temporary housing units under clause shall be accomplished at prices that are fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

''(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL—

''(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purpose of housing disaster victims may be resold.

''(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or other making available, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain the maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS—

''(l) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation and coordination with the governor of the affected State, may provide financial assistance under this section to a household described in paragraph (l) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

(g) MAXIMUM AMOUNT OF ASSISTANCE.—The maximum amount of financial assistance that a household may receive under this section with respect to a single major disaster shall be $25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.

Sec. 204(b). CONFORMING AMENDMENT.

SEC. 502. FEDERAL EMERGENCY ASSISTANCE.

(a) SPECIFIED.—

In any emergency, the President may—

* * * * *

(6) provide [temporary housing] assistance in accordance with section 408 [42 U.S.C. §5174]; and

Sec. 204(c). REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.

42 U.S.C. [SEC. 411. INDIVIDUAL AND FAMILY GRANT PROGRAMS.

[(a) IN GENERAL.—

The President is authorized to make a grant to a State for the purpose of making grants to individuals or families adversely affected by a major disaster for meeting disaster-related necessary expenses or serious needs of such individuals or families in those

cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act or through other means.

[(b) COST SHARING.—

(1) FEDERAL SHARE.—

The Federal share of a grant to an individual or a family under this section shall be equal to 75 percent of the actual cost incurred.

(2) STATE CONTRIBUTION.—

The Federal share of a grant under this section shall be paid only on condition that the remaining 25 percent of the cost is paid to an individual or family from funds made available by a State.

[(c) REGULATIONS.—

[The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants under this section.

[(d) ADMINISTRATIVE EXPENSES.—

A State may expend not to exceed 5 percent of any grant made by the President to it under subsection (a) for expenses of administering grants to individuals and families under this section.

[(e) ADMINISTRATION THROUGH GOVERNOR.—

The Governor of a State shall administer the grant program authorized by this section in the State.

[(f) LIMIT ON GRANTS TO INDIVIDUAL.—

No individual or family shall receive grants under this section aggregating more than $10,000 with respect to any single major disaster. Such $10,000 limit shall annually be adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.]

SEC. 205. REPEALS.

Sec. 205(a). Associated Expenses.

[(f) ASSOCIATED EXPENSES.—

For purposes of this section, associated expenses include the following:

[(1) NECESSARY COSTS.—

Necessary costs of requesting, obtaining, and administering Federal assistance based on a percentage of assistance provided as follows:

(A) For an applicant whose net eligible costs equal less than $100,000, 3 percent of such net eligible costs,

(B) For an applicant whose net eligible costs equal $100,000 or more but less than $1,000,000, $3,000 plus 2 percent of such net eligible costs in excess of $100,000.

(C) For an applicant whose net eligible costs equal $1,000,000 or more but less than $5,000,000, $21,000 plus 1 percent of such net eligible costs in excess of $1,000,000.

(D) For an applicant whose net eligible costs equal $5,000,000 or more, $61,000 plus ½ percent of such net eligible costs in excess of $5,000,000.

[(2) EXTRAORDINARY COSTS—

Extraordinary costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees, based on the total amount of assistance provided under sections 5170b, 5170c, 5172, 5173, 5192, 5193 of this title in such State in connection with the major disaster as follows:

(A) If such total amount is less than $100,000, 3 percent of such total amount,

(B) If such total amount is $100,000 or more but less than $1,000,000, $3,000 plus 2 percent of such total amount net eligible cost in excess of $100,000,

(C) If such total amount is $1,000,000 or more but less than $5,000,000, $21,000 plus 1 percent of such total amount net eligible cost in excess of $1,000,000,

(D) If such total amount is $5,000,000 or more, $61,000 plus ½ percent of such total amount net eligible cost in excess of $5,000,000.

[(3) COSTS OF NATIONAL GUARD—

The costs of mobilizing and employing the National Guard for performance of eligible work.

[(4) COSTS OF PRISON LABOR—

The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

[(5) OTHER LABOR COSTS—

Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster]

Sec. 205(b) COMMUNITY DISASTER LOANS.

42 U.S.C. [Sec. 417. COMMUNITY DISASTER LOANS.

[(a) The President is authorized to make loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions. The amount of any such loan shall be based on need, and shall not exceed 25 per centum of the annual operating budget of that local government for the fiscal year in which the major disaster occurs. Repayment of all or any part of such loan to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character shall be canceled.

[(b) Any loans made under this section shall not reduce or otherwise affect any grants or other assistance under this Act.]

Sec. 205(c) SIMPLIED PROCEDURE.

[(SEC. 422. SIMPLIFIED PROCEDURE.

[If the Federal estimate of the cost of—

(1) repairing, restoring, reconstructing, or replacing under section 406 any damaged or destroyed public facility or private nonprofit facility,

(2) emergency assistance under section 403 or 502, or

(3) debris removed under section 407,

is less than $35,000, the President (on application of the State or local government or the owner or operator of the private nonprofit facility) may make the contribution to such State or local government or owner or operator under section 403, 406, 407, or 502, as the case may be, on the basis of such Federal estimate. Such $35,000 amount shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.]

By Mr. KENNEDY (for himself and Mr. LAUTENBERG):

S. 584. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment under the medicaid program of certain tobacco-related funds received by a State if a State uses a portion of such funds for tobacco use prevention and health care and early learning programs; to the Committee on Finance.

CHILDREN'S SMOKING PREVENTION, HEALTH, AND EARLY LEARNING TRUST FUND

Mr. KENNEDY. Mr. President, today I am introducing legislation which will insure that the federal share of the state Medicaid settlements negotiated with the tobacco industry is used by the states to prevent youth smoking, to improve health care, and to promote child development. Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share should be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That would be an eminently fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a vital interest in how the federal share will be used.

My legislation would require states to use half of the amount of money they receive from the tobacco industry each year (the federal share) to protect children and improve public health. At least thirty-five percent of the federal share would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

The remainder of the federal share would be available for states to use to fund health care and early learning initiatives which they select. States can either use the additional resources to supplement existing programs in these

areas, or to fund creative new state initiatives to improve public health and promote child development.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. Finally, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It is particularly appropriate that resources taken from this malignant industry be used to give our children a better start in life. States could use a portion of these funds to improve early learning opportunities for young children, or to expand child care services, or for other child development initiatives.

Congress has a compelling interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens, and particularly for our children.

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Indiana [Mr. BAYH] was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 51

At the request of Mr. BIDEN, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 289

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 289, a bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Georgia [Mr. CLELAND], the Senator from California [Mrs. FEINSTEIN], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Idaho [Mr. CRAPO], the Senator from Colorado [Mr. ALLARD], and the Senator from Wisconsin [Mr. FEINGOLD] 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 Mrs. HUTCHISON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 391

At the request of Mr. KERREY, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 456

At the request of Mr. CONRAD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 483

At the request of Ms. SNOWE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 483, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. SANTORUM] 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.

S. 499

At the request of Mr. FRIST, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of 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.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. DODD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 532

At the request of Mrs. FEINSTEIN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 532, a bill to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas, and for other purposes.

S. 562

At the request of Mr. HARKIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. BRYAN] 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 CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Arizona [Mr. KYL] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as ''National School Violence Victims' Memorial Day.''

SENATE RESOLUTION 60—RECOGNIZING THE PLIGHT OF THE TIBETAN PEOPLE ON THE 40TH ANNIVERSARY OF TIBET'S ATTEMPT TO RESTORE ITS INDEPENDENCE

Mr. MACK (for himself, Mr. MOYNIHAN and Mr. LOTT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas during the period 1949–1950, the newly established communist government of the People's Republic of China sent an army to invade Tibet;

Whereas the Tibetan army was ill equipped and out-numbered, and the People's Liberation Army overwhelmed Tibetan defenses;

Whereas, on May 23, 1951, a delegation sent from the capital city of Lhasa to Peking to negotiate with the Government of the People's Republic of China was forced under duress to accept a Chinese-drafted 17-point agreement that incorporated Tibet into China but promised to preserve Tibetan political, cultural, and religious institutions;

Whereas during the period of 1951–1959, the failure of the Government of the People's Republic of China to uphold guarantees to autonomy contained in the 17-Point Agreement and the imposition of socialist reforms resulted in widespread oppression and brutality;

Whereas on March 10, 1959 the people of Lhasa, fearing for the life of the Dalai Lama, surrounded his palace, organized a permanent guard, and called for the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence;

Whereas on March 17, 1959 the Dalai Lama escaped in disguise during the night after two mortar shells exploded within the walls of his palace and, before crossing the Indian border into exile two weeks later, repudiated the 17-Point Agreement;

Whereas during the ''Lhasa Revolt'' begun on March 10, 1959, Chinese statistics estimate 87,000 Tibetans were killed, arrested, or deported to labor camps, and only a small percentage of the thousands who attempted to escape to India survived Chinese military attacks, malnutrition, cold, and disease;

Whereas for the past forty years, the Dalai Lama has worked in exile to find ways to allow Tibetans to determine the future status of Tibet and was awarded the Nobel Peace Prize for his efforts in 1989;

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas the Dalai Lama has stated his willingness to negotiate within the framework enunciated by Deng Xiaoping in 1979: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) March 10, 1999 should be recognized as ''Tibetan National Day'' in solemn remembrance of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression against their country and of the inherent right of the Tibetan people to reject tyranny and to determine their own political future, including independence, if they so determine; and

(2) March 10 of each year should serve as an occasion to renew calls by the President, Congress, and other United States Government officials on the Government of the People's Republic of China to enter into serious negotiations with the Dalai Lama or his representatives until such a time as a peaceful solution, satisfactory to both sides, is achieved.

Mr. MACK. Mr. President, the Tibetan people are suffering today in the name of freedom, and I am pleased to rise with Senator MOYNIHAN to submit a resolution in solemn commemoration of this day, March 10, in Tibetan history.

It was on March 10, 1959 that the Tibetan people said, ''enough is enough.'' The city of Lhasa organized into what later became known as the ''Lhasa revolt'' on this day forty years ago, to protect their beloved leader, the 14th Dalai Lama, and to reject the impositions of Beijing. Let me provide some details.

The new communist government in Beijing sent an army to invade Tibet in 1949. The People's Liberation Army quickly overwhelmed Tibetan defenses. In 1951, a Tibetan delegation went to Beijing to negotiate a peace agreement. But negotiation is too kind of a word. The Tibetan delegation was forced to sign a PRC-written document known as the ''17 Point Agreement.'' Even though it was forced upon the Tibetan government, it promised to preserve Tibetan political, cultural, and religious institutions, and so was warily accepted by the Tibetan government.

Mr. President, going back to the early days of the PRC, we can see a pattern. The terms on paper protected the Tibetan way of life. But the promises proved empty. I suggest this is a lesson our President today would be wise to learn. Whether regarding Hong Kong, weapons proliferation, or trade, we must remember what Ronald Reagan taught us—''trust, but verify.'' This is especially true of our dealings with communists and authoritarian rulers.

In Tibet, nine years of trying to compromise with the communists, from 1951 to 1959, failed. In fact, the restrictions on Tibet increased progressively, as did the oppression and brutality of Beijing's rule.

March 10, 1959 stands out as an important day, not only in Tibet's history, but also in the history of humanity's struggle for freedom. On this day, the people of Lhasa organized a permanent guard around the Dalai Lama's palace, and demanded the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence.

One week later, the Dalai Lama was forced to flee his home and his people while his palace was being shelled by the PLA. It is important to note that, in a great and triumphant official act, he repudiated the 17-Point agreement.

According to Chinese statistics, 87,000 Tibetans were killed, arrested, or deported to labor camps during this ''Lhasa Revolt.'' Countless tried to follow the Dalai Lama to India—unfortunately, only a very small percentage of the thousands who attempted to escape through the Himalayas to India survived. If they could successfully avoid the Chinese military—then they would succumb to malnutrition, cold, and disease.

Mr. President, we are today honoring the memory of the more than 87,000 Tibetans who paid with their lives for the preservation of Tibet. We also honor the 6 million Tibetans today who keep alive the hope of one-day returning home.

Mr. President, we believe in certain inalienable rights; it is part of our constitution. I believe that our freedom cannot be complete, and we as a nation cannot achieve our fullest greatness, so long as others suffer from the yoke of tyranny and oppression. Tibet today suffers from cultural genocide at the hands of the PRC. And yet, don't they also have inalienable rights: to reject tyranny? to determine their political future including independence? to chose freedom and reject oppression?

The answer, very clearly, must be a resounding ''yes.'' We have introduced

this resolution today, to register this ''yes.'' We do it for His Holiness, the Dalai Lama of Tibet. We do it for the 6 million Tibetans in the world today facing the very real and unfortunate threat of seeing their homeland destroyed and culture obliterated. And, we do it for each of us who believe that the gifts we have in our lives here do not excuse us from caring about the struggles of others.

I am pleased to submit this resolution, and ask my colleagues to support its immediate adoption.

Mr. President, I ask unanimous consent that a statement issued by the Dalai Lama of Tibet be printed in the RECORD.

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

STATEMENT BY THE DALAI LAMA ON THE 40TH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING, MARCH 10, 1999

My sincere greetings to my compatriots in Tibet as well as in exile and to all our friends and supporters all over the world on the occasion of the 40th anniversary of the Tibetan national uprising of 1959.

Four decades have passed since we came into exile and continued our struggle for freedom both in and outside Tibet. Four decades are a considerable time in a person's life. Many fellow countrymen, both those who stayed back in Tibet in 1959 and those who came out at that time, are now gone. Today, the second and third generations of Tibetans are shouldering the responsibility of our freedom struggle with undiminished determination and indomitable spirit.

During our four decades of life in exile, the Tibetan community has gone through a process of increasing democratization and has made tremendous progress in education. We have also been able to preserve and promote our unique cultural and religious heritage. Our achievement on all these fronts is now widely recognized and acknowledged by the international community. The credit for this achievement goes to the determination and hard work of the Tibetan people. However, our success would not have been possible without the generous assistance of many international aid organizations and individuals. We are especially grateful to the people and government of India for their unsurpassed generosity and hospitality ever since the late Prime Minister Jawaharlal Nehru gave asylum to the Tibetan refugees and laid down the programmes for education and rehabilitation of our exile community.

During the same four decades, Tibet has been under the complete control of the government of the People's Republic of China and the Chinese authorities have had a free hand in governing our country. The late Panchen Lama's 70,000-character petition of 1962 serves as a telling historical document on the draconian Chinese policies and actions in Tibet. The immense destruction and human suffering during the Cultural Revolution, which followed shortly afterwards are today known world-wide and I do not wish to dwell on these sad and painful events. In January 1989, a few days before his sudden death, the Panchen Lama further stated that the progress made in Tibet under China could not match the amount of destruction and suffering inflicted on the Tibetan people. Although some development and economic progress has been made in Tibet, our country continues to face many fundamental problems. In terms of history, culture, language, religion, way of life and geographical conditions, there are stark differences between Tibet and China. These differences result in grave clashes of values, dissent and distrust. At the sight of the slightest dissent the Chinese authorities react with force and repression resulting in widespread and serious violations of human rights in Tibet. These abuses of rights have a distinct character, and are aimed at preventing Tibetans as a people from asserting their own identity and culture, and their wish to preserve them. Thus, human rights violations in Tibet are often the result of policies of racial and cultural discrimination and are only the symptoms and consequences of a deeper problem. The Chinese authorities identify the distinct culture and religion of Tibet as the root cause of Tibetan resentment and dissent. Hence their policies are aimed at decimating this integral core of the Tibetan civilian and identity.

After a half a century of ''liberation'' the Tibetan issue is still very much alive and remains yet to be resolved. Obviously this situation is of no benefit to anyone, either to Tibet or to China. To continue along this path does nothing to alleviate the suffering of the Tibetan people, nor does it bring stability and unity to China or help in enhancing China's international image and standing. The only sensible and responsible way to address this problem is dialogue. There is no realistic alternative to it.

It is with this realization that in the early seventies I discussed and decided with my senior officials the main points of my ''Middle Way Approach''. Consequently, I opted for a resolution of the Tibet issue, which does not call for the independence of Tibet or its separation from China. I firmly believe that it is possible to find a political solution that ensures the basic rights and freedoms of the Tibetan people within the framework of the People's Republic of China. My primary concern is the survival and preservation of Tibet's unique spiritual heritage, which is based on compassion and non-violence. And, I believe it is worthwhile and beneficial to preserve this heritage since it continues to remain relevant in our present-day world.

With this spirit I responded immediately when Deng Xiaoping, in late 1978, signalled a willingness to resume dialogue with us. Since then our relation with the Chinese government has taken many twists and turns. Unfortunately, a lack of political will and courage on the part of the Chinese leadership has resulted in their failure to reciprocate my numerous overtures over the years. Thus, our formal contact with the Chinese government came to an end in August 1993. But a few informal channels through private persons and semi-officials were established after that. During the past one-and-a-half year one informal channel seemed to work smoothly and reliably. In addition, there were some indications that President Jiang personally had taken an interest in the Tibetan issue. When US President Clinton visited China last June, President Jiang discussed Tibet with him at some length. Addressing a joint press conference, President Jiang sought a public clarification from me on two conditions before resuming dialogues and negotiations. We, on our part, communicated to the Chinese government my readiness to respond to President Jiang's statement and our desire for an informal consultation before making it public. Sadly, there was no positive response from the Chinese side. Late last autumn, without any obvious reason, there was a noticeable hardening of the Chinese position on dialogue and their attitude towards me. This abrupt change was accompanied by a new round of intensified repression in Tibet. This is the current status of our relation with the Chinese government.

It is clear from our experiences of the past decades that formal statements, official rhetoric and political expediency alone will do little to either lessen the suffering of the concerned people or to solve the problem at hand. It is also clear that force can control human beings only physically. It is through reason, fairness and justice alone that the human mind and heart can be won over. What is required is the political will, courage and vision to tackle the root cause of the problem and resolve it once and for all to the satisfaction and benefit of the concerned people. Once we find a mutually acceptable solution to the Tibetan issue, I will not hold any official position, as I have clearly stated for many years.

The root cause of the Tibetan problem is not the difference in ideology, social system or issues resulting from clashes between tradition and modernity. Neither is it just the issue of human rights violations alone. The root of the Tibetan issue lies in Tibet's long, separate history, its distinct and ancient culture, and its unique identity.

Just as in late 1978, so also today, resumption of contact and dialogue is the only sensible and viable way to tackle this complex and grave problem. The atmosphere of deep distrust between Tibetans and Chinese must be overcome. This distrust will not go away in a day. It will dissipate only through face-to face meetings and sincere dialogues.

I feel that the Chinese leadership is sometimes hindered by its own suspicions so that it is unable to appreciate sincere initiatives from my side, either on the overall solution to the Tibetan problem or on any other matter. A case in point is my consistent and long-standing call for the need to respect the environmental situation in Tibet. I have long warned of the consequences of wanton exploitation of the fragile environment on the Tibet plateau. I did not do this out of selfish concern for Tibet. Rather, it has been acutely clear that any ecological imbalance in Tibet would affect not just Tibet, but all the adjacent areas in China and even its neighbouring counties. It is sad and unfortunate that it took, last year's devastating floods for the Chinese leadership to realize the need for environmental protection. I welcome the moratorium that has been placed on the denudation of forests in Tibetan areas and hope that such measures, belated though they may be, will be followed by more steps to keep Tibet's fragile ecosystem intact.

On my part, I remain committed to the process of dialogue as the means to resolve the Tibetan problem. I do not seek independence for Tibet. I hope that negotiations can begin and that they will provide genuine autonomy for the Tibetan people and the preservation and promotion of their cultural, religious and linguistic integrity, as well as their socio-economic development. I sincerely believe that my ''Middle Way Approach'' will contribute to stability and unity of the People's Republic of China and secure the right for the Tibetan people to live in freedom, peace and dignity. A just and fair solution to the issue of Tibet will enable me to give full assurance that I will use my moral authority to persuade the Tibetans not to seek separation.

As a free spokesman for the people of Tibet, I have made every possible effort to engage the Chinese government in negotiations on the future of the Tibetan people. In this endeavor, I am greatly encouraged and inspired by the support we receive from many governments, parliaments, non-governmental organizations and the public throughout the world. I am deeply grateful for their concern and support. I would like to make a special mention of the efforts being made by President Clinton and his Administration to encourage the Chinese government to engage in dialogues with us. In addition, we are fortunate to continue to enjoy

strong bipartisan support in the United State Congress.

The plight of the Tibetan people and our non-violent freedom struggle has touched the hearts and conscience of all people who cherish truth and justice. The international awareness of the issue of Tibet has reached an unprecedented height since last year. Concerns and active support for Tibet are not confined to human rights organizations, governments and parliaments. Universities, schools, religious and social groups, artistic and business communities as well as people from many other walks of life have also come to understand the problem of Tibet and are now expressing their solidarity with our cause. Reflecting this rising popular sentiment, many governments and parliaments have made the problem of Tibet an important issue on the agenda of their relations with the government of China.

We have also been able to deepen and broaden our relations with our Chinese brothers and sisters, belonging to the democracy and human rights movement. Similarly, we have been able to establish cordial and friendly relations with fellow Chinese Buddhists and ordinary Chinese people living abroad and in Taiwan. The support and solidarity that we receive from our Chinese brothers and sisters are a source of great inspiration and hope. I am particularly encouraged and moved by those brave Chinese within China who have urged their government or publicly called for a change in China's policy towards the Tibetan people.

Today, the Tibetan freedom movement is in a much stronger and better position than ever before and I firmly believe that despite the present intransigence of the Chinese government, the prospects for progress in bringing about a meaningful dialogue and negotiations are better today than ever. I, therefore, appeal to governments, parliaments and our friends to continue their support and efforts with renewed dedication and vigour. I strongly believe that such expressions of international concern and support are essential. They are vital in communicating a sense of urgency to the leadership in Beijing and in persuading them to address the issue of Tibet in a serious and constructive manner.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people.

Mr. MOYNIHAN. Mr. President, every year on March 10th we reflect on the plight of the Tibetan people. Forty years ago many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese army. For those who are committed to standing with the Tibetan people, it is a day to consider what can be done to lend support to Tibetan people, it is a day to consider what can be done to lend support to Tibetan aspirations. The United States Senate will mark the occasion by considering a resolution to mark this solemn occasion.

The United States Congress takes the position that Tibet is an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile. The International Commission of Jurists (ICJ), which has closely followed the situation in Tibet since the Dalai Lama was forced to flee into exile, and has published reports in 1959, 1960, 1964, and 1997. After examining Chinese policies in Tibet, it reported its findings to the Secretary-General of the United Nations. The 1960 report made the important international legal determination that ''Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law.''

Now the ICJ has returned to the issue of Tibet and produced another important report. It finds that repression in Tibet has increased since 1994. This is an assessment which my daughter Maura shares after having visited Tibet and having worked closely for many years with Tibetan refugees who continue to make the dangerous journey over the Himalayan mountains to flee persecution in their homeland. In 1996 she returned from Tibet to report that,

> . . . in recent months Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The Dalai Lama, of course, remains unstained, but it is time for the Chinese to consider a policy of ''constructive engagement'' of their own—with the Tibetans. For many years now, the United States Congress has called on the People's Republic of China to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet. Today we continue that message. This resolution declares March 10, 1999 as ''Tibetan National Day in solemn recognition of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression among their country.'' It also affirms the right of the Tibetan people to ''determine their own political future, including independence if they so determine.'' The government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

LOTT (AND ABRAHAM) AMENDMENT NO. 60

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ABRAHAM) proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

SEC. . IDEA.

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

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

FEINSTEIN AMENDMENT NO. 61

Mrs. FEINSTEIN proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE —STUDENT ACHIEVEMENT

SEC. 01. SHORT TITLE.

This title may be cited as the ''Student Achievement Act of 1999''.

SEC. 02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term ''core academic curriculum'' means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term ''practice of social promotion'' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

TITLE —STANDARDIZED SCHOOL REPORT CARDS

SEC. 01. SHORT TITLE.

This title may be cited as the ''Standardized School Report Card Act''.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) According to the report ''Quality Counts 99'', by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents used to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 04. REPORT CARDS.

(a) STATE REPORT CARDS—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the State;

(4) school safety, including the safety of school facilities and incidents of school violence;

(5) to the extent practicable, parental involvement, as measured by the extent of parental particpation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, regarding—

(1) student performance in the school in reading and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the school;

(4) school safety, including the safety of the school facility and incidents of school violence;

(5) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under subsection (a)(1) or (b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(1) of the Elementary and Secondary Education Act of 1965.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

WELLSTONE AMENDMENTS NO. 62

Mr. WELLSTONE proposed an amendment to the bill, S. 280, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

''(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

''(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Education Act of 1965;''.

BINGAMAN (AND OTHERS) AMENDMENTS NO. 63

Mr. BINGAMAN (for himself, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

—DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. 01. SHORT TITLE.

This title may be cited as the ''National Dropout Prevention Act of 1999''.

Subtitle A—Dropout Prevention

SEC. 11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

''PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

''Subpart 1—Coordinated National Strategy

''SEC. 5311. NATIONAL ACTIVITIES.

''(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1999, to lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

''(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

''SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

''(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the 'plan') to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

''(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

''(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective

school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

''(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.), and other programs.

''SEC. 5313. NATIONAL CLEARINGHOUSE.

''Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1999, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

''(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

''(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

''SEC. 5314. NATIONAL RECOGNITION PROGRAM.

''(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

''(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

''(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

''Subpart 2—National School Dropout Prevention Initiative

''SEC. 5321. FINDINGS.

''Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

''(1) challenge all children to attain their highest academic potential; and

''(2) ensure that all students have substantial and ongoing opportunities to—

''(A) achieve high levels of academic and technical skills;

''(B) prepare for college and careers;

''(C) learn by doing;

''(D) work with teachers in small schools within schools;

''(E) receive ongoing support from adult mentors;

''(F) access a wide variety of information about careers and postsecondary education and training;

''(G) use technology to enhance and motivate learning; and

''(II) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

''SEC. 5322. PROGRAM AUTHORIZED.

''(a) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

''(2) DEFINITION OF STATE.—In this subpart, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

''(1) professional development;

''(2) obtaining curricular materials;

''(3) release time for professional staff;

''(4) planning and research;

''(5) remedial education;

''(6) reduction in pupil-to-teacher ratios;

''(7) efforts to meet State student achievement standards; and

''(8) counseling for at-risk students.

''(b) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

''(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

''(i) school size;

''(ii) costs of the model being implemented; and

''(iii) local cost factors such as poverty rates;

''(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

''(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

''(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

''(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

''(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

''SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

''(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

''(1) specific strategies for targeted purposes; and

''(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

''(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

''(c) CAPACITY BUILDING.—

''(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

''(2) NUMBER AND DURATION.—

''(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

''(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

''(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

''(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

''(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1999—

''(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

''(B) developed and published a specific educational program or design for use by the schools.

''SEC. 5324. SELECTION OF SCHOOLS.

''(a) SCHOOL APPLICATION.—

''(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall—

''(A) contain a certification from the local educational agency serving the school that—

''(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

''(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

''(iii) the local educational agency will support the plan, including—

''(I) release time for teacher training;

''(II) efforts to coordinate activities for feeder schools; and

''(III) encouraging other schools served by the local educational agency to participate in the plan;

''(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

''(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

''(D) describe a budget and timeline for implementing the strategies;

''(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

''(F) contain evidence of coordination with existing resources;

''(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

''(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

''(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

''(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

''(c) CRITERIA.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

''(d) ELIGIBILITY.—

''(1) IN GENERAL.—A school is eligible to receive a grant under this subpart if the school is—

''(A) a public school—

''(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a character school; and

''(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

''(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

''(B) is participating in a schoolwide program under section 1114 during the grant period.

''(2) OTHER SCHOOLS.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

''(e) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

''(1) the school approves the use;

''(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

''(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)), or section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842).

''(f) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

''SEC. 5325. DISSEMINATION ACTIVITIES.

''Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

''SEC. 5326. PROGRESS INCENTIVES.

''Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

''SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

''For purposes of calculating a school dropout rate under this subpart, a school shall use—

''(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

''(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

''SEC. 5328. REPORTING AND ACCOUNTABILITY.

''(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

''(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

''SEC. 5329. PROHIBITION ON TRACKING.

''(a) IN GENERAL.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

''(1) has in place a general education track;

''(2) provides courses with significantly different material and requirements to students at the same grade level; or

''(3) fails to encourage all students to take a core curriculum of courses.

''(b) REGULATIONS.—The Secretary shall promulgate regulations implementing subsection (a).

''Subpart 3—Definitions; Authorization of Appropriations

''SEC. 5331. DEFINITIONS.

''In this Act:

''(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Dropout Prevention and Program Completion established under section 220 of the General Education Provisions Act.

''(2) LOW-INCOME.—The term ''low-income'', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

''(3) SCHOOL DROPOUT.—The term ''school dropout'' has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

''SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

''(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 and part B of the Individuals With Disabilities Act (20 U.S.C. 1411 et seq. such sums as may necessary for FY 2000 and each of the 4 succeeding fiscal years, of which—

''(1) No more than $125,000,000 shall be available to carry out section 5322;

''(2) No more than $20,000,000 shall be available to carry out section 5322; and

(3) Any funds appropriated in excess of $145 million shall be made available to carry out part B of the Individuals With Disabilities Education Act (20 U.S.C. 144 et seq.)

''SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding at the end the following:

''OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

''SEC. 220. (a) ESTABLISHMENT.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

''(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

''(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

''(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

''(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

''(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

''(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

''(6) recommend action to the Secretary and the President, as appropriate, regarding

school dropout prevention and program completion; and

''(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

''(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

''(1) promoting program completion for children attending middle school or secondary school;

''(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

''(3) reentry programs for individuals aged 12 to 24 who are out of school.

''(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.''.

Subtitle B—State Responsibilities

SEC. 21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

''PART I—DROPOUT PREVENTION

''SEC. 14851. DROPOUT PREVENTION.

''In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

''(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

''(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

''(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

''(B) specific incentives for retaining enrolled students throughout each year.

''(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.''.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

MURRAY (AND OTHERS) AMENDMENT NO. 64

Mr. BINGAMAN (for Mrs. MURRAY for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mr. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN) proposed an amendment to the bill, S. 280, supra; as follows:

At the end add the following:

TITLE —AFTER SCHOOL EDUCATION AND CRIME PREVENTION

SEC. 01. SHORT TITLE.

This title may be cited as the ''After School Education and Anti-Crime Act of 1999''.

SEC. 02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 05. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS'' after ''SECRETARY''; and

(B) by striking ''rural and inner-city public'' and all that follows through ''or to'' and inserting ''local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or''; and

(C) by striking ''a rural or inner-city community'' and inserting ''the communities'';

(2) in subsection (b)—

(A) by striking ''States, among'' and inserting ''States and among''; and

(B) by striking ''United States,'' and all that follows through ''a State'' and inserting ''United States''; and

(3) in subsection (c), by striking ''3'' and inserting ''5''.

SEC. 06. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking ''an elementary or secondary school or consortium'' and inserting ''a local educational agency''; and

(ii) in the second sentence, by striking ''Each such'' and inserting the following:

''(b) CONTENTS.—Each such''; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking ''or consortium'';

(B) in paragraph (2), by striking ''and'' after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting ''; including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'' after ''maximized'';

(ii) in subparagraph (C), by inserting ''students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues,'' after ''agencies,'';

(iii) in subparagraph (D), by striking ''or consortium''; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''or consortium''; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year from the activities the local educational agency provides with funds provided under this part.''.

SEC. 07. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:'';

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting '', and job skills preparation'' after ''placement''; and

(3) by adding at the end the following:

''(14) After school programs, that—

''(A) shall include at least 2 of the following:

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.''.

SEC. 08. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors as to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 09. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting '', including law enforcement organizations such as the Police Athletic and Activity League'' after ''governmental agencies''.

SEC. 010. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking ''$20,000,000 for fiscal year 1995'' and all that follows and inserting ''$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.''.

SEC. 011. EFFECTIVE DATE.

This title, and the amendments made by this title, take effect on October 1, 1999.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

BOXER (AND OTHERS) AMENDMENT NO. 65

Mr. BINGAMAN (for Mrs. BOXER for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SARBANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERREY) proposed an amendment to the bill, S. 280, supra; as follows:

At the end of the amendment, add the following:

SEC. . CLASS SIZE REDUCTION.

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

''PART E—CLASS SIZE REDUCTION

''SEC. 6601. SHORT TITLE.

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

''SEC. 6602. FINDINGS.

''Congress finds as follows:

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

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

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

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

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

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

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

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

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

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

''SEC. 6603. PURPOSE.

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

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

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

''SEC. 6604. PROGRAM AUTHORIZED.

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

''(b) ALLOTMENTS.—

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

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

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

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

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

''(c) WITHIN STATE DISTRIBUTION.—

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

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

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

''(2) AWARD RULE.—Notwithstanding paragraph (1), a local educational agency that receives a subgrant under this section in an amount less than the starting salary for a new teacher in that agency may use the subgrant funds—

''(A) to form a consortium with one or more other local educational agencies for the purpose of reducing class size;

''(B) to help pay the salary of a full or part-time teacher hired to reduce class size; or

''(C) for professional development related to teaching in smaller classes, if the amount of the subgrant is less than $1,000.''.

''SEC. 6605. USE OF FUNDS.

''(a) IN GENERAL.—Each local educational agency that receives funds under this part

shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

''(b) CLASS REDUCTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 6606. COST-SHARING REQUIREMENT.

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

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

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

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

''SEC. 6607. REQUEST FOR FUNDS.

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

''SEC. 6608. REPORTS.

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

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

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA Part B Funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

LOTT (AND OTHERS) AMENDMENT NOS. 66–67

Mr. JEFFORDS (for Mr. LOTT for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS) proposed two amendments to the bill, S. 280, supra, as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

LOTT (AND ASHCROFT) AMENDMENT NO. 68

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ASHCROFT) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

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

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

SEC. . ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

''(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike ''and''.

On page 13, line 15, strike ''all interested'' and insert ''parents, educators, and all other interested''.

On page 13, line 17, strike the period and insert '', shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.''.

At the end, add the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to

be appropriated $500,000,000 to carry out such part.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 10, 1999. The purpose of this meeting will be to review the nature of agricultural production and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

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

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m., in open session, to examine lift requirements versus capabilities for the Marine Corps and the Army.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 10, 1999, at 10:00 a.m. on pending committee business.

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

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 10, 1999, at 10:00 a.m. to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''What Works: Education Research'' during the session of the Senate on Wednesday, March 10, 1999, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 10, 1999 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. 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 10, 1999, at 2:30 p.m. in open session, to receive testimony on tactical aircraft modernization programs.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 10, 1999, in open session, to receive testimony on the condition of the services' infrastructure and real property maintenance programs for fiscal year 2000.

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

THE 40TH ANNIVERSARY OF THE 1959 TIBETAN UPRISING

● Mr. FEINGOLD. Mr President, today we mark a tragic anniversary, 40 years after His Holiness the Dalai Lama and more than 100,000 Tibetans were forced to flee their homeland as a result of brutal suppression by the Chinese government.

Tibetans were driven from their homes, freedom was driven from Tibet, and the Chinese Government began in earnest its campaign to destroy Tibet's culture, religion, and national identity.

But this campaign will never succeed, because Tibet, and the human rights of the Tibetan people, are not China's for the taking. It's been said that ''a right is not what someone gives you; it's what no one can take from you.'' The Tibetan people have a right to their freedom, a right to openly practice their religion, and a right to live with dignity and without fear.

These human rights—that belong to Tibetans, and to people everywhere—bind us to the Tibetan people with a tie stronger than the Chinese government's oppression, mightier than the Chinese government's policies of destruction, and more powerful than the Chinese or any government's attempt to take that which cannot be taken—the dignity of the human spirit.

I am calling on the Administration to pursue a resolution condemning China's human rights practices in China and Tibet at the upcoming U.N. Commission on Human Rights in Geneva, an action the Senate unanimously endorsed by recorded vote in late February. Only through strong U.S. leadership can we build the international consensus necessary to pressure China to provide the basic human rights the Tibetan people deserve. The time to press for these fundamental rights is now and the place is the U.N. Commission on Human Rights in Geneva.●

GINNIE MAE GUARANTY FEE

● Mr. GORTON. Mr. President, my colleague, Senator GRAMS, introduced S. Con. Res. 16 last week. I am a cosponsor of that legislation expressing the Sense that the Government National Mortgage Association (Ginnie Mae) guaranty fee should not be increased.

Ginnie Mae was established to help provide affordable homeownership opportunities for all Americans by facilitating the sale of securities backed by mortgages insured or guaranteed by the Federal Housing Administration, the Department of Veteran's Affairs, and the Rural Housing Service. The Ginnie Mae guaranty assures investors in the securities that they will receive all payments due in a timely manner. Ginnie Mae assesses a fee on lenders who issue such securities and notes for this guaranty. Currently, lenders are charged six basis points per loan.

The Ginnie Mae mortgage-backed securities program has been a universal success. Almost 19 million homes have been financed through Ginnie Mae securities. Ginnie Mae creates a way for Americans who are unable to find other financing options to partake in the dream of homeownership. More than 95 percent of all FHA and VA mortgages are securitized through Ginnie Mae. It is no secret that first-time homebuyers comprise more than two-thirds of FHA home purchase loans and that about 34 percent of FHA borrowers are minorities. In its most basic form, Ginnie Mae creates homeownership opportunities for those borrowers who are typically unserved or underserved by the conventional mortgage markets.

During the last Congress, there were several attempts to increase the Ginnie Mae guaranty fee. Fortunately, most of these attempts failed. However, an increase of three basis points was adopted during deliberations on the Higher Education Reauthorization Act effective in 2004. All of the attempts sought to use the revenue gained by the increase to pay for spending elsewhere. This pattern must be stopped. Not only should Congress refuse to raise the guaranty fee under any circumstances, but it should also seek to have this arbitrary increase repealed prior to effect.

I believe that any increase in the Ginnie Mae guaranty fee is an unnecessary tax on homeownership that would cost homebuyers hundreds of dollars in additional expense at closing and prevent thousands of families from achieving the dream of homeownership. It would defeat the very mission of Ginnie Mae.

In addition, an increase in the Ginnie Mae guaranty fee has absolutely no financial basis. Recently, the independent auditor, KPMG, confirmed that Ginnie Mae is financially sound. In fact, Ginnie Mae had a record profit of

$601 million in 1997. In that year alone, Ginnie Mae collected a total of $326 million in guaranty fees. It paid out only $11 million in unreimbursed claims. It is apparent that Ginnie Mae does not need the financial boost from the increase fee.

Even in this era of low interest rates, the dream of homeownership is elusive for many American families. Extensive efforts should be made to eliminate the barriers to affordable housing. Any increase in the Ginnie Mae guaranty fee creates a substantial impediment to homeownership. Such a result is unacceptable.

I ask Senators to please join me in opposing this unjustified tax on homeownership.●

TRIBUTE TO BOB MORROW

● Mr. KERRY. Mr. President, I would like to pause for a few moments to acknowledge that those of us in Massachusetts are mourning the loss of one of our state's finest citizens, a graduate and loyal alumnus of Assumption College, a friend of the Massachusetts congressional delegation, and someone I had the privilege over the years to know as a good friend.

Mr. President, Bob Morrow's death was a shock to those of us who knew him—this wonderful man taken from his family and friends at the age of forty-five—and to those of us who looked forward to the contributions he would make in the years still ahead of us.

Although it seems a gesture wholly insufficient to honor the life of a friend lost too soon—to come to terms with the fact that a friend who was never comfortable behind a desk, who could never sit still, has come to a final rest—we can at least take the time today to remember the kind of person—and the type of friend—Bob Morrow was to those whose lives he touched.

We can certainly remember Bob's extraordinary capacity as an advocate for two of Massachusetts' pioneering high technology firms, The Riley Corporation in Worcester and Stone and Webster in Boston. Bob Morrow was a man who lived his life in a way that proved not only that you can be involved in government and brush against the legislative process without losing your soul, but that politics can be a way for the needs of our citizens to be communicated to those who represent them in Washington, D.C. In this age of seemingly endless cynicism, Bob Morrow truly enjoyed the work of advocating on behalf of the companies he represented—and they were well served by both the depth of his knowledge and the levels of his idealism.

Many of us forget that although Bob was a terrific representative of these companies in Washington—expertly guiding their federal relations—this was just one component of a job that he truly loved. Bob was also responsible for human resources management, training, public relations, and range of other services for an eight thousand employee firm. Although it is incredible to believe that a single person managed not just to juggle, but to excel, in all these enterprises, we all knew that Bob was one of those rare people capable of packing his days with wall to wall activity, because no task proved too difficult for a man who genuinely loved working with people.

Bob drew on these enormous personal talents again and again—in his work in Worcester and Boston, but also in his willingness to bring together citizens from across Massachusetts to share in a political cause or to help one of his friends. I will always be grateful for Bob's efforts to help me in 1996 in my tough battle for the Senate against Bill Weld. Whether the task was large or small, organizing an event for a handful of supporters, or pulling together a dinner with the President of the United States at my home in Boston, Bob was always eager to serve—and he had a tremendous capacity to enlist others in the fights in which he was engaged.

The real measure, though, of Bob Morrow, was in his devotion to family. Few conversations with Bob did not come back to Linda and the boys. He was incredibly proud of his family. He was a wonderful son to his mother Mary, a terrific brother to his sisters. I know that, as much as we will all miss him, his wife Linda and his sons Bobby, Sean, and Tim will miss him infinitely more. I hope they know in this time of grief and sadness, we extend to them our most sincere condolences and support.

It is impossible to capture in words alone the essence of Bob Morrow. From a humble background, through hard work and an absolutely genuine optimism and enthusiasm, Bob made himself an important contributor to our state, a wonderful and loyal friend, an exemplary husband and father, and the kind of outstanding citizen that is the foundation and strength of this nation. Bob Morrow was loved by so many—and he will be missed by us all.●

JOHN HOFFMAN

● Mr. BOND. Mr. President, I rise to honor a very special person with whom many of us have worked over the years on a variety of technical and important issues. These issues have been and continue to be of great importance to the American consumer and the world marketplace.

I learned recently that John Hoffman, currently Senior Vice President of Sprint Communications, has decided to leave and remit the ongoing telecommunications debate to others. I think that what I, and others, will perhaps miss most, is the calm, rational and fair presence that John brought to the telecommunications debate here in Congress and elsewhere.

John has spent his entire career, some thirty years, with Sprint, helping bring it from a small local exchange company to a major state-of-the-art communications company providing services to millions of businesses and consumers.

Throughout John's career, which began in 1970 while John was still in law school at the University of Missouri-Kansas City and Sprint was called United Telecom, he persevered through tough times and retained his vision of what the small company could become. I don't think there is any doubt that his ideas and efforts were right.

Sprint, today, is a global communications company at the forefront in integrating long distance, local and wireless communications services and one of the world's largest carriers of internet traffic. With John's help and diligence, Sprint built the nation's only all-digital, fiber optic network and is the leader in advanced data communications services.

John has been a good friend to me over the years. He should be very proud of his contributions to making Sprint the world class company it is today.

I wish the best to John, his wife Linda and daughter Heather. Good luck John, and feel free to call me—I know you have a phone.●

CRAGIN & PIKE'S 90TH ANNIVERSARY

● Mr. BRYAN. Mr. President, I rise today to recognize one of Nevada's oldest and most respected businesses on the occasion of its 90th Anniversary. The Las Vegas insurance firm of Cragin & Pike was begun in 1909 by Ernie Cragin and William Pike, pioneers in the truest sense of the word. In 1909, Las Vegas was a newborn city, having been founded just four years earlier as a railroad division point for the San Perdro, Los Angeles and Salt Lake Railroad.

Since its 20th century birth, when Las Vegas was established as a railroad community, the Las Vegas Valley has seen dynamic change. Cragin & Pike has enjoyed as colorful a history as the city it calls home, both witnessing and shaping the events that would make Las Vegas the world's premier city for entertainment and tourism. Ernie Cragin himself served as the mayor of Las Vegas for 25 years. William Pike saw the legalization of Nevada gambling in 1931 and the construction of the Boulder Dam completed four years later. Cragin & Pike has been a full partner to many of the city's most familiar names in business.

In a city that defines itself by the ever changing view from the Las Vegas Strip, Cragin & Pike has endured through its dedication to its customers and its rock solid business philosophies. I know that its name sake founders would be as proud as I am today to see this innovative yet faithful member of the Las Vegas community observe yet another achievement in the celebration of its 90th Anniversary. I

congratulate the partners and associates of Cragin & Pike on this accomplishment, and look forward to many more.●

MIDDLE EAST PEACE PROCESS

● Mr. ABRAHAM. Mr. President, I rise today to comment on my decision to support two resolutions concerning the Middle East peace process. Both of these resolutions express congressional opposition to any efforts by either party in the peace process to attempt, through unilateral actions, to prejudge or pre-determine the outcome of the negotiations currently taking place between the Palestinians and the Israelis. I would like to take a moment to explain why I decided to cosponsor these resolutions.

I believe that one of the most important foreign policy issues facing America today is how to encourage peace in the Middle East. Reaching a peace agreement at this time is extremely critical, not only to our strategic interests in the region, but to the parties themselves. I remain optimistic that despite the various setbacks, it will still be possible for the parties to achieve a just and lasting peace.

However, in my view, the only way to achieve such a peace is for the parties to abide by the plan of negotiations as set out in the context of Madrid, Oslo, and most recently, in the Wye Plantation Agreement. This plan clearly sets forth a structure which dictates the timetable and order of discussing certain very critical issues.

I am particularly concerned that any unilateral actions by the parties or co-sponsors which might pre-judge the outcome or change this plan would have a great potential to undermine what limited chance we have for peace in the Middle East.

Within this context, the parties, with the full support of the co-sponsors, agreed to delay the discussion of many of the most critical and difficult issues until final status negotiations, and promised not to take any unilateral actions which might pre-judge or pre-determine the outcome of those issues. My opposition to unilateral actions by any party or co-sponsor, including the United States, is well known and on the record. It was, for example, the principal basis for my opposition in 1995 to S. 1322, which mandated the relocation of the U.S. Embassy from Tel Aviv to Jerusalem.

Similarly, just as I was concerned about the potentially injurious impact on the peace process of prematurely addressing issues relating to Jerusalem, I am equally concerned about the impact of a unilateral and premature declaration by the Palestinians regarding statehood. I believe such a unilateral declaration by the Palestinian Authority would almost certainly undermine future progress toward a peace accord.

It is my understanding that the Administration's position is consistent with these congressional resolutions, and in fact the United States has maintained ongoing discussions with the Palestinians to discourage them from unilaterally declaring a state outside the context of the negotiations.

My support for both of these resolutions are based on this principle alone: That any unilateral actions by either parties or co-sponsors are disruptive and damaging to the peace process as a whole. My support for these resolutions is not a comment regarding what the Palestinian authorities should do if the peace process fails and no final status agreement can be reached. Nor is it a comment on the merits of a Palestinian state. Nor, finally, is it a suggestion that a Palestinian state should not be created as part of the final status agreement should the parties decide upon that themselves. Indeed, for the process to be successful, the Palestinians must be permitted to exercise their independence.

My support for these resolutions is thus exclusively and solely a statement that in my opinion, a unilateral declaration of a Palestinian state at this time would probably destroy any chance to reach a just and lasting peace between the parties. Peace is too important—and too much effort toward achieving such a peace has been expended by all parties and co-sponsors for it to be jeopardized in this way.●

COMMENDING HAZEL WOLF ON HER 101ST BIRTHDAY

● Mrs. MURRAY. Mr. President, it is my great pleasure to recognize Ms. Hazel Wolf of Seattle, Washington, in honor of her 101st birthday on Wednesday, March 10, 1999. Ms. Wolf, a great, great grand-mother, is a tireless advocate for conservation, environmental protection and social justice throughout the Pacific Northwest. A dedicated volunteer, community activist and leader, Ms. Wolf serves as an outstanding example for all Americans.

Ms. Wolf became involved in the Audubon Society in the early-1960s and had a hand in starting 21 of the 26 Audubon Society chapters in Washington State, plus one in her birthplace of Victoria, British Columbia. In 1979, she worked to organize the first statewide conference to bring together environmentalists and Native American tribes. For three decades she has served as Secretary of the Seattle Audubon Society chapter, and for 17 years she has edited an environmental newsletter, ''Outdoors West''. In addition, she is among the founders of Seattle's Community Coalition for Environmental Justice. She is a frequent speaker at schools and environmental conferences throughout the Northwest.

In 1997, the National Audubon Society awarded her the prestigious Medal of Excellence. The Seattle Audubon chapter has created the Hazel Wolf ''Kids for the Environment'' endowment, which will help educate youth about conservation. Ms. Wolf is also the recipient of the 1997 Chevron Conservation Award, the $2,000 prize from which she contributed to the Seattle Audubon Society. In Issaquah, Washington, there is a 116-acre wetland named after her and on the other side of the Cascade Mountains near Yakima, a bird sanctuary bears her name.

Hazel Wolf retired from her career as a legal secretary in 1965. She has proven repeatedly that significant and lasting contributions to society are a function neither of career nor of age, but of hard work, perseverance and vision. As her family and friends gather to celebrate her 101st birthday, I want to wish Ms. Wolf continued success and good health, and to thank her for being an inspiration to me and countless others. Happy Birthday, Hazel.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. LUGAR. Mr. President, I ask that the Rules of the Committee on Agriculture, Nutrition, and Forestry be printed in the RECORD.

The rules follow:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

(As specified in Rule XXV of the Standing Rules of the United States Senate)

RULE 1—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open SESSIONS.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the

committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings.—Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and each subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. 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.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness'

failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the CONGRESSIONAL RECORD. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional RECORD, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.●

UNANIMOUS-CONSENT AGREEMENT—S. CON. RES. 5

Mr. JEFFORDS. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the minority leader, to discharge from the Foreign Relations Committee S. Con. Res. 5; and, further, the Senate would then proceed to its consideration under the following limitations: 45 minutes of debate equally divided between Senator BROWNBACK and the ranking member or designee; no amendments in order to the resolution or preamble. I further ask unanimous consent that immediately following the debate, the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate. I finally ask unanimous consent that if the resolution is agreed to, the preamble then be adopted.

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

ORDERS FOR THURSDAY, MARCH 11, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Thursday, March 11. I further ask unanimous consent 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 consideration of S. Con. Res. 5, a concurrent resolution regarding congressional opposition to the unilateral declaration of a Palestine state, as under the previous order, for not to exceed 45 minutes, and the vote occur on adoption of the concurrent resolution first in the voting sequence on Thursday, beginning at 2 p.m.

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

Mr. JEFFORDS. I further ask unanimous consent that following the debate on S. Con. Res. 5, the Senate resume consideration of the Ed-Flex bill, with the time until 2 p.m. equally divided between the chairman and the ranking member or their designees. I further ask consent that the votes ordered to occur at the conclusion of debate time in relation to S. 280 occur in the order of the original unanimous consent agreement.

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

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will reconvene on Thursday at noon and debate a resolution on Palestine for not more than 45 minutes, to be followed by debate on the Ed-Flex bill for 1 hour, as outlined in the earlier consent agreement. At the conclusion of that debate time, the Senate will proceed to a stacked series of votes, with the first vote relative to S. Con. Res. 5, and the other votes on or in relation to the amendments on the Ed-Flex bill, including passage. Therefore, Members should expect up to a dozen votes beginning at 2 p.m.

Following passage of the Ed-Flex bill, it may be the leader's intention to begin consideration of the missile defense bill.

ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment until 12 noon on Thursday, March 11, 1999.

Thereupon, the Senate, at 6:17 p.m., adjourned until Thursday, March 11, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 10, 1999:

DEPARTMENT OF JUSTICE

MERVYN M. MOSBACKER, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS VICE GAYNELLE GRIFFIN JONES, RESIGNED.

GREGORY A. VEGA, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ALAN B. BERSIN.