week, and there are many who believe these bombings were intended to disrupt her visit. Mr. President, this deliberate act of violence against Israel will not deter us in any way from moving forward with the peace process—indeed, it will only strengthen our resolve. It is critical that America continue to play a major role in the peace process. We will not allow terrorists to set the agenda for the peace process. We will not allow cowards to strangle the prospects for peace in the Middle East.

In these difficult times, the need for strong American leadership becomes ever clearer. That is why I am very pleased that Secretary Albright has decided to proceed with her planned visit to the Middle East. It is my profound hope that her efforts can jump start the ailing peace process.

I believe Mr. Arafat and the Palestinian Authority must both agree to fully engage in the peace process and take dramatic steps to halt these terrorist attacks if they wish to continue to receive financial assistance from the United States. Unless such action is taken in the immediate future, I will steadfastly support cutting any and all aid to the Palestinian Authority. It is truly unconscionable that American money, given in good faith, be used to aid those who would conspire with terrorists.

Israel's greatest responsibility is to protect her citizens. Mr. Arafat must understand that a true peace can be achieved only when Israeli citizens are secure in their homes, in their places of worship, and on their streets. They deserve no less.

I wish to express my sincere condolences to the Israeli people on this senseless tragedy.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1079

(Purpose: To increase the amounts made available to carry out title III of the Older Americans Act of 1965)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1079.

Mr. D'AMATO. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45, line 13, strike ''$854,000'' and insert ''$854,074,000 (and an additional amount of $40,000,000 that shall be used to carry out title III of such Act)''.

On page 85, line 19, strike ''$30,500,000'' and insert ''$70,500,000''.

Mr. D'AMATO. Madam President, I thank Chairman SPECTER and the ranking minority member, Senator HARKIN, for their incredible stewardship and leadership in developing the 1998 Labor, Health and Human Services, Education appropriations bill. It is one of the most difficult bills that we have to deal with because the needs are so great; the needs for increased medical research, for research in all of the areas, whether it be for breast cancer, whether it be for kidney programs, whether it be for the programs for AIDS research.

Encompassed in this is how do we share the resources which are so limited? So it really comes down to, unfortunately, choices, of not giving sufficient funding to some of the most critically important areas affecting our health, affecting infants, and affecting all of our populations.

But there is another population that continues to grow, a population that has not, unfortunately, had their needs met, too. That is our senior citizens. That is why I rise today, on behalf of America's elderly citizens, to increase the title III of the Older Americans Act. I offer an amendment that would increase it by $40 million, for a total of $893 million. The current Older Americans Act funding includes a 2-percent increase. That is 15 percent. That is a cost-of-living increase over last year's allocation.

Most people would say, ''Well, that's not bad in these times of austerity.'' I agree. But I think we have to look at the problem. The primary goal of these community services is to keep millions—millions—of frail elderly people living independent in their own homes, in their own apartments, for as long as possible, allowing them to avoid unnecessary institutionalization and saving billions of dollars, not to mention improving their quality of life.

So the Older Americans Act provides a whole variety of programs, home and community-based services to the elderly, including congregate and home-delivered meals—Meals on Wheels; we have heard of that—transportation so that seniors do not live as shut-ins so they have an opportunity to come together with friends and neighbors, senior employment, senior centers, adult day care and other services.

Three of these services account for more than two-thirds of the title III funding: Congregate meals, that is $250 million; home-delivered meals, $134 million; and transportation, $63 million. No one can deny the incredible needs and the fact that, if anything, they grow and grow.

The face of America's population, Mr. President, is changing. It is growing older. Believe it or not, those elderly people who are 85 years of age or older are growing faster than any others. They are growing at a faster rate—85 and older. So when we talk about the needs of the frail elderly and keeping them from being institutionalized, this is becoming an increasing problem.

The elderly population over age 85 will increase by 36 percent by the year 2005. Think of that; an incredible 36 percent. That is going to call for increased services, increases well beyond what we can imagine and envision today. And unless we do, we are talking about a vulnerable population. They will have no other alternatives in many cases than to be institutionalized. I suggest not only the quality of life of the seniors then becomes degraded to the extent that we do not even like to think about it, but the cost factors will become incalculable.

The typical Older Americans Act participant, Mr. President, to get a profile of who is that person, is a woman over 75, living on a very limited fixed income, who needs daily help in preparing meals or weekly transportation to a doctor.

Thirty-nine percent of the Older Americans Act participants have incomes at or below the poverty level.

Among States, the poverty rates for participants range from 17.2 to 86.9 percent. Twelve States report at least half of their participants have incomes at or below the poverty threshold.

Mr. President, why is a $40 million increase so desperately needed? Well, despite the steady funding increases, the effect of inflation and the tremendous population growth have diminished the actual impact of the annual appropriations increases. Over the past 15 years, there has been a 40-percent loss in the program's capacity to meet the needs of older citizens due to a combination of the following factors: increased costs due to inflation, serving increased numbers of frail elderly who need more, and reduced Federal funding.

If inflation and the increasing age population were accounted for from the OAA's start in 1973, we would have had to double the funding. So while the request for doubling the funding level in 1 year is unrealistic, certainly—certainly—the request that we put forth at 5 percent, or $40 million, is one that I believe is extremely conservative and one that I hope we can meet.

Where do we find the funds? Let me first say the committee has done an excellent job. It has identified funding, an increased funding of $15 million, by reducing the general administrative costs, which amount to about $1 billion, the bureaucracy, the overhead for administering these programs, for the bureaucrats here in Washington and in other areas. I believe that by a further reduction by 5 percent, we can add $40 million. That is a very modest reduction as it relates to overhead. And that is what we intend to do.

So what we are talking about is making more resources available for people, the frail elderly, people who need it, a population that averages 75 years of age, a population that continues to

increase, as opposed to decreasing resources for bureaucrats.

I believe in the days of computerization, et cetera, and effective efficiency, we can do that. We can actually increase the services with less people by way of attrition, by way of maximizing the efficiency and the effectiveness that one person today can bring to the work force by use of the computer that can do the work of two or three or four.

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

The PRESIDING OFFICER (Mr. ROBERTS). Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 1079, AS MODIFIED

Mr. D'AMATO. Mr. President, I ask unanimous consent that I be allowed to submit a modification to the amendment which I have offered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1079), as modified, is as follows:

On page 45, line 13, strike ''$854,074,000'' and insert ''$894,074,000''.

On page 85, line 19, strike ''$30,500,000'' and insert ''$70,500,000''.

Mr. D'AMATO. Mr. President, I ask unanimous consent that this matter be laid aside and be voted on at 5:30.

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

Mr. D'AMATO. I thank the Chair and thank my colleagues for their patience.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

AMENDMENT NO. 1080

(Purpose: To increase funding for the Public Charter Schools Program under Part C of Title X of the Elementary and Secondary Education Act of 1976)

Mr. LIEBERMAN. Mr. President, I have an amendment which I send to the desk at this time.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. COATS, proposes an amendment numbered 1080.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 50, line 9, strike ''$1,271,000,000'' and insert ''1,256,987,000'', and on line 10, strike ''$530,000,000'' and insert ''$515,987,000''.

On page 53, line 12, strike, ''$310,000,000'' and insert ''285,000,000''.

On page 59, line 12, strike, ''$362,225,000.'' and insert ''352,225,000, of which $40 million shall be made available to carry out Part A of Title X of the Elementary and Secondary Education Act of 1965.''

On page 59, line 14, after ''said Act'' insert '', $100,000,000 shall be available to carry out part C of Title X of the Elementary and Secondary Education Act of 1965,''.

Mr. LIEBERMAN. Mr. President, I am proud to rise today to offer an amendment, along with my good friend and colleague Senator COATS from Indiana, which would increase our investment in one of the most promising engines of education reform in America today, which is the charter school movement. This amendment would increase funding for the charter school grant program from the current level of $51 million up to $100 million for fiscal year 1998.

Mr. President, we recognize that this is a sizable jump in funding, but let me put it in context and then go on to explain why we believe it is more than warranted.

Earlier this week, on Tuesday of this week, my friend and mentor, Bill Bennett, wrote a column on the op-ed page of the Wall Street Journal in which he began with some startling numbers. ''This morning,'' that is Tuesday morning, ''a record 52 million children will walk into America's classrooms. And this year Americans will spend more than a quarter of a trillion dollars trying to educate them.''

So when we think, as this amendment would do, Mr. President, of taking the $51 million the Federal Government now invests in charter schools and raising it to $100 million—a sizable jump; just about doubling it—let us put it in the broader context of the quarter of a trillion dollars that is being spent every year in this country to educate our children. This additional $50 million, I think, provides enormous hope that the remaining quarter of a trillion dollars will be better spent.

Dr. Bill Bennett went on to say that these numbers alone ensure that education will be at or near the top of the national political agenda, and indeed, in addition to this, there is greater political emphasis on social issues. Education is how many people talk about the condition of our children, cultural decline, and the Nation's moral well-being.

Dr. Bennett goes on to cite a number of hopeful signs of reform and progress occurring in our education system, including some of the superb experiments that are now being tried with school choice or school vouchers, school scholarships. But he also mentions charter schools. I quote from his article. ''Public schools that are freed from many regulations, in exchange for greater autonomy and more accountability, are flourishing. There are now more than 700 charter schools in 28 States.''

Mr. President, the goal of this amendment is to help us open, help the States, help individuals, help entrepreneurs open hundreds of more charter schools. This movement has quickly become one of the most popular and encouraging developments in the world of education reform. Since the first charter school opened in Minnesota in 1991, 29 States and the District of Columbia have enacted charter programs. And as children head back to school this month, it is expected that more than 700 charter schools will be in operation across the country, including a whole new group in my own State of Connecticut, practically tripling the number of charters that were in existence just 2 years ago.

The appeal of this new breed of schools is obvious. In the context of a school system that is not adequately educating too many of our children, charters offer the promise of higher standards, greater accountability, broader flexibility to innovate in the classroom, and ultimately greater choice, which is what more and more parents want in public education. So far the broad array of charter schools already in business are delivering on that potential. Parents give overwhelmingly high marks to charter schools for their responsiveness to them, the parents, as customers. Several independent studies show that this, in turn, is helping to generate greater parental involvement in the education of their children.

These studies also show that charters are effectively serving diverse populations, particularly many of the disadvantaged and at-risk children that traditional public schools have struggled to reach. While it is too soon to determine what impact charter schools are having on overall academic performance, the early returns in places like Massachusetts suggest that charters are succeeding where it matters most, in the classroom.

Perhaps the most powerful endorsement of the charter school approach came recently from the superintendent of public schools for the Seattle public school district, who suggested that the city should consider making every school in its district a charter school, freeing the schools of the burdens of the central bureaucracy, setting a series of standards of accountability that would have to be met by those who run the school in a given amount of time and understanding that the charter is not forever. The charter is only renewed if the goals set out within it are realized.

The movement is being driven by a growing legion of parents, educators, business leaders and community activists who are convinced that alternatives in public education, including charter schools, represent the future of public education in America. But Congress, to our credit, has made a valuable contribution to the growth of charters through the Federal charter grant program, which was authorized in 1994 with broad bipartisan support. I was privileged to be a cosponsor of that legislation with Senator David Durenberger, the main sponsor, Senator from Minnesota.

Over the last 3 years, the Federal charter program has helped scores of charter schools open. What do we do? We defray the costs many groups face in trying to start a school from scratch. That is what the Federal money goes to. Most States provide charter schools, and this is the case in

Connecticut, with a per pupil allotment once they are in operation. But charter operators have to scramble to cover such startup expenses as planning a curriculum, leasing a building, hiring a staff.

A survey of charter school operators recently conducted by the Department of Education highlighted this problem showing that it was by far the biggest obstacle to success that charter school operators face. It is that obstacle that this amendment intends to diminish.

As the charter movement expands, the demand for this aid will only continue to grow with it. With the number of charter schools mushrooming each year, our ability to help them meet their startup costs will quickly diminish, unless we increase the amount appropriated, as this amendment would do.

President Clinton recognized this when he issued a challenge in the State of the Union to double the funding for the Federal charter program. That is what we do, Senator COATS and I, in this amendment.

By doubling funding for this program, we would help scores of new charter schools make the transition from the drawing board to the blackboard, and provide thousands of additional students with an opportunity to attend one of these innovative, performance-based programs. Moreover, we would also send a strong message to charter advocates and to families in general that the Federal Government is committed to supporting the good work that is happening at the State and local level and that we are serious about fundamentally improving public education.

To make sure we spend this new money wisely, Senator COATS and I also intend to introduce legislation this fall aimed at strengthening the Federal charter program. From our experience to date, we have learned some valuable lessons about how we can improve this program to speed the development of charter schools in participating States and to also encourage nonparticipating States to join this movement. The legislation we're preparing would use the new Federal funding to reward those States that are most actively moving to create charters. It would also tighten a few unintended loopholes in the current law that have allowed schools that are not true charters to receive Federal aid that was not intended for them.

We can begin strengthening this program immediately by increasing our investment in charter schools. And that is the purpose of our amendment today. To pay for this new investment, we are proposing shifting a relatively small amount of funds from three broad-based Federal programs—the title VI block grant account, Goals 2000, and the Fund for the Improvement of Education. All three of these programs are aimed at promoting educational reform and innovation, which is the same exact mission of the charter school program. So in essence, rather than cutting these three broad-based accounts, our amendment would simply earmark a fixed portion for a highly effective, well-targeted, and broadly supported program.

The three programs from which we are shifting funding are all worthwhile efforts. But we feel strongly by earmarking a relatively small amount from them for the charter school program, we will be getting the most bang for the books.

We are convinced that the charter movement, as charter expert Bruno Manno of the Hudson Institute has said, is arguably the most vibrant force in public education today. It has managed to bring together parents, educators, and political leaders from both parties in support of an effort to inject more choice, accountability, and competition into our public schools, an effort that focuses first and foremost on performance, not process—performance in educating our children.

I hope we can come together ourselves in a bipartisan fashion, as we did in launching the Federal charter program, to demonstrate our commitment to these goals by passing this amendment. I thank the managers of the bill for the opportunity to speak on this important issue, and would ask them for their support.

Mr. President, let me discuss the funding offsets for the Lieberman-Coats charter school amendment.

The Lieberman-Coats amendment would increase funding for the Federal charter school grant program by $49 million. Here is a breakdown of how this amendment is paid for: $25 million would come from the title VI block grant program that supports State and local driven innovation efforts. This would leave funding for this account at $285 million; $14 million would come from the Goals 2000 program. This would leave funding for this account at $515.9 million, which would still amount to a $25 million increase over the fiscal year 1997 level; and $10 million would come from the Fund for the Improvement of Education, a pool of discretionary funds administered by the Secretary of Education. This would leave funding for this account at $40 million, the same amount appropriated for fiscal year 1997.

All of these programs are broad-based efforts aimed at promoting education reform and innovation and lifting standards. The charter school program is dedicated to these same goals. So rather than cutting the three programs listed above, the Lieberman-Coats amendment simply earmarks a fixed portion of these accounts for arguably the most promising education reform and innovation initiative in the country.

I notice the presence on the floor of my cosponsor and Senator STEVENS as well. I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent the vote occur on the pending D'Amato amendment at 4:30 p.m. today, and that no amendments be in order to the D'Amato amendment.

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

The Senator from Indiana is recognized.

Mr. COATS. I understand that shortly the Senator from Alaska will make a proposal that is certainly acceptable to Senator LIEBERMAN and I, and I will be very brief in my comments.

I am pleased to join my colleague from Connecticut in coauthoring and cosponsoring this amendment to increase funding for charter schools. Clearly, we are in a situation where I think there is a growing recognition that the status quo in our public schools is unacceptable, particularly our public schools located in low-income and urban areas. That status quo has existed for quite some time.

It has been nearly 13 years since the President's commission reported about mediocrity in public education. We have seen numerous attempts both through public policy and through local initiatives to try to address the mediocrity and improve educational opportunities for our young people. We have met considerable resistance from the Federal Government, from the Department of Education, because they do not want to upset the status quo. Yet parents are voting with their feet and with considerable sacrifice and demanding at local and State levels that change be made. They are demanding alternatives.

Senator LIEBERMAN and I have explored a possibility of vouchers for low income, providing parents who do not have a choice, a choice that most of the rest of us have, that if their failing public school is not educating their young people they would have some means and wherewithal to utilize a voucher to achieve a better education.

This is not that amendment. This is an amendment that addresses another alternative, a viable alternative called charter schools that Senator LIEBERMAN has said is being more and more accepted throughout America. Even the Department of Education, in releasing its first formal report on the study of charter schools, has some findings indicating that charter schools have racial compositions similar to statewide averages, and in many cases have a higher proportion of minority students. So the charge that they are just for a certain race or just for the elite is not a well-founded charge.

Sixty percent of public charter schools are new startups rather than conversions of public and private schools to charter status. They enroll roughly the same percent of low-income students on the average of other public schools. So a lot of red herrings about charter schools undermining the effectiveness of public schools is not proven.

The Hudson Institute, located in Indianapolis, has undertaken a very significant and comprehensive study of

charter schools called Charter Schools in Action. Their research has involved visiting 14 States, 60 schools, and visiting thousands of teachers and students. The key findings are that three-fifths of charter school students rate their charter school teachers as better. Over two-thirds of parents say the charter school is better than the child's previous school with respect to class size and school size. Over 90 percent of the teachers are satisfied with their charter school educational philosophy, their size, colleagues and students. And among students who said they were failing at their previous school, more than half are now doing excellent or good work.

The gains were dramatic, most dramatic for minority and low-income youngsters, and were confirmed by their parents.

In summary, the Hudson Institute study found charter schools point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that successful public schools should be consumer-oriented, diverse results oriented and professional places that also function as media institutions in their area.

Because of the tremendous success of charter schools in the past 6 years, I joined Senator LIEBERMAN in an attempt to double the funding. As Senator LIEBERMAN pointed out, they offer great accountability, broader flexibility for classroom innovation, and ultimately more choice in public education.

Senator LIEBERMAN and I have addressed what we think are some offsets to provide for this doubling of funding to encourage charter schools. There has been some concern about where that funding comes from. I think there are some creative, innovative, and useful offsets, but it would engender considerable debate and discussion and might undermine this effort. Senator STEVENS has found, I think, a very acceptable way to address this, and I appreciate his involvement and his efforts and his support for this.

With that, I thank my colleague, Senator LIEBERMAN from Connecticut, for his initiatives, and I am pleased to join him in this.

I yield the floor.

Mr. STEVENS. Mr. President, this pending Lieberman-Coats amendment is a good one. We see no reason to take further time on it because the House bill does have the $75 million for charter schools. The effect of this amendment would be to increase it to that amount.

It is the intention of the chairman of the subcommittee, Senator SPECTER, to notify the House that in conference we will recede to the House on this item.

I appreciate the indulgence of the two Senators, Senator LIEBERMAN and COATS, and ask under the circumstances that they accept our word that will be the amount of money provided for charter schools under this bill when it comes out of conference.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Alaska very much for his statement. The willingness of the Senate conferees to yield to the House on this would accomplish an enormous step forward in Federal support of the charter school movement. There is no need to take any more time of the Senate. Obviously, the word of the Senator from Alaska is bankable. I thank him for that.

I thank my colleague from Indiana and I appreciate very much another expression of bipartisan support for this educational reform movement that is sweeping America. With our help, it will help it even more with this additional amount of money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment and congratulate the Senators from Connecticut, Indiana, and Alaska for not only their support for charter schools but also for the additional funding, because this is a success story. There are successes in communities all across the country. The number of charter schools has exploded. I think there are over 700 now, and growing.

A lot of States are looking to see how can we improve our schools, how can we make education better. Charter schools have been a proven success.

I compliment my colleagues for bipartisan work in making a real addition to a proven success story and improving education.

AMENDMENT NO. 1080 WITHDRAWN

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1080) was withdrawn.

AMENDMENT NO. 1081

(Purpose: To limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election)

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

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, and Mr. JEFFORDS, proposes an amendment numbered 1081.

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

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

The amendment is as follows:

On page 25, between lines 9 and 10, insert the following:

SEC. . (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calender quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

Mr. NICKLES. Mr. President, the amendment I send to the desk on behalf of myself and Senator JEFFORDS is an amendment that deals with the potential rerun of the 1996 Teamsters election. I think most of my colleagues are aware the Teamsters election, which was held in 1996, has now been held invalid, at least by the administrator overseeing the election who determined that there was fraud, that there was corruption, and that there needed to be another election. She has now made that petition before the U.S. district court. The court will rule on that. My guess is she will probably order another election.

The purpose of this is to ensure that taxpayers won't pay for the next election. To give my colleagues a little history of how the U.S. taxpayers paid for the last one, I have heard estimates of around $22 million. I also heard more than $22 million, maybe higher or closer to $28 or $29 million, but the taxpayers paid millions of dollars, $20 million-some for the 1996 Teamsters election.

Now it seems that the Federal overseer of that election says it was not fair, it was not right, there was corruption, it needs to be held over again.

The purpose of this amendment is to say that taxpayers will not pay for it again. I might mention, somebody said why would taxpayers pay for it in the first place? Mr. President, 99 percent of all union elections that are held in this country, the U.S. taxpayer does not

pay for. There was a 1989 decree with the Teamsters and the Justice Department entered into in 1989 that called for the elections both in 1991 and 1996. The 1991 election, I might mention, had oversight by the Federal Government but was not paid for by the Federal Government. Actually, the Teamsters paid for the 1991 election.

With Federal Government oversight, no allegations of improprieties or corruption were made. It was a good election. The 1996 election, however, provided for in the decree, provided that the taxpayers would pay for the 1996 election. Now the overseer of that election said, wait a minute, there was fraud, we will have to have another election.

The purpose of this amendment is, let's not pay for it, let the Teamsters pay for it. Somebody said, well, maybe they do not have the money, it could cost several million. I heard it could cost $10 million, it might cost $20 million. Who knows? I think they will be more frugal if they are paying for it. Certainly, they are capable of paying for it. In the event they do not have the money, our amendment allows for the taxpayers to pay for it, but we have to be paid back.

Again, I think taxpayers did not get their money's worth out of the 1996 election. If you paid $20 million-some and you find there was rampant corruption, fraud, and abuse to the extent we have to have another election—we should not let that happen again.

So, that is the purpose of my amendment. I think it is a fair amendment. It is in accord with the 1989 decree ordered in the past. I urge my colleagues to support this amendment.

I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 1082 TO AMENDMENT NO. 1081

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1082 to amendment No. 1081.

The amendment is as follows:

At the end thereof, insert the following:

(c) Nothing in this section shall be construed to affect the obligations of the United States under the consent decree in *United States* v. *International Brotherhood of Teamsters,* 88 Civ. 4486 (DNE) (S.D.N.Y.), or any court orders thereunder.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, just for the benefit of the membership, to describe where we are, the amendment that I have offered would include the Nickles amendment, but it would also add to the Nickles amendment: ''Nothing in this section shall be construed to affect the obligations of the United States under the consent decree'' entered into in United States v. Teamsters, decided in 1989.''

So, effectively, the Nickles amendment would be perfected with the Kennedy amendment. All we are saying with the Kennedy amendment would be that nothing in the Nickles amendment would eliminate the obligations of the United States that was a part of a consent decree that was signed in 1989 because we are not operating in a vacuum here today with regard to the Teamsters elections. We are basically operating on the basis of a consent decree that was signed by the previous administration, signed by the Bush administration, and supported by the Bush administration.

All that we are saying is that whatever decision that is going to be made, or whatever language would be included in the Nickles amendment, it will not be contrary to what was agreed to by the United States, agreed to by the U.S. Government and the previous administration and adhered to by the courts. We don't know what the future is going to bring with regard to any potential future election or what the allocation of responsibility would be in terms of who would be responsible to pay for various aspects of the election. We don't prejudge that. All we are saying is that nothing in the Nickles amendment will, in any way, undermine the responsibilities of the United States, which I believe is a solemn agreement and a solemn commitment, and that has been accepted in the courts of law by the United States.

Now, Mr. President, this amendment, I believe, is basically a transparent attempt to punish the Teamsters Union for winning the UPS strike, and it doesn't deserve really to pass. This issue is no light matter. The amendment would require the Federal Government to abdicate its responsibility under the court-approved consent ordered and signed by the Justice Department under the Bush administration. If the Federal Government abdicates this responsibility, it could be subject to contempt proceedings in the Federal court.

The amendment would deny Federal funds to oversee the forthcoming Teamsters election, which had been ordered after the 1996 election was nullified by the Government-appointed election officer. That election was paid for by Federal dollars. The Federal Government agreed to fund that election under a 1989 consent order in the Federal court of New York City that resolved a racketeering suit brought by the Government. The suit was a culmination of over 30 years of effort to eliminate organized crime from the leadership of the Teamsters Union. Congress has been heavily involved in that process. From the McClellan committee hearings in 1957 to the Senate permanent subcommittee investigation hearings in 1994, we have worked to reduce the influence of organized crime in the union and in the industry where its members work.

In 1988, the Justice Department, under President Bush, sued the Teamsters under the Federal racketeering laws. The charge was that the union was dominated by organized crime. That was settled in 1989. The court-approved consent order was designed to rid the union of officers with ties to organized crime and to create a new, open and democratic structure in the union. The consent order provided that the 1991 election for Teamster offices would be supervised by a court-appointed election officer. The consent order also required the 1996 election to be supervised by the election officer.

Let me quote the union-defendant's consent to the election officer, at Government expense, to supervise the 1996 elections on page 16 of the consent order:

In accord with that decree, the election officer supervised the '96 election, at Government expense. Late last month, the officer ruled that the '96 election must be rerun because of irregularities committed by consultants to one of the candidates. The election officer specifically refused to find that any union officer or member committed any misconduct and noted that Teamster President Ron Carey cooperated with the election officer in a manner inconsistent with guilt. Under the consent order, the Federal court must formally order any rerun election that is held. The court's decision will be issued later this month.

It is the consent order that obligated the Government to pay for the 1996 election. Under the consent order, any rerun of that election ordered by the election officer should be Government-funded. Yet, this amendment asks the Government to walk away from that clear obligation. If passed, the amendment would order the Government to subject itself to a contempt proceeding. These financial obligations were entered into by a Republican-controlled Justice Department and a Republican administration. They were part of a comprehensive and successful effort to root out organized crime from the Teamsters Union and restore democratic process to that union.

It is an outrage to ask Congress to abdicate our responsibility to help in eliminating corruption in this union. The heart of this amendment is an attempt to punish the Teamsters for their extraordinary success in the recent UPS strike, in which the Teamsters won 10,000 more permanent jobs for their members, improved benefits for all 185,000 UPS employees, and sensitized the entire Nation to the gross abuses in many workplaces that force hard-working men and women into part-time jobs with lower wages and lower benefits than they deserve.

Some of our Republican friends may believe the Teamsters should be punished for these gains. I believe that they deserve praise instead of punishment. I urge my colleagues to give our amendment the kind of support that it deserves.

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

Mr. KENNEDY. I am glad to.

Mr. NICKLES. In looking at your amendment, you said that nothing in this section should be construed to affect the obligations under the consent decree. I might agree to that part. But then you also add, ''or any court orders thereunder.'' What do you mean by that last few words?

Mr. KENNEDY. I would expect that what we would include in that is any court orders that would be related under the consent decree or that would be related to the consent. Is there something in particular—I would be glad to attempt to define that, if the Senator has some particular concerns in some particular way. But it seems to me to be fairly clear. Any of the orders that would be a part of that consent decree. Now that we are retained and we are within the consent decree, there would be any of the court orders with regard to the various elections. And I would expect that as we did before, we would want to comply with the consent decree in those areas.

Mr. NICKLES. I am just trying to help a little bit. If the Senator will drop those last few words, I might agree to his amendment, because I think our amendment is consistent with the consent decree. But I may be overly interpreting. I don't know exactly what the sentiment is for ''or any court orders thereunder.'' But it might be hoped by the Teamsters, or something, they could go to court and find some court that would say, yes, the Federal Government should pay for a rerun election. That is not covered.

I might tell my colleague that I have done a little homework on this. The rerun is not covered by the consent decree. There certainly is no obligation for taxpayers to pay for reruns, which is not consistent with the statement of the Senator from Massachusetts. That, I think, is factual.

So my point is, if the Senator would delete those last few words ''or any court orders thereunder,'' I think I could accept his amendment.

Mr. KENNEDY. If there was any court order affecting the 1996 elections of Teamsters officers—I would like to try a short quorum call to make sure that would be language, which I think appears to be to the Senator's point, and I think it would meet the objectives. But maybe we could suggest a short quorum call to make sure that we have the language that conforms to both of our understanding.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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 ELECTION IN LOUISIANA

Mr. WARNER. Mr. President, I was distressed yesterday to hear comments on the floor relative to the duty of the U.S. Senate under the U.S. Constitution to determine—and we have the sole authority under the Constitution to determine—the issues as relating to the presence or absence of that degree of fraud or other conditions that would affect the outcome of the election in Louisiana. The subject has been discussed many times on the floor.

As chairman of the Rules Committee, I have overall responsibility for the direction and the daily conduct of this investigation. I will later today either address the Senate or put in the RECORD a detailed accounting of everything that I, the staff of the committee, and others have done since the last time I reported to the Senate with regard to this very important case. But I wish to assure my colleagues that while I regret that the Democrats decided to walk out on the investigation that the Republican majority of the committee, and specifically myself, we have continued to fulfill what I and others regard as the bottom-line responsibility of the U.S. Senate, and that is to go and look at every reasonable source of potential evidence as it relates to fraud in this election. This has taken a great deal of time. I recognize that it has stressed the patience of many.

But if you look historically, as I have done, at comparable situations when the U.S. Senate has been faced with the election problems, this case thus far is relatively short in duration. Many have gone for as much as 18 months to over 2 years.

It is my hope and my expectation that we can conclude this work in a reasonable period of time. Under the leadership of our distinguished majority leader and, indeed, some on the other side of the aisle, we were very near to an agreement whereby both sides concurred that this matter could be concluded before late September—this month. That fell by the wayside, and I was then given the authority at long last, although I had asked a number of times—it had been denied by the Democrats—the authority to issue subpoenas. I received that authority from the committee. Subpoenas were promptly issued. And I went to Louisiana on two occasions and each time conducted 2 full days of hearings. I repeat, 2 full days; 4 full days thus far of hearings in Louisiana.

In response to those subpoenas, individuals without exception came in, some voluntarily. Those individuals responded in large measure to the best of their knowledge to each and every question. Some equivocated. That is true in any trial. I used to be an assistant U.S. attorney for 4 or 5 years, and I have tried many cases. But I can judge witnesses fairly well based on that experience. I say on the whole the witnesses were forthcoming in their oral testimony.

Likewise, we issued subpoenas duces tecum for records. We have in the possession of the Senate now some four to six cartons of records as a consequence of those subpoenas issued in August. Most of those records relate to the gambling industry, which, according to official records, put anywhere from $10 to $15 million into the elections taking place on December 5 or 6 of 1996 because there was a referendum that affected the gambling industry. They had a right to participate and contribute money to foster their interests in certain votes as related to the referendum.

But anyway, that is a voluminous amount of record material that must be gone over carefully by Senate staff and such other adjunct support as we can get from the GAO. Much to my disappointment, and despite the efforts of the distinguished majority leader, myself, and others, the FBI pulled out when the Democrats left. That left us short-handed in the nature of support. But we are doing our best. And despite the efforts of majority leader, myself, and others, the FBI still has not come in to give any further help.

All of this is to say the buck stops with me as the chairman. And I can, in clearest of conscience, report to my colleagues that I feel that the Rules Committee, its staff, and the Republican Senators participating are fulfilling the exact requirement placed upon us by the U.S. Constitution.

I urge that the Members of this body continue to allow that work to be done in an orderly fashion as best we can, given the extraordinary handicaps we have, both financial, time and staffwise, to do our work, to go over the records we have.

I announced in Louisiana it would be my judgment, subject to concurrence of other members of the committee, to have at least one more hearing, this time here in the Rules Committee room, at which time the gambling industry would be subpoenaed to come and explain in detail the voluminous amount of records we now have before us. We need to ascertain whether or not this sum of money, ranging from $10 million to $15 million, was expended in a proper way in accordance with Federal and State law, or in fact did some of it slip into areas which could have generated fraud and, indeed, affected the outcome of this election through fraud.

So, Mr. President, I see the majority leader now at this time and I, due to time constraints, have to stop my remarks, but I will put in the RECORD today, either orally or insert a more complete dissertation, exactly what we have done.

Mr. LOTT addressed the Chair.