come to grips with that issue. A differing point of view was put forth by the House of Representatives.

I concede that while the House advocates had parochial interests of their State, I, too, had an interest in Pennsylvania on this issue. Looking at the broader national aspects, it really is a matter to be decided by the medical experts. I think that was provided for in the regulations proposed by the Secretary of Health and Human Services. The Secretary had no parochial interest and was speaking for the national interest. If the Secretary was wrong, that is a matter which ought to be decided by the authorizing committee. It ought not to be left to the appropriators.

That is only illustrative of many, many riders we have where the appropriators are called upon to decide very, very complex questions which ought to be resolved after hearings, analysis, floor debate, and a decision on what is public policy. They really are not issues to be decided by how much money ought to be allocated to a specific line, which is the function of appropriations.

It is my hope that these procedures will be corrected when the Congress reconvenes next January, to find a way to return to regular order and to have these issues considered by the full Senate, considered in a Conference Committee, and presented to the President.

When we had our conference last Friday, I raised the question head on with members of the Office of Management and Budget where this education item was a matter for veto. He had some difference of opinion of some $330 million, which is not insignificant, but is not enormous on a $32 billion budget. The representative of the administration couldn't answer the question. If we had passed a bill and submitted it to the President, I think he would not have vetoed. My instinct is if we passed a bill and submitted it to the President, the funding figure which he wished for, classroom size reduction, which has now been conceded by the congressional negotiators, but it left open the issue of whether it would be decided by the States and local government or decided by the Federal Government, with the President pressing to have a mandate from the Federal Government operated out of Washington instead of leaving it to local government.

Here again, I think the President would not have exercised his veto, or at least had we followed regular order and the constitutional procedure without having the President in the negotiations on the appropriations bill—where he ought not to be, his representative ought not to be—we would have had a determination as to whether it rose to the magnitude of a Presidential veto.

Our institutions have been well served, as we know, when we follow constitutional procedures, when you follow regular order on what has been established. I do believe that these shortcuts are not in the public interest and we ought to return to the tried and tested ways of the appropriations process.

I ask unanimous consent to have printed in the RECORD the chart I referred to earlier.

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

LABOR, HEALTH HUMAN SERVICES AND EDUCATION APPROPRIATIONS

	1998 comparable	Budget request	House committee bill	Senate committee bill	Tentative agreement—House	Tentative agreement—Senate	Open issues UA
Title II—Department of HHS, current year (federal)	162,167,174	177,149,724	176,289,059	176,178,717	178,665,109	178,695,109	30,000
Prior year advances	31,036,993	31,718,189	31,718,189	31,718,189	31,718,189	31,718,189	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Total	195,002,239	210,819,578	209,958,913	209,591,621	212,338,963	212,368,963	30,000
Mandatory, current year	132,981,566	145,960,968	146,055,968	146,040,968	146,230,968	146,230,968	
Prior year advances	29,099,993	29,618,189	29,618,189	29,618,189	29,618,189	29,618,189	
Subtotal: Mandatory	162,081,559	175,579,157	175,674,157	175,659,157	175,849,157	175,849,157	
Discretionary	29,185,608	31,188,756	30,233,091	30,137,749	32,434,141	32,464,141	30,000
Prior year advances	1,937,000	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Projected HCFA user fee collections		(264,500)					
Child Care Welfare Reform rescission	(3,000)						
Viagra Limitation			(40,000)		(40,000)		40,000
Adjustment for legislative cap on Title XX SSBGs	(81,000)	(471,000)	(81,000)	(471,000)	(81,000)	(81,000)	
Subtotal: Discretionary	32,836,680	34,504,921	34,163,756	33,461,464	36,368,806	36,438,806	70,000
Total: 302(b) scorekeeping	194,918,239	210,084,078	309,837,913	209,120,621	212,217,963	212,287,963	70,000
Title III—Department of Education current year (federal funds)	30,701,330	32,142,182	31,481,671	31,867,651	32,250,768	32,797,056	546,288
Mandatory, current year	2,555,086	2,615,266	2,616,640	2,615,266	2,622,584	2,622,584	
Discretionary, current year (federal funds)	28,146,244	29,526,916	28,865,031	29,252,385	29,628,184	30,174,472	546,288
Prior year advances	1,298,386	1,658,386	1,658,386	1,658,386	1,658,386	1,658,386	
Subtotal, Discretionary	29,444,630	31,185,302	30,523,417	30,910,771	31,286,570	31,832,858	546,288
Total, 302(b) scorekeeping	31,999,716	33,800,568	33,140,057	33,526,037	33,909,154	34,455,442	546,288
Title IV—Related Agencies (federal funds, current year)	17,738,380	23,195,669	23,058,541	23,207,418	23,173,046	23,182,836	9,790

HATE CRIMES

Mr. SPECTER. Mr. President, we have seen the issue of hate crimes again tragically before the American people with a horrendous event in Laramie, WY, on October 6, just last week, where a young man, Matthew Shepard, was kidnaped, robbed, severely beaten, and left tied to a fence in freezing weather. He died 5 days later from his wounds.

Two men have been charged with the murder. It appears that the attack was motivated at least in part by an antigay bias. Police have stated that while robbery was the main motive for the attack, that Mr. Shepard was apparently chosen as a victim because he was gay.

It has been reported by the investigators that the two suspects lured Mr. Shepard from the bar by stating that they, too, were gay and wanted to meet with him. The girlfriend of one of the two suspects has stated that Shepard was targeted because he had flirted with the suspect earlier that evening and allegedly embarrassed him.

The issue of hate crimes was very much a national focus months ago, on June 7 of 1998, when Mr. James Byrd, Jr., an African-American, was kidnaped and killed by being dragged from the back of a pickup truck. Three white men have been charged with the murder. The evidence indicates that there was racial motivation for the attack. Authorities have stated that all three suspects were white supremacists and had white supremacist tattoos on their bodies. All three were identified as belonging to the Ku Klux Klan and the Confederate Knights of America while serving in prison. Racist literature was seized from the home shared by the suspects.

The current hate crime legislation was deemed inadequate on the murder of Mr. Byrd because the victim was attacked in a way where he was not seeking to exercise a federally protected right.

On November 13, 1997, Senator KENNEDY, Senator WYDEN, and I introduced the Hate Crimes Prevention Act, which has not moved forward. It is my view that there is no place in America for

hate. There is just no place in America for hate. There is no place for hatred of African-Americans, hatred of Asians, and there is no place for hatred of Jews, Muslims, gays, or anyone else. That is antithetical to America, antithetical to the concepts of the melting pot. We see around the world what has happened in places like Bosnia, and we see what has happened in Kosovo, and we have seen what has happened in Africa. But in the United States, there is no place for hate.

I have asked both leaders in the Congress and the President to push to have this legislation included in the final Omnibus Appropriations Act. I know it is difficult to do. Let's see what happens on it. There ought to be a very, very strong stand taken against hate. Gays ought to be included in the protection, and we ought not to have the highly technical, legalistic concepts of the exercise of a federally protected right.

I served for 8 years as district attorney of Philadelphia and 4 years as assistant district attorney before that, and crime was horrendous. But when hate is added to the crime, it becomes an intolerable circumstance, something which should be acted upon by the Congress of the United States. The legislation has been modified to arrive at a situation where local authorities would call for Federal assistance. I am not sure that is a wise provision, because so frequently we find local authorities unwilling to act, and that is really the reason for the necessity for Federal action. But the legislation has been modified in a number of important respects to try to give an impetus for enactment. We should not await the next tragedy on hate—whether it is directed to someone of Asian ancestry, or someone who is Jewish, or a Muslim, or a gay, or an African-American—to motivate us to take the appropriate steps and be very, very tough in the response and prosecution of those offenses.

Mr. President, in the absence of anyone else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. I ask unanimous consent to proceed as in morning business for 5 minutes.

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

The Senator from New Hampshire is recognized.

EDUCATION

Mr. GREGG. Mr. President, we have heard a lot of talk about education in the last few days, especially from the White House, and about adequate funding for education. I think no item more clearly defines the difference between the two parties on the issue of funding education than the issue of special education.

This White House has been so enthusiastic for creating new programs, that are controlled here in Washington, which tell the teachers, principals, parents, and students back in my State, and in the State of Mississippi, where the occupant of the Chair comes from, and every State of this country, how they shall run their schools on a day-to-day basis, how to manage curriculums, whom they shall hire, when they shall hire them, what they will do after school. This administration has been so insistent in trying to move the control of education to the Federal level and now has come forward with a new series of efforts to accomplish that. But this administration has failed consistently to fund the most fundamental obligation of the Federal Government in the area of education—specifically, the obligation under special education.

Back in 1976, I think, when the special education bill was passed, which was a major step forward in this Nation toward caring for kids who have special needs, the Federal Government committed to the local communities of this country that it would pay 40 percent of the cost of those children's educational needs. But what has happened? Well, when the Republican Congress took control of Congress 4 years ago, at that point, the obligations being paid by the Federal Government weren't 40 percent of the cost of special ed needs, they were only 6 percent of the costs. The difference, 34 percent, which was supposed to be picked up by the Federal Government, was being borne by the local taxpayer.

What was the practical effect of that? The practical effect of that was that the local tax burden was skewed and the local school districts' ability to support their educational agenda was controlled not by what they wanted to do but by their need to meet a Federal mandate that was not being paid for by the Federal Government—specifically, special education. So where a local school board might have wanted to add new teachers, or an afterschool program, or a new language program, or put in new computers, they could not do it. Why? Because they had to pay the cost of the special education students, which costs were supposed to be borne by the Federal Government, at least to the extent of 40 percent.

So you would have thought that this ''education Presidency''—as it tries to proclaim itself—would have wanted to correct that problem, would have recognized that as the first step in its efforts on education, and would have fulfilled the underlying obligation to special needs kids and paid the 40 percent the Federal Government is obliged to pay under the law.

What actually happened? In every budget that the President of the United States has sent up to this Congress since this Congress was taken over by the Republican Party, there has been essentially no increase in funding for special education. As a result, what this administration has said is: Rather than funding the needs of special ed kids, we want to create brand new programs, we want to go out and tell the school districts what they are going to have to do with Federal dollars, rather than using the Federal dollars to fund the needs of the special needs kids the way we are supposed to under the law.

So they set up this scenario where they say to local school districts: We are not going to pay you what we are supposed to and allow you to free up your money to spend it on what you need, such as books and teachers—or whatever the local school district thinks it needs. Rather, we are going to tell you what you need, and we are going to make you come to the Federal Government, come to the Federal bureaucrat, and say, ''Please, Federal bureaucrat, give us back some of our money so we can pay for new educational initiatives.'' But we have to do exactly what you tell us in initiating those initiatives. It obviously makes no sense.

What did the Republican Congress do? It said let's live up to our obligations as a Congress first. So we made a priority. In fact, S. 1, the No. 1 bill of the Senate, made as its priority setting a course to fully fund special education at the 40 percent required under the law. We made great strides in this under the leadership of the majority leader, under the leadership of the Senator from Pennsylvania, who is the head of the appropriations subcommittee, with the strong effort of the coalition here on our side of the aisle.

We have increased funding for special education dramatically in the last 3 years, with no help from the administration. Three years ago, we put it up; we increased special education funding by almost $700 million. Last year, we increased it by almost $690 million. This year, we have increased it again by $500 million. So we have taken the percentage which the Federal Government is paying for special education from 6 percent when we took control of the Congress up to over 10 percent now, and it is moving in the right direction.

Now, one more time this week, we hear this disingenuous argument coming from the administration that if we are going to have good education, we have to create a new program where the Federal Government, the President, and his friends at some national labor union and down here at the Department of Education tell local educators how to spend their dollars and what they must spend their dollars on.

If the President really wanted to address the educational needs of this country, he would say to local school districts: I want another $1 billion, but I want to give it back to the local school districts to help them with special education, and that will free up the local school districts to be able to spend money for what they think they need.