I would have difficulty recommending a zero test ban for an extended period.

Among the General's reasons for opposition were, according to a May 29, 1978 press account, that the CTBT

is not verifiable, and that U.S. stockpile reliability could not be assured.

Numerous press accounts from 1994 and 1995 indicated that General John Shalikashvili maintained strong reservations regarding a zero yield test ban, and made clear that he favored maintenance of the ability to conduct low-yield testing under any negotiated treaty.

Indeed, these comments by these former Chairmen of the Joint Chiefs—while in uniform—strongly echo the current views of other former Chairmen of the Joint Chiefs, such as Admiral Tom Moorer and General John Vessey, Jr., both of whom today strongly oppose the CTBT.

Again, I must emphasize that all of these men are distinguished Americans whom I greatly respect and admire.

Indeed, my point today is simply to show that the arguments of Senators Cohen and GORE, and Chairmen Powell, Crowe, Jones and Shalikashvili were right then—and they are still right today:

Nuclear testing is vital to maintaining the safety of our nuclear weapons and the reliability of our nuclear deterrent.

A ''zero-yield''—i.e., a total and complete—nuclear test ban is unverifiable.

A Comprehensive Test Ban Treaty that bars any and all nuclear testing is dangerous for the American people, and I am confident that the United States Senate will not ratify such a dangerous treaty.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

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

AMENDMENT NO. 2267 TO AMENDMENT NO. 1851

(Purpose: To reject indiscriminate across-the-board cuts and protect Social Security surpluses by closing special interest tax loopholes and using other appropriate offsets)

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2267 to amendment No. 1851.

At the end of the amendment add the following:

SEC. ___. PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—The Senate finds the following:

(1) The Congressional Budget Office has projected that Congress is headed toward using at least $19,000,000,000 of the social security surplus in fiscal year 2000.

(2) Amendment number 1851 calls for across-the-board cuts, which could result in a broad-based reduction of 10 percent, taking into consideration approved appropriations bills and other costs likely to be incurred in the future, such as relief for hurricane victims, Kosovo, and health care providers.

(3) These across-the-board cuts would sharply reduce military readiness and long-term defense modernization programs, cut emergency aid to farmers and hurricane victims, reduce the number of children served by Head Start, cut back aid to schools to help reduce the class size, severely limit the number of veterans served in VA hospitals, reduce the number of FBI and Border Patrol agents, restrict funding for important transportation investments, and limit funding for environmental cleanup sites.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that instead of raiding social security surpluses or indiscriminately cutting defense, emergency relief, education, veterans' health care, law enforcement, transportation, environmental cleanup, and other discretionary appropriations across the board, Congress should fund fiscal year 2000 appropriations, without using budget scorekeeping gimmicks, by closing special-interest tax loopholes and using other appropriate offsets.

Mr. LAUTENBERG. Mr. President, obviously, I went in a slightly different direction as we introduced our second-degree amendment because I wanted the clerk to particularly read some of the implications of what it is we are facing if we adopt the Nickles amendment.

My amendment is a substitute for the Nickles amendment. It is very simple. It expresses the sense of the Senate that the Congress must not permit raiding Social Security surpluses nor indiscriminately cut defense, emergency relief, education, veterans' health care, law enforcement, transportation, environmental cleanup, and other discretionary appropriations across the board. Instead, we should fund fiscal year 2000 appropriations—I point out that the year began October 1—without using budgetary gimmicks by closing special interest tax loopholes and using other appropriate offsets.

In my view, this is a much more rational and appropriate way to approach the budget. Deep across-the-board cuts are a bad way to do business. They will prove extremely unpopular. Americans didn't send us to Washington to simply use a meat ax approach to governing. They want us to do it thoughtfully. They want us to go after waste and inefficiencies, to use our judgment and support essential programs such as education. The Nickles amendment, by contrast, puts the budget process on automatic pilot. It would cut indiscriminately.

I read from the text of the Nickles amendment where they say in the sense-of-the-Senate amendment that ''Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit''—that on-budget is excluding Social Security trust funds. They put parentheses around it—''by adopting''—this is the solution they offer—''an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.''

The language is quite clear. But to further clarify, it says cut these programs—the ones I talked about—cut veterans' health benefits, cut educational benefits, cut law enforcement, cut FBI, cut border guards even though our border is saturated by illegal immigration. And we ought to make an orderly process about that.

The Nickles amendment makes no distinction between critical priorities such as education, defense, and lower priorities such as corporate subsidies or pork barrel spending.

There is no need for a meat ax approach. The Republicans' own tax bill proposed to close various tax loopholes. Now that the bill has been vetoed, why not use some of the same loopholes to help protect Social Security, to prevent potentially painful cuts in education and other priorities?

Why not search for waste from other Government programs? How many of us have talked about that waste as we campaigned for office? Shouldn't we go after that before we take money away from our schools or our Armed Forces?

My amendment does not specify the offsets we should adopt, and it in no way endorses raising income taxes on ordinary families, but it does say we have to treat the budget candidly.

One of the things we should all be alerted to—the public in particular, but certainly we who are going to vote on this—it says: ''GOP Using Two Sets of Books,'' in a commentary by the Wall Street Journal of July 27:

Republicans are double-counting a big part of next year's surplus, papering over the fact that their proposed tax cuts and spending bills already have exhausted available funds.

If it were up to me, as I said earlier, I would ask the tobacco industry to compensate the taxpayers for the damage they have caused and help pay for the tobacco-related diseases that cost us some $20 billion a year. If we could get that $20 billion a year, we wouldn't have to be faced with the prospect of cutting Social Security surpluses by some $19 billion.

Once again, my amendment doesn't endorse that particular approach, or any specific provision. It just says: Let's be honest with the American people, and let's find real offsets.

I will tell you what I learned from the Congressional Budget Office in a letter to one of my staff people:

Our estimates of the outlays available to be cut is $351.7 billion. Dividing the projected deficit by the available outlays results in an across-the-board cut of 5.5 percent.

Across-the-board cuts—that is all of those programs that we have discussed several times.

We shouldn't use gimmicks. We shouldn't use that kind of treatment, and not indiscriminate, across-the-board cuts which drastically slash funding for teachers, military personnel, veterans, and other priorities. In fact, we have an endorsement of

that view, I think it is fair to say, when Appropriations Committee chairman BILL YOUNG of Florida says to cut 2.7 percent of all discretionary spending would result in cuts of about $7 billion from defense which would wipe out the pay increase that lawmakers recently provided for the military.

We all know the military is having a problem recruiting new members and getting new recruits to join the various branches. Would we want to discourage that effort even though we are having a problem filling those important positions that we must have to protect ourselves? I think not.

Mr. President, pretty simply, I hope my colleagues will support the amendment.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, several comments: First, I commend the Senator from New Jersey for at least a more, in my judgment, candid discussion of this debate than we heard last week because the resolution that he offers says the Congressional Budget Office has projected that Congress is headed toward—headed toward doesn't mean they are there—whereas last week in the debate you would have thought it was a fait accompli.

The point is, we don't know if any funds or spending levels would have been at such a level that they would have affected Social Security. No one knows that now. Everybody is trying to avert that. Here comes Senator NICKLES' amendment which says if we don't avert that, it would relate to across-the-board cuts. I think all of us understand that the number, if any of it applies to Social Security, would never be of the magnitude discussed in the amendment by the Senator from New Jersey.

The point I wish to make is that it is a nebulous amendment because it says it is headed for—in other words, we don't know. But then they draw the conclusion that it might result in reductions of 10 percent across the board. We heard 1 percent. If it were around $5 billion, it would be 1 percent. If it were $19 billion, it would be probably around 5 percent. To get to 10 percent, we would probably have to be at about $40 billion.

The point is, this is a very imprecise amendment about something. It is like an attempt to be a crystal ball. What are the appropriators, what is the Senate, and what is the Congress going to ultimately do with the pressure?

The amendment also has a technical flaw because it suggests in the language that it would cut emergency aid to farmers and hurricane victims when across-the-board cuts do not apply to emergency funding—something the authors may want to review.

Senator NICKLES said if spending is such that it utilizes some Social Security receipts, they will require an across-the-board cut. I think the American people can understand that.

This resolution says we could cut spending, which of course is what Senator NICKLES suggests ought to happen as well; but if that doesn't work, we will just raise taxes. The Senator from New Jersey points out these are taxes that would not affect ordinary families. All taxes affect ordinary families. There is no such thing as a corporate tax. It really doesn't exist. Corporate taxes are expenses to the corporation. The ladder consumers buy, the loaf of bread consumers buy, the gasoline consumers buy, on anything consumers buy, consumers pay all corporate taxes.

He talks about the possibility of taxing tobacco companies yet again after the settlement. Who pays any charge to the cost of the tobacco? The people who buy it, the ordinary people who use the product.

The major distinction has at least been reduced between the two bills. They both say ''if,'' ''could,'' ''maybe,'' but the principal distinction is that the Senator from Oklahoma says if any of those funds come from Social Security receipts, they have to be replaced by an across-the-board reduction, which is an incentive to reduce spending so that doesn't happen; and the Senator from New Jersey says there is a major incentive to reduce expenditures to keep it from happening, but if it does, we will raise taxes; we will take more out of everybody's pocket. That is the principal distinction.

I am pleased the debate has eliminated both suggestions that anyone really understands what that amount, if any, might be. I am pleased the amendment of the Senator from New Jersey acknowledges that.

It boils down to two different approaches about what to do if it were to happen. The Senator from Oklahoma says we would have across-the-board spending reduction; the Senator from New Jersey says we would raise taxes. He does admonish it would not be a tax that would affect an ordinary person. I point out that all corporate taxes are paid for by all consumers.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I want to continue to use some of the time we have reserved. How much time remains?

The PRESIDING OFFICER. The Senator has 21 and a half minutes.

Mr. LAUTENBERG. Mr. President, I listened to our colleague from Georgia with interest. He said we were not too specific about things. But we are specific about one thing, and that is we do not want to touch Social Security.

A long time ago, someone said: Touch not a hair on that old gray head. I have the color hair that evokes thoughts of Social Security, and I am eligible to be a recipient. I know how important it is, as does everybody here. I do not want to diminish everybody else's view. They all know how important it is.

Let's start with what is in the Nickles amendment. It says that Congress should eliminate any on-budget deficit by adopting an across-the-board reduction in all discretionary appropriations, if necessary. All discretionary appropriations —that could mean anything: Farmers' aid, Veterans Administration, FBI, drug enforcement, Coast Guard, you name it. All these programs would have to suffer deep cuts under this amendment because, according to CBO, the Senate has already approved legislation that would use $19 billion of Social Security funds. And we're likely to use even more Social Security funds when we conference with the House, which is proposing higher spending levels, and when we provide relief to hurricane victims and others suffering from genuine emergencies. Mr. President, before I go further, I see my colleague from Illinois on the floor. I yield 5 minutes to him, and then we will be able to come back to our point.

Mr. DURBIN. Mr. President, those who are trying to follow what is happening on Capitol Hill at this moment in time should be aware of some of the basics. Our calendar year for budget purposes ended on October 1. We started a new year. So, ''happy new year'' to all who are following this debate. Unfortunately, we do not have our spending bills passed.

In fairness, neither Democrats nor Republicans have a very good record of passing these bills on time. But I think most people would concede, we are at a moment in time in the history of this institution where we have never faced such chaos as we do today. There does not seem to be any exit strategy. People are getting too comfortable here. Instead of thinking about ending this session in a responsible way and going home, we are still jousting back and forth politically, and that is sad.

What is even sadder is the situation in which we find ourselves today. After all the time we spent on the budget and after all the suggestions about how to resolve it, we do not have anything near a dialog between the President and the leaders on Capitol Hill. Some say they do not want the President to come up to Capitol Hill because that may not be a good environment for the debate. Some say the Republican leaders are afraid to go to the White House because they have had their pockets picked there in the past. I suggested we set up folding chairs on The Mall and let them meet there, let the whole world watch, and let's see if we can bring it to a conclusion.

I think the American people ought to pay attention to this debate because now what we hear from the Republican

side of the aisle is that in order to exit this place, they want to have an across-the-board cut in all the appropriations bills. That may sound eminently fair: Everybody suffers. But keep in mind, some suffer more than others. When you start cutting back in programs such as Head Start and you have the kinds of cuts we need to balance the budget, 43,000 children are taken out of this program where we try to get them ready for school. How many people do you want the cut at the Federal Bureau of Investigation? How many people do you want to cut from the border guards to stop drugs from coming into the United States?

These are legitimate questions, and spending committees make these decisions as they build their budget bills. Now, in a effort to get out of town, we hear from the Republican side of the aisle, ''Let's just have an across-the-board cut,'' and I think that is sad. We have had entirely too much gimmickry in this budget debate already. At one point in time, one of the Republican Senators suggested we should amend, not a bill but the calendar, not the legislative calendar but the real calendar; let's create a 13th month in a year. We were going to have a contest to see if we could come up with a name for it in an effort to at least have some bipartisan agreement. But after it did not pass the laugh test, it was dropped as an idea.

Then last week, the Republican leaders in the House said: We'll take the millions of Americans, working Americans, who get some tax relief called the earned-income tax credit, and let's just delay paying those people. That was a suggestion from the House Republican leaders. That did not even pass the George W. Bush compassionate conservative test. He announced to his party and America: Don't do that. You have to find a way out of this short of hurting people who are working for a living and struggling to get by.

It seems as if every week there is a new notion, the latest one being this across-the-board cut. Let's try to get to the bottom line here. You will hear us toss out CBO, OMB, on and on. We love to do that in Washington. The Congressional Budget Office comes up with some estimates on spending and the economy. The Office of Management and Budgeting does the same. Sometimes they agree; sometimes they don't. It is a calculated guess. But they both seem to agree at this point in time that we will be borrowing money from the Social Security trust fund in order to bring this to a conclusion. I don't want to see that happen. But it has happened for years and years and years, and this year we would borrow less than we usually do. I hope we do not have to borrow any, when it is all said and done.

President Clinton came to us and said: Here are some offsets. Here are some things you can do that will, in fact, provide the revenue we need for us to leave on time.

I think some of them were reasonable. Let me give you an idea. One of them suggested a 50-cents-a-pack tobacco tax. I know from serving in this body, my colleagues are not going to warm up to that idea. I support it. Yes, it is true, the Senator from Illinois just said he supports a tax increase on tobacco products, because when the price goes up, the kids stop buying them. When kids stop buying them, they start weaning themselves from an addiction that can ultimately lead to death and disease—50 cents a pack, $6 to $8 billion a year, money that can be spent for education, for health care, for priorities in this country. I think the President is on the right track.

So I sincerely hope, before we resort to cutting such things as education and FBI, border guards, military personnel—personnel staffing reductions—we ought to step back for a minute and see if there is not some common ground left here.

The most amazing thing about this across-the-board cut debate is that the ink is hardly dry on the Republican proposal that was offered, and then thrown off the table, to give America a $792 billion tax cut. You may remember it. It has only been a few weeks ago. We had so much money, we were awash in money, we were going to start giving it back in huge sums. Thank goodness the American people and many leaders in Washington said wait a minute, take another look at it.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I yield the time to the Senator from Illinois.

Mr. DURBIN. So when the proposal was made by the Republican side for the $792 billion tax cut, many people said: Wasn't it 24 months ago that this Senate floor was consumed in a debate about amending the Constitution of the United States to pass a balanced budget amendment to stop the deficits once and for all, to bring discipline by the Federal court system imposing limitations on spending?

Yes, it was a little over 2 years ago. That is what we were talking about.

Then the proposal came from the Republican side: We have so much money now that we can give away a massive tax cut, primarily to the wealthiest people in this country.

The idea was rejected by Alan Greenspan who has no political ax to grind and wants to see the economy move forward. The idea was rejected by economists, as well as leaders from the President on down, and most important, it was rejected by the American people.

A few weeks later, the same Republican Party that had this massive tax cut tells us we are in desperate straits as to this year's budget, and we have to do across-the-board cuts in law enforcement, education, and health care. That tells us, frankly, the captain on the ship does not know where he is headed. The captains, in these cases, are the leaders in the House and the Senate on the Republican side.

I will tell you where I think they should be heading, and I think the American people expect this to happen. We have to end this in a sensible fashion. We have to make certain when it is done we meet our basic obligations—obligations to kids and school, obligations to those who depend on us for the very basics, obligations to Social Security to make sure it is strong beyond the year 2032, and as for Medicare, beyond the year 2015. These should be viable systems. That is our first obligation.

It is our obligation, as well, to provide for the basics of this country—the national defense, to make sure the men and women in uniform are treated humanely and they have not only good assignments but are adequately compensated for the service they give to our country.

The list is pretty obvious and most American families would agree with them, but we have not gotten the dialog underway between Democrats and Republicans on Capitol Hill. I sincerely hope this idea of an across-the-board cut is rejected. I believe the Appropriations Committee has to make priority judgments on spending. The President's offset package will save us some money.

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

Mr. DURBIN. I hope this happens soon. I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield to the Senator from Nebraska—how much time does the Senator need, 5 minutes?

Mr. KERREY. Five or 6 minutes.

Mr. LAUTENBERG. Five or 10. I prefer he not take the ''or''; take the 5 or 6 minutes, please. I yield 6 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 6 minutes.

Mr. KERREY. Mr. President, I ask the distinguished Senator from Georgia and the Senator from New Jersey if I can split my time because though I do support the amendment of the distinguished Senator from New Jersey, I have an unusual argument. It may sound as if I am both for it and against it. I appreciate him yielding time to me.

It is terribly important we do save Social Security, but my frustration in the entire Social Security debate is to date, what has happened is the Social Security issue has prevented us from increasing discretionary spending and getting a budget that meets the needs of the American people. It has prevented us from doing a tax cut of any kind, whether it is $300 billion or $500 billion or $700 billion. It has prevented us from doing Medicare reform. It locked us up in a box.

We cannot seem to get anything done because we are not willing to fix Social

Security. We want to have the issue, but when we get down to the details of the problem, it is not an easy problem to solve because we basically—not basically—we have a liability on the table that is about 33 percent larger than what current taxes will fund. That is the problem.

For 150 million Americans under the age of 45, that means they are going to face a benefit cut of between 25 and 33 percent. Thus, the announcements recently sent out by Mr. Apfel, the head of the Social Security Administration, are not accurate. He is telling people how much money they are going to get if Congress raises taxes. The last time I checked, there is not a single vote in this body to raise payroll taxes. If that is the case, it is likely to be every beneficiary under the age of 45 is going to be looking at a pretty substantial benefit cut. That is the problem we have to address.

There are a number of legislative proposals that have been introduced, but, again, relevant to this debate, you would think everybody is about to fix Social Security. The lockbox does not fix Social Security. All it does is use the payroll tax to pay down the debt. After having used the payroll tax to keep the deficit low for 16 years, we are now saying to Americans who get paid by the hour: You get the pleasure of reducing all the debt.

For the median family of $37,000 a year, they will pay about $5,500 in payroll taxes versus $1,300 or $1,400 in income taxes. It is not, in my view, a very fair transaction.

If we enact Social Security legislation, it could be a very good transaction because we could do tax reduction for those families. We could help them on the discretionary side helping their children go to college by doing some things as well to make certain their kids get a good education in our K–12 system. There are a lot of good things that could occur if we fix Social Security.

There are only 29 Members of Congress who have signed on to any specific legislation at all. I call that to the attention of those who are watching this debate because, again, one would think, given all the interest in Social Security, they were about to pass Social Security reform legislation.

Earlier today, the chairman of the Finance Committee had a meeting in which he was discussing the need to extend some tax provisions, the R&D tax credit most specifically, but also making some changes in the individual alternative minimum tax, a very unfair and pretty heavy tax on working families that have multiple deductions.

We were talking about that, and I suggested to the chairman that the Finance Committee take up Social Security reform; let's mark up the bill. There is a majority on the committee who would vote for a specific piece of legislation. It is not likely we are going to.

As I see it, the Republicans are a little bit distrustful of what the President might do. The President has a proposal on the table that takes $25 trillion of income taxes to extend Social Security solvency for 20 years. Republicans, I believe, have correctly identified that as a mistaken way to sort of fix Social Security.

I am willing to join with Republicans in that regard and hope, as we debate these various proposals, that enthusiasm will grow as a consequence of looking at what is happening to 150 million beneficiaries who will not be eligible for another 20, 30, or 40 years. What happens to them if we do not take action? They are the ones who are going to pay a price. The terrible paradox about that is not only are they going to pay a price with delay, but the lockbox basically says to them: You are going to shoulder the burden for debt reduction until we finally come to grips with this particular problem.

Time is not on our side. The problem does not get easier. If you favor tax increases, the tax increases will be larger the longer you wait. If you favor cutting benefits, the benefit cuts get bigger the longer you wait. If you favor, as I do and a number of us in the Senate, making some modest reduction in benefits but coupling that with increased payments for lower-wage individuals and the establishment of savings accounts that would enable individuals, in combination with a defined benefit program, to actually get more than what is currently promised—with either one of those three proposals, the longer you wait, the more the beneficiaries and taxpayers are going to suffer. It does not get easier for them. It gets harder for them. It may be easier for us as we head to elections, but it is not easier for the American people to watch this debate get locked up over this lockbox issue, seeing who favors saving Social Security the most. It does not benefit the American people for us not to enact legislation that will fix Social Security.

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

Who yields time?

Mr. NICKLES. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 17 minutes; the Senator from New Jersey has 5.

Mr. SPECTER. Mr. President, I ask my colleague from Oklahoma how much time he wishes.

Mr. NICKLES. If the Senator can give me 5 minutes.

Mr. SPECTER. I yield 5 minutes.

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

Mr. NICKLES. Mr. President, shortly, within the next 10 or 15 minutes, we will be voting on the Lautenberg second-degree amendment. I urge my colleagues to vote no on the amendment. I looked through the amendment. Although it is a sense-of-the-Senate amendment, it should be factual. This is not factual. Amendment No. 1851 calls for across-the-board cuts which could result in a broad-based reduction of 10 percent. That is not true. There is no way in the world it can be 10 percent unless Congress goes on a drunken spending spree. Maybe some people want to do that. We are not going to do that.

You can get into all kinds of discussions using CBO or using OMB.

Further, the amendment says we should do it without using budget scorekeeping gimmicks.

The gimmick is, we are using the administration's scorekeeping. That is a gimmick. Maybe it is wrong, but I have heard many people on the other side say OMB is more accurate than CBO. If you used all CBO numbers, it would be, at most, a 5 percent reduction. So 10 percent does not even belong in this debate. Using OMB scorekeeping, you are talking about 1 percent. I actually believe we will not have to.

I have talked to the chairman of the Appropriations Committee, and he says we can make it. We are talking about spending $500 billion. We are only $5 billion off. That is about 1 percent. We ought to be able to do that.

The Labor-HHS bill we are debating right now has some big increases in some programs. Maybe we could scale back those increases just a little. NIH grows from $15 billion to $17 billion, but the President only requested an increase of $300 million. Does it have to grow by $2 billion?

Education. I have heard some of my colleagues say, oh, those Republicans are cutting education. The bill has a $2.3 billion increase over last year and $500 million more than the President requested. There is a $500 million increase in the bill that is before us dealing with labor.

So my point is, I think we can tighten up a little bit and not have across-the-board cuts. I just mentioned Labor-HHS. Maybe we could also do it in defense; maybe we could do it in a couple of other areas.

But the way I read the Lautenberg amendment, getting around the false statements that it could cut up to 10 percent, it says: ''closing special-interest tax loopholes''—that is another way of saying let's raise taxes—''and using other appropriate offsets.''

If the Senator has the votes to raise taxes, let him try to raise taxes. This Congress passed a tax cut, not a tax increase. The Senator had a chance to offer tax increases. They did not pass. I am just saying maybe he still wants to raise taxes, but that did not happen. The tax cuts were not signed into law. The President vetoed that. So we are not going to get tax cuts.

So I am saying, whatever happens, let's make sure we do not dip into this money of the Social Security surplus. We are saying 100 percent of that should be used to pay down the national debt—100 percent of it. We should not be raiding that money to spend on all these other appropriations bills. That is what I am saying.

I look at the substitute offered by my friend and colleague from New Jersey that says: Hey, let's raise taxes; let's use other appropriate offsets. I do not know what they are. If he has ''other appropriate offsets,'' offer them.

I want to help work with my colleagues to make sure we don't take money out of the Social Security fund. I am willing to do it. We have bills on the floor now where we can do it.

Maybe we should have other offsets for the Labor-HHS bill. Maybe we should have other offsets for other appropriations bills. But if we try to put them all together, let's make sure we do not dip into Social Security money. Let's not do that. We should not do it.

I think this amendment by my colleague from New Jersey says: Well, instead of any cuts in spending, let's raise taxes. I think that would be a mistake. I do not think the votes are there to do it. I do not think it will happen in this Congress.

So I urge my colleagues to vote no on the Lautenberg amendment.

Mr. ROTH. Mr. President, I want to make some brief observations in reference to the debate on the Lautenberg amendment to the Labor/Health and Human Services/Education Appropriations bill for fiscal year 2000. The Senator from New Jersey suggests that there is an aversion to identifying and addressing tax loopholes. I would point out that in the Finance Committee we have worked in a bipartisan manner to identify and address areas of our tax code which are viewed as candidates for change. These measures have raised tens of billions in revenue over the last few years. Some examples in this area include action the committee took to effect the tax treatment of corporate owned life insurance (COLI), liquidating REITs and tax shelter registration requirements.

Indeed, we are required to consistently look for avenues where we can adjust our tax code to enact change going forward. We are faced with just such a situation right now in crafting our so called extender bill. The items we are seeking to go forward with include permanently shielding individuals from the alternative minimum tax—an important item to ensure that our families are able to take advantage of measures designed to advance their education and child care needs. We are looking to create job opportunities with the extension of the work opportunity tax credit, the R&D tax credit and the welfare to work tax credit and to enable working men and women to continue their education both at the undergraduate and graduate level through the employer provided education assistance program. In the environmental area we are looking to continue provisions which enable communities and businesses to address brownfields. I would point out that millions of people benefit from these provisions.

I believe it is possible to craft legislation which will provide for programs which have been identified as priorities—health care for our veterans, education, aid for our farmers, environmental programs and health research. We have worked in the Finance Committee to advance these priorities as well and will continue to do so going forward in a bipartisan manner.

Mr. LAUTENBERG. Mr. President, I ask if the distinguished Senator from Pennsylvania wants to use any of the time available on that side at this time.

Mr. SPECTER. Mr. President, I intend to make comments for a few minutes, and then I will be prepared to yield back the remainder of our time so we can proceed to a vote, if the Senator from New Jersey is prepared to do the same.

Mr. LAUTENBERG. Mr. President, I will use just a couple minutes to respond, and then we will have finished.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I listened very carefully. One of the things that sometimes the public does not understand is, we can disagree on things because it is an honest view of what is taking place. Perhaps our friends on the Republican side would see things one way and we on this side see them another way. But when we talk about OMB and CBO, these are rather arcane acronyms for the public at large. We work with them all the time. They are arcane for us.

But OMB is something that usually is thought to represent the White House view, the administration view, on calculating where we are, our budget—how much we are spending and how much we are taking in. So I guess it is easy to say that those of us who are on the same party side as the White House want to pay attention to what OMB says and those who represent the majority in the legislature—the House and the Senate—want to rely exclusively on CBO—except when it is convenient. This difference is what we are seeing now in talking about whether or not we use OMB scoring.

Our distinguished colleague from Oklahoma said: Well, we want to use some of the scoring the President uses, from OMB. But, Mr. President, they only want to use OMB scoring selectively—only when OMB's numbers make it appear that they are using less of the Social Security surplus.

In court, you are not allowed to do that. I am not a lawyer, but I know lawyers can't pick and choose from the laws of various states when they present their cases, and use only those laws most favorable to their clients. They have to live under the rules of their jurisdiction.

But here in the Congress, the Republican majority wants to use CBO scoring when it suits their purposes, and OMB scoring when it doesn't.

For example, the majority is using CBO's estimate of the non-Social Security surplus. That's because CBO is projecting a $14 billion non-Social Security surplus, whereas OMB's estimate is much lower—$6 billion.

But then when it comes to scoring the defense appropriations bill, all of a sudden the majority wants to use OMB numbers.

In other words, they are using two sets of books.

Mr. President, there may be rare occasions when the majority will truly believe that CBO has erred in their scoring. But that is not what is going on here. This ''directed scoring'' is not based on the merits. The Republicans are simply trying to make it appear that they are spending less than they really are. And that they are using less Social Security surpluses than they actually are.

I also would point out that when the Senator from Oklahoma says, well, they want to raise taxes, let me remind the Senator that when the tax bill was sent to the President, it had $5.5 billion over 10 years of tax increases. So the Republicans themselves have admitted that there are legitimate savings to be had from closing loopholes. But apparently now their position is that there is not a single loophole to be closed in the tax code. Or at least that we should not close any loopholes before we cut education and defense first.

I say, let's take a look at the tobacco industry. Let's try to recover some of the expenses they force us to incur. Let's see if we can't get back the $20 billion a year it costs taxpayers to treat tobacco-related diseases. That by itself would essentially solve our budget problem and allow us to avoid dipping into the Social Security trust fund.

Mr. President, if there is any time left, I yield it back and hope our colleagues will support this sense-of-the-Senate amendment.

Mr. DORGAN. I wonder if the Senator from New Jersey would yield.

The PRESIDING OFFICER. There are only 8 seconds remaining of the time of the Senator.

Mr. LAUTENBERG. I yield the 8 seconds.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am interested in the comment by the Senator from New Jersey about ''he is not a lawyer, but'' with respect to what has been offered on the floor of the Senate. I would suggest that if the Presiding Officer were a judge and was looking for competent evidence, evidence that had a factual basis, the speeches would be much shorter in this Chamber.

One of the things I have been impressed with over the years is the difference in the kinds of assertions—on both sides of the aisle. I am not referring to anything the distinguished Senator from New Jersey has said. But when he talks about the authenticity of representations of fact, this body takes extraordinary liberty in what is represented as fact. When it comes to the numbers, my preference would be—and I know the Senator from New Jersey did not use the expression ''lying

about the numbers,'' it is some budget expert—but I do not think a comment about lying, suggesting untruthfulness, is very helpful.

Mr. LAUTENBERG. Will the Senator yield for a comment?

Mr. SPECTER. I will.

Mr. LAUTENBERG. In my opening comments, I said that we viewed things differently. There was no suggestion of lying or dishonesty. I displayed this because that is what was said by a bunch of experts. I was careful not to accuse any of my colleagues of acting unethically.

Mr. SPECTER. I thank my colleague from New Jersey for that. I walked in a little late and hadn't heard him say that. Maybe he repeated it. I respect the comment that there are different views. But to have a chart about lying, when the matters are subject to widespread disagreements as to how you calculate numbers, I would be very critical of budget expert Stan Collender—not critical of Senator LAUTENBERG—for using the expression ''lying.'' I don't think that advances the ball very much.

I agree with a great deal of what is in the Lautenberg amendment. I agree we ought not cut Head Start, education, VA hospitals, border patrols, transportation, environmental funding, defense funding. I think that is exactly right. But when the Senator from New Jersey comes down to the sense of the Senate and says we should avoid using budget scorekeeping gimmicks, close special interest tax loopholes, and use other appropriate methods, starting with the budget loopholes—the President's budget had more than $20 billion of advance funding. Advance funding, regrettably, has become a commonplace practice that has been engaged in on all sides. I think the precedent and the custom are used generally and not subject to criticism from someone who uses them.

When the President submits a budget with a tax increase of 55 cents a pack on cigarettes resulting in revenues of $6.5 billion, I might support that kind of a tax increase, but it is not money in the bank. It is pie in the sky. It is not even Confederate money. It doesn't exist anywhere. So when the President includes that in his budget, that is hardly a subject to criticize Republicans on grounds of gimmickry.

When the advance funding is accepted that the President uses, and the Republicans have used it, too, but you can't have a tax increase to pay for discretionary programs under the Balanced Budget Act. I don't know if that is a very good provision, but I do know it is the law. I do know it is a law the President signed. So when the sense-of-the-Senate resolution calls for eliminating gimmicks and you have that approach—I won't call it gimmickry; why disparage the administration; just call it ''that approach''—it hardly is valid.

Then the final line on the amendment by the Senator from New Jersey is ''and by using other appropriate offsets.'' I am all for appropriate offsets, but what are they? Where are they?

I think what we have to do—and we are still struggling on this—is to bring our appropriations bills within the caps, not to cut Social Security. I agree totally with the Senator from New Jersey on not touching Social Security. I think that is an accepted conclusion on all sides.

We are struggling with this bill, and we have a lot of amendments yet to be offered. This is a very massive bill, $91.7 billion. This bill was crafted in the subcommittee, the full committee, to take the maximum load that could be borne on this side of the aisle. I may be wrong about that. My distinguished colleague from Oklahoma raises some significant questions with me about the propriety of that amount of money.

Well, we have to really, my metaphor is, run between the raindrops in a hurricane to find a bill which shall be passed by this body and go to conference with the House and can be signed by the President. I had occasion to have a word or two with the President about this bill last night, when we were talking about the Comprehensive Test Ban Treaty. The President doesn't like the bill because it takes out a lot of his programs.

The Constitution gives some authority to the Congress on appropriations—a little more expressed, explicit authority to the Congress than to the President, although the President has to sign the bills, but we do have some standing. So when we disagree with some of the priorities and have added $2.3 billion to education and are $500 million more than the President, we are trying to fit this bill within the budget constraints and within the caps which we have.

While we have dueling sense-of-the-Senate resolutions, I intend to vote against the resolution offered by the Senator from New Jersey. I voted for the resolution offered by the Senator from Oklahoma. I think, in all candor, that neither of these resolutions advances this bill a whole lot. What we have to deal with on this bill are the hard dollars and the specific programs. In the interest of moving the bill ahead, I will inquire how much time I have remaining in anticipation of yielding it back.

The PRESIDING OFFICER. Five minutes 43 seconds.

Mr. SPECTER. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time. I know if we are not out of time, we are just about out of time. I will take a few minutes of my leader time to talk about this amendment.

I rise in strong support of the amendment. I do so in large measure because I believe it reflects the approach that represents the only way we are ever going to bring about a consensus on spending and the budget before the end of this year.

I don't have it at this moment—I have asked my staff to bring it—but the chairman of the appropriations committees in both the House and the Senate have expressed themselves publicly about the impropriety of across-the-board cuts. They have said it is the easy way; it is not the most appropriate way.

Indiscriminate cuts have never been the right way to approach deficit reduction, but these indiscriminate cuts are not the only way our Republican colleagues have suggested we go about meeting our budget objectives in the past. They have used a number of devices. Some of them have been the subject of a good deal of discussion in recent days.

George W. Bush has noted how inappropriate it is to use the EITC, and they appear to have backed away from using the tax credit available to working families. They have suggested accelerating the timing of the spectrum auction by $2.6 billion. They have suggested using two sets of books, one by and for congressional Republicans and one by the CBO. They have suggested declaring LIHEAP an emergency, the Low-Income Home Energy Assistance Program. They have suggested declaring the year 2000 census as an emergency. They have suggested that we raid the Labor-HHS appropriations bill. None of these have worked. Now we find our Republican colleagues suggesting maybe just an across-the-board, indiscriminate cut.

We made some very difficult decisions with regard to defense earlier this year. We made the decision to provide them a pay raise for the first time in some time. Yet it appears our Republican colleagues are now prepared to go back and cut that pay raise and cut the other portions of the defense budget as well. We estimate that if you are going to pay for everything Republicans suggest with across-the-board cuts, a 3 percent cut won't do; the cut required is closer to 10 percent. That is what the Office of Management and Budget says.

So if we cut defense by 10 percent, if we cut all the programs associated with disaster and agriculture by 10 percent, if we cut education by 10 percent, I wonder whether our colleagues want to do that. Yet that seems to be where they have relegated themselves, given the fact that none of their other budget gimmicks have worked. You can't accelerate spending. You can't turn the EITC program into an ATM machine.

You can't use many of the approaches that have been previously proposed by our Republican colleagues. They now know that. However, as I said, congressional Republicans didn't figure this out until after we witnessed the unusual occurrence where they were criticized by one of their Presidential candidates. They will soon find out that across-the-board spending cuts will not work either.

What works is what the senior Senator from New Jersey is now suggesting. What works is that we demonstrate some real leadership and find the offsets necessary to pay for these programs, or find the cuts that may be required to pay for these spending bills—not indiscriminately, but by making some tough choices. That is what we are suggesting. We are going to have to make tough choices in cuts or in offsets, but we have to make the tough choices together—Republicans and Democrats negotiating how to resolve this. We resolved it last year. That is how we should do it this year. In many cases, we have been locked out of the deliberations. Up until now, we haven't been involved in some of the conference committee deliberations.

So I hope everybody realizes that in the end, if we are going to solve this problem, we have to do it in the way the senior Senator from New Jersey is suggesting. Let's solve it by showing some leadership, let's solve it by working together, let's solve it in the age-old traditional way of sitting down and finding the cuts and the offsets required to pay for the commitments we are making in the budget this year.

I am happy to yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I wonder if a lot of this debate isn't about some here running for cover on the Social Security issue.

Isn't it the case that several years ago, we had a very substantial debate about amending the Constitution to require a balanced budget? Isn't it true the author of the previous amendment and others were demanding on the floor of the Senate that we write into the Constitution the proposition that Social Security revenues ought to be able to be used to pay for other programs in order to claim a balanced budget? Isn't that the case?

If that is the case, how do they come to us now and say we don't want to use Social Security moneys for the operating budget when, in fact, they wanted to put it in the Constitution 3 years ago?

Mr. DASCHLE. The Senator from North Dakota makes a very interesting point. We had that debate and we had some votes back then. I think the Senator from North Dakota and the Senator from Nevada were the prime sponsors of the amendment that said you cannot use Social Security trust funds for the purposes of general revenues in calculating a balanced budget. I think we lost that amendment fight on a party-line vote. And now, in the last couple weeks, the CBO has already said: Look, Republicans are now acting in a manner consistent with their votes on this constitutional amendment. We now know that, according to CBO, they have already used $18 billion. Those aren't our numbers, those are CBO numbers. They have already done that. But that is the way they voted 3 or 4 years ago when we had that constitutional amendment debate—to use Social Security trust funds for the purposes of general revenues, for the purposes of meeting whatever obligations there may be. So they are consistent.

But I don't think anybody ought to be misled. Now there is some talk about, well, we ought to use across-the-board cuts. They know across-the-board cuts involve deep cuts in defense, in education, in commitments to the environment, and in disaster and emergency assistance. They know that isn't going to happen. The only way it is going to happen is to do what is now on the table. This ought to be a 100–0 vote. Every Republican and Democrat ought to be supporting this amendment because it is the only way we are going to resolve this impasse. The sooner we recognize that, the better.

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

Mr. DASCHLE. I yield to the Senator from Massachusetts for a question before I yield the floor.

Mr. KENNEDY. In listening to the Senator's explanation of his understanding of what the underlying issue was, and also the Lautenberg proposal, did the 1 percent underlying proposal consider tax expenditures? We have about $4 trillion in tax expenditures. The 1 percent, as I understand it, doesn't take into consideration a review of tax expenditures, where we might be able to find places where we could tighten the belt on some of these tax expenditures, and we would not need these kinds of offsets in the areas of education or health. I wonder whether the Senator's understanding of the 1-percent cut would include a review of tax expenditures.

We have seen some important cutbacks in terms of freezes in various expenditure programs, and we have seen some cutbacks in various programs in the period of the last few years in some important areas of education and health, but we haven't had a real review of these tax expenditures. I wonder whether the Senator—as we come down to this period of time—thinks that issue might be at least something we ought to consider or debate.

Mr. DASCHLE. The Senator from Massachusetts makes a very important point. Not $1 of tax expenditures are on the table in their proposal. What they are suggesting is that we cut education first, that we cut disaster assistance first, that we cut LIHEAP first, that we cut defense first; and only after we have done all of that, I suppose they would assume we might look at tax expenditures. But there is not a word about looking at the $4 trillion of possibilities in the tax expenditure category before we look at cutting education for children, before we look at cutting Head Start, before we look at cutting afterschool programs, before we look at cutting title I and funding for disadvantaged children. All of those cuts are on the table but not $1 in tax expenditures. So the Senator from Massachusetts is absolutely correct.

Mr. KENNEDY. Finally, does the Senator not agree with me that we have seen a comprehensive review of these various programs, as we should, to find out how effective the programs are? These programs that we authorize and appropriate money for have been watched carefully in the past several years. But I don't know of a single hearing that has been held in the Senate of the United States to have a similar kind of review of tax expenditures, to find out whether there are inefficiencies and waste, or whether they are accomplishing what the public purpose and goal was when they were devised. There very well may be an opportunity to squeeze some resources out of tax expenditures so we don't have to cut education and health and home heating oil. Does the Senator think that ought to be part of this debate and discussion as we talk about the questions of funding these critical programs?

Mr. DASCHLE. If I may respond, the irony is that the only tax matter that has been on the table for our Republican colleagues has been the earned-income tax credit, the tax credit affecting working families who are trying to get off welfare, who are trying to ensure that they pay their bills on time, who appreciate the importance of having that little help in April of every year. In fact, our colleagues on the other side of the aisle, and on the other side of the Capitol, made the point last week that these families need some help in managing.

Well, I have heard, ''I am from the Government and I am here to help you'' in a lot of different ways, but this is a new chapter. There is no way we are going to help working families manage their money better by taking away the one financial tool they have in the Tax Code. That doesn't help them. It is a charade that even George W. Bush fully understood and appreciated and spoke out on.

I think the Senator from Massachusetts is absolutely right. That ought to be a consideration as well. We ought to be looking at $4 trillion in possibilities there, at least prior to the time we commit to cut the first dollar of education, the first dollar of health care for children, or the first dollar of Armed Forces personnel stationed abroad. That, it seems to me, would be the prudent approach.

Mr. REID. Will the leader yield for a brief question?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada for a question.

Mr. REID. The Senator from Massachusetts and the Senator from South Dakota talked about tax expenditures. Is that the same thing some of us refer to as ''corporate loopholes,'' ''corporate welfare,'' and ''tax loopholes''?

Mr. DASCHLE. That is what I am talking about. Obviously, when we talk about tax expenditures, people sometimes wonder what reference that is. In many cases, we are talking about loopholes. In fact, it is interesting that our Republican colleagues, in order to pay for the huge tax cut they had proposed

earlier this year—which ended up going nowhere—used corporate loophole closures as a way to pay for part of it. So even they have acknowledged on occasion that these corporate loophole closures are something we should be looking at; not in this case, however. In this case, they are proposing that we cut education first, that we cut health care first, and then we look at other things, perhaps—although it isn't addressed in this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that an additional amount of time be granted to this side equal to the time used in excess of the leader's allotted time. I first make an inquiry as to how much in excess of the leader's allotted time was just used.

Mr. REID. Parliamentary inquiry. Reserving the right to object, how much time?

The PRESIDING OFFICER. A total of 20 minutes was used.

Mr. REID. Is there a request pending?

The PRESIDING OFFICER. There is a request pending.

Is there objection?

Mr. LAUTENBERG. Parliamentary question: Is there not time usually reserved as leader time and as time allocated outside of debate?

The PRESIDING OFFICER. There is time reserved for the two leaders.

Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I had inquired of the Parliamentarian how much time was being used when it was up to 17 minutes. I was informed that the Parliamentarian never interrupts the leader when the time is in excess. I didn't want to break with that custom. But it seemed to me, as a matter of comity and fairness, that if excess time was being used, there ought to be that much additional time on this side. But I understand the rules. If there is objection to that, so be it.

How much more time is left on this side of the aisle?

The PRESIDING OFFICER. Five minutes.

Mr. SPECTER. Mr. President, I listened with interest to the arguments by the Senator from South Dakota. When he talks about Democrats being locked out, certainly he isn't talking about this bill. The ranking member and I worked on this bill in a collaborative partnership. I don't know if he is referring to other bills or just this bill, but there was no lock out here. When the Senator from South Dakota objects to across-the-board cuts and says—may we have order, Mr. President—that we ought to take a look at matters one by one and make the tough choices, we ought to have the offsets, I would certainly be in favor of that.

If the Senator from New Jersey had made specific requests on offsets, I would have been glad to vote on them one by one instead of saying ''other appropriate offsets.'' If he had identified special interest tax loopholes, I would have been prepared to vote on those one by one instead of the generalization. But I think it is worth noting that on this bill nobody on that side of the aisle has made any suggestion for any offset—not at all.

We added to block grants $900 million by an amendment from the Senator from Florida. We had $900 million offered from day care and added to the bill by the Senator from Connecticut. We had $200 million offered but rejected by the Senator from California for afterschool; $200 million offered but rejected on class size by the Senator from Washington. We have amendments pending now by the Senator from Minnesota, Mr. WELLSTONE, $3 billion for disadvantaged education; $3 billion for Head Start. Other amendments, the Senator from Massachusetts, $200 million on one; the Senator from New Mexico, Mr. BINGAMAN, $200 million on another.

I think those are all very worthwhile programs. But it hardly lies in the mouth of those on the other side of the aisle to talk about hard decisions of offsets when they don't talk about any offsets and they don't talk about any hard decisions. They don't talk about specifics.

I don't like across-the-board cuts, either. I have said so. I don't think we are going to have across-the-board cuts. I think that is the sword of Damocles which is hanging over this appropriations process to keep us within the caps. But we have hardly heard of any offsets or any tough decisions on the other side of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. NICKLES. Mr. President, I will make a couple of comments, and then we will vote.

For the information of all of our colleagues, we will have a vote momentarily on the Lautenberg amendment, or at least in relationship to the Lautenberg amendment.

I have heard: Well, if you follow the amendment that has already passed, we will have to have a 10-percent reduction.

I want to say categorically that is false, and people shouldn't try to mislead people. What we are saying is we should not be taking money out of Social Security trust funds to spend it on a bunch of other programs. We should show some discipline. I absolutely don't want across-the-board cuts. I want to make those cuts. I want us to live within the numbers necessary so we don't touch Social Security. That is $14 billion more than the caps. All right. We will go up to that amount, but not more than that amount. We need some limit.

This bill has been growing like crazy. The Labor-HHS bill, as Senator SPECTER mentioned, the bill that he reported out of committee, had significant growth; it had more money than the President requested for education. Somebody said: Well, if we adopt the last amendment, which is already adopted, and we followed that, we would have cuts in education.

We would have maybe 1 percent. But guess what. The education bill went up by $2.3 billion. You could have a 1-percent reduction in that and still spend more than the President requested.

The Labor-HHS bill over the year has been growing like crazy. In 1996, it was $63.4 billion; in 1997, it was $71 billion; in 1998, it was $80.7 billion. The bill we have before us is $84.4 billion. As Senator SPECTER mentioned, we already have amendments adding a couple of billion dollars on top of that. We defeated amendments to try to add a couple billion dollars more.

There is a whole slew of amendments to spend billions more as if there is no budget, as if there is no restraint whatsoever. And Senators are saying, wait a minute, you really are spending Social Security surpluses, and we shouldn't be doing that. We said we are not going to do it. We passed a resolution that says if it is necessary, we will have across-the-board cuts. We don't want to touch Social Security. Yet we have amendment after amendment saying let's spend more. Many of us reject that.

I yield the remainder of our time.

I move to table the Lautenberg amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2267. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—54

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

NAYS—46

Akaka	Biden	Breaux
Baucus	Bingaman	Bryan
Bayh	Boxer	Byrd

Cleland	Johnson	Murray
Conrad	Kennedy	Reed
Daschle	Kerrey	Reid
Dodd	Kerry	Robb
Dorgan	Kohl	Rockefeller
Durbin	Landrieu	Sarbanes
Feingold	Lautenberg	Schumer
Feinstein	Leahy	Snowe
Graham	Levin	Torricelli
Harkin	Lieberman	Wellstone
Hollings	Lincoln	Wyden
Inouye	Mikulski	
Jeffords	Moynihan	

The motion was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1851, WITHDRAWN

Mr. NICKLES. Mr. President, I ask unanimous consent to withdraw my underlying amendment No. 1851.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Oklahoma?

Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. On our sequencing, we are now ready for an amendment from the Senator from Massachusetts, Mr. KENNEDY. He and I have had an informal discussion on a unanimous consent request to not have any second-degree amendments, to vote on or in relation to the Kennedy amendment after 30 minutes equally divided. And I supplement that with no second-degree amendments prior to the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I do not object to doing half an hour. I am instructed by the leadership on our side that they not start a vote until 4:15. But I can wind up if you want to start on a second.

Mr. SPECTER. It is my intention to stack the votes, to take them up later today, so there will be no vote before 4:15.

Mr. KENNEDY. Fine.

Mr. NICKLES. Reserving the right to object, was the request for a time agreement on the Kennedy amendment?

Mr. SPECTER. Yes.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania still has the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I renew my unanimous consent request to have 30 minutes equally divided, no vote before 4:15, no second-degree amendments, and a tabling motion on or in relation to the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2268

(Purpose: To protect education)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and I understand, therefore, that not withstanding other previous agreements in regard to first-degree amendments, this would qualify as a first-degree amendment.

Mr. SPECTER. That is right.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2268.

Mr. KENNEDY. 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:

At the appropriate place, insert the following:

In order to improve the quality of education funds available for education, including funds for Title 1, the Individuals with Disabilities Education Act and Pell Grants shall be excluded from any across-the-board reduction.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, this is a very simple amendment. Simply stated, this amendment says:

In order to improve the quality of education, funds available for education * * *

And then it says, such as:

Title I, the Individuals with Disabilities Education Act [IDEA] and Pell Grants shall be excluded from any across-the-board reduction.

Just a few minutes ago, we were having a debate on the floor of the Senate on the questions about overall general reductions in the budget which would have affected these education programs. We had a brief debate on alternative ways in order to try to deal with some of the budgetary considerations and constraints.

During that discussion and debate, I asked whether we had actually even given consideration to trying to find additional kinds of funding by closing some of the tax expenditures which are generally understood as tax loopholes. We did not receive any assurances on that. Really, as a result of that debate, as we are moving on through this whole appropriation bill, and in anticipation there may be another opportunity or another occasion where Senators will come forward and ask for a reduction in the funding levels across the board, this amendment just excludes the education programs.

We can ask why we ought to exclude education programs. Why not other programs? We could have some debate and discussion on that issue. But the principal reason for excluding these programs is because over the period of recent years, we have seen a series of reductions in education programs as a result of House and Senate Appropriations Committee action.

Going back to 1995, we had a House bill—this is just after the Republicans had gained control of the House and Senate—that actually requested rescission of $1.7 billion. Then the House bill in 1996 was $3.9 billion below 1995; in 1997, $3.1 billion below the President's request; in 1998, $200 million below the President's request; in 1999, $2 billion below the President's request.

We know this appropriation bill that has been reported out by the Appropriations Committee is in excess in total numbers of what the President requested. We also know it is on its way to the House of Representatives for negotiation.

The purpose of this amendment is, no matter what we are going to do in terms of other kinds of activities to reduce funding of various provisions of the legislation, we are not going to reduce funding in the area of education. That is basically the reason for this amendment. We know that the title I program works; the Pell program works; IDEA works; the other education programs work. We have had good debates on those measures over the past months. It is very important that we understand that.

We are now experiencing a significant increase in the total number of students who are going to be involved in K through 12 education. We will see 500,000 students this coming year attending our schools, an all-time high. We know we will need 2.2 million teachers over the next 10 years, and we are getting further behind, hiring only about 100,000 teachers a year. Even with the current efforts we have made in recruitment we are still falling further and further behind.

We are also finding that more young families and needy families are able to get their children through college. One of the most interesting developments that has taken place in this last year is, we have the best repayment of student loans in over 10 years. This means that young people who are going to post-secondary education are taking advantage of the federal loan programs, and are repaying those loans. This is a very important and significant indication that there is a great need for these federal loans, and that young people across this country are demonstrating a responsible attitude by repaying those loans on time.

I had raised the question earlier of whether we should not fully fund these important education programs, and other health care measures, child care measures and the community service block grant—I yield myself 3 more minutes. I have asked if we couldn't find some reductions in terms of tax expenditures to find that funding.

Only a few months ago, under the Republican tax bill, they effectively found $5.5 billion over 10 years in their legislation. All we are saying is, if you can find $5.5 billion over 10 years, you can certainly find enough now to protect the programs dealing with education, dealing with health care, dealing with the LIHEAP program and some of these other nutrition programs. These are programs which are a

lifeline to the neediest people in our society. That is what we are resisting. We are resisting this wholesale way of trying to diminish the continued commitment and responsibility we have to the neediest children and to the neediest workers and the neediest parents in our society. That is what brings us to the floor of the Senate today.

I see my friend and colleague from Iowa. How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. CRAPO). Eight minutes 41 seconds.

Mr. KENNEDY. I yield 4 minutes 30 seconds to the Senator from Iowa and the other 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for yielding me this time. I compliment him on this amendment.

There is all this talk going around about across-the-board cuts. We just had the amendment offered by the Senator from Oklahoma which he withdrew. As you can see, there is some sentiment on the other side of the aisle to have some across-the-board cuts. Again, we have tried to resist those because, as the Senator from Massachusetts said so eloquently, there are a lot of people out there who could be drastically hurt—low-income people, needy people, seniors, veterans, and others.

What this amendment addresses is the education end of it. Both sides of the aisle have said time and time again that education is our No. 1 priority. The leader said that earlier this year. Both sides have been saying education is our No. 1 priority. What this amendment basically says is, as I understand it, if there is going to be any across-the-board cut—and there shouldn't be because we have plenty of offsets; we don't need an across-the-board cut—if there is an across-the-board cut, we will exempt education, only education, including IDEA, the Individuals with Disabilities Education Act, title I, and Pell grants.

What the Nickles amendment would have done—again, it is sort of rolling around out there about an across-the-board cut—CBO said the Nickles amendment would translate into a 5. 5-percent cut. For title I, that would be a $380 million cut. OMB said it would be as much as a 10-percent cut. That would be $800 million. So somewhere between a $380 and a $800 million cut in title I. Afterschool programs would be cut $20 to $40 million; ed technology, $35 to $70 million; and special education would be cut from $300 to $600 million, if, in fact we had an across-the-board cut.

Again, I urge Senators to vote for this amendment because it will send a signal, loudly and clearly, that if there are any across-the-board cuts, we are not going to take it out of education. We understand that education is our No. 1 priority. We understand we have to invest in education. The last thing we want to be included in any kind of across-the-board cut would be any cuts in education.

I compliment the Senator from Massachusetts. This is a great amendment. This ought to receive a 100–0 vote to protect education from any across-the-board cuts.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Illinois had been yielded 4 minutes. Does the Senator from Oklahoma wish to speak at this time?

Mr. DURBIN. I would be happy to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, two or three comments are in order.

Some people are still debating the amendment to which we have already agreed. I withdrew it. It was a sense of the Senate, a sense of the Senate which said we shouldn't be raiding Social Security funds. I don't think we should be raiding Social Security funds for education or for defense or for other issues. We have a lot of money. Defense is going up by $17 billion. Education alone is going up by $2.3 billion, even more than the President requested. As I stated before, if you do have an across-the-board cut, it is only 1 percent. And if you cut 1 percent off that 37.3, you are talking about $370 million off an increase that is $2.3 billion. So you still have an increase of $2 billion in education alone.

People are entitled to their own interpretation. They are not entitled to their own facts. Education has grown dramatically. The entire Labor-HHS bill, on which I have already quoted the figures, has grown from—I don't have it right in front of me—about $50 billion a few years ago to about $90 billion today.

So when I see charts: ''Republicans slashing education,'' it is just absolutely false. We have more money in this bill than the President requested. And even if you have a 1-percent reduction—and I hope we don't; I have said this time and time again; I hope we don't have an across-the-board reduction—I hope the appropriators will work with everybody to stay within the limit to which we agreed, which actually, so everybody will know, is $592 billion, and if we do that, we won't be touching Social Security. That is what we ought to do.

You can fund an increase in education, an increase in NIH, an increase in defense, an increase in HUD, an increase in veterans, and still not raid Social Security. That is what we are trying to do.

Just for the information of my colleagues, I withdrew the amendment. I don't believe the Senator's amendment is in order. I don't know how you amend something that is not underlying. I make that point and yield the floor at this time.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I will yield to the Senator from Pennsylvania, if he wishes.

Mr. SPECTER. The Senator may go first.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts for raising this issue. In reply to my colleague, the Senator from Oklahoma, I believe the Senator from Massachusetts is making it clear, now that we know that lurking at least in the backs of the minds of many of the Republican leaders is the idea of an across-the-board cut, to somehow develop an exit strategy, the Senator from Massachusetts reminds us that across-the-board cuts means a cut in education.

Let me give you some specifics, if I might. When I look at the committee report from this education funding bill, I see that if the 5.5-percent cut that is envisioned by some of the Republican leaders is put into place, we will reduce the amount of money for title I, the major Federal educational program for disadvantaged children, to below last year's level of funding. So those who say this is a harmless cut that will never be noticed are not portraying this accurately, I'm afraid.

I am prepared to discuss the facts with the Senator from Oklahoma, and the facts, unfortunately, lead to the conclusion that if we take his across-the-board cut strategy, we are going to cut educational funding below last year's level of spending. In so doing, whom do we jeopardize? Title I, of course, sounds pretty general and pretty bureaucratic, but this program is critically important for 11 million kids across America. Who are these kids? These are the kids most likely to drop out of school; these are the kids most likely to need special help to stay up with their classes and not fall behind; these are the kids who need that extra tutor for reading so they don't get behind the class, get discouraged, and drop out of school or, frankly, become a problem in the classroom. That is what title I is about. That is the program that would be cut by the Senator from Oklahoma.

It is not the only program. The Congressional Budget Office says that the 5.5-percent across-the-board cut that is envisioned by some Republican leaders will cut many other programs as well: $26 million from the COPS Program, a program to put more police on the street and in communities, which is bringing down crime in America. Is there a higher priority? I don't think there is in my State of Illinois. The Head Start Program, from which millions of kids from poor families get a helping hand before they start kindergarten so they can succeed, we would see $290 million cut from that program by this idea of an across-the-board cut. National Institutes of Health: Of all of the progress we have made in improving Federal funding for medical research, we would cut $967 million out of the progress and research into diseases and problems facing American families. I think that is a serious mistake.

Title I education grants, a $380 million cut.

Let me tell you some of the other cuts in education effected by this Republican strategy of across-the-board cuts. Afterschool programs: All of us stood on this floor in horror over what happened at Columbine High School in Littleton, CO. We knew something went wrong in a very good school. Children lost their lives. We said: What is it that we need to do to protect our kids in school and to make sure fewer kids go astray? We were told by the experts time and time again that we need counselors at the schools to seek out troubled kids, and we need programs at the schools so kids can use their time effectively.

An across-the-board cut would reduce the amount of money available to American schools for afterschool programs. By reducing that amount of money, it is just going to lessen our opportunity to reach out to kids who need something constructive to do in a supervised environment after school. So when my friends on the Republican side say that the easy way out, the painless way, is an across-the-board cut, they don't want to face reality. Those cuts will touch people who need a helping hand. They are going to touch kids who might drop out of school. They are going to cut afterschool programs. They are going to cut the kind of tutoring we need to make sure that kids succeed.

In this day and time, at this time in our history, with the prosperity of the American economy, with the strength of this budget and of our budget process, have we reached a point where we have no recourse but to cut the most basic program for America—education? I think not. The President has come up with a list of offsets that will preserve the Social Security trust fund and still keep our budget in balance. I urge this Senate to adopt the amendment offered by the Senator from Massachusetts.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the anticipation is that we are not going to have across-the-board cuts because the totality of the appropriated bills will come within the caps. Senator STEVENS was on the floor and we were discussing the last amendment. That continues to be the reassurance from the chairman of the Appropriations Committee. I can personally vouch for the fact that we are striving mightily on a conglomerate of 13 bills to come within the caps. I am personally opposed to the cuts across the board, as I have already said. When the Lautenberg amendment was argued a few moments earlier this afternoon, I said if there were specific proposed cuts, we ought to take them up one at a time. I hope we don't get to that either. If we do get to cuts, I think that education ought to be preserved.

This bill has an increase in education of $2.3 billion, some $500 million more than the President's budget. That reflects the concerns that the distinguished ranking member, Senator HARKIN, and I have had. If there are to be cuts, I would want to exclude education.

It is true that it becomes difficult, once something is excluded, to not want to exclude other items. I would not want to see a cut in NIH. It hardly makes a lot of sense to add $2 billion to NIH if it is going to be cut almost $1 billion. Senator HARKIN and I probably would have increased it $3 billion in that case.

The Senator is laughing. It is good to have a laugh in the middle of the afternoon.

But what we have to do is avoid across-the-board cuts. If it comes to that, then we will start to make exclusions, and we are making choices to have other cuts instead of these cuts. Then when we start to exclude virtually everything, we will ultimately have to come down to what cuts are necessary if these 13 appropriations bills do not come within budget.

Mr. President, I see no other Senator on the floor seeking recognition. How much time remains?

The PRESIDING OFFICER. Ten-and-a-half minutes.

Mr. SPECTER. We are looking for a Senator to offer the next amendment.

Mr. HARKIN. Will the Senator yield?

Mr. SPECTER. Yes.

Mr. HARKIN. If we can yield back time, then the vote on this would be held at what time?

Mr. SPECTER. We are going to stack them later in the afternoon, but not in advance of 4:15, which was the point raised by Senator KENNEDY.

Mr. HARKIN. I ask the chairman, are we then through with this amendment and we are open for other amendments right now?

Mr. SPECTER. That is correct, as soon as I yield back the balance of the time, which I intend to do.

Mr. HARKIN. Will the Senator yield for me to make a couple of comments?

Mr. SPECTER. I yield.

Mr. HARKIN. We have a list of amendments. I urge Senators on our side to please come over and offer the amendments that we have listed. People are protected in their amendments, but we want to get the bill done. Any Senators who may not be on the floor but who are available, please come over and offer your amendments. We have time agreements, and we can get these out of the road this afternoon before we start voting later on. It would be a shame not to use the time we have right now available to us to offer amendments and get them debated.

Again, I urge Senators on the Democratic side to please come over.

Mr. KENNEDY. Will the Senator yield?

Mr. HARKIN. Yes.

The PRESIDING OFFICER. The Senator from Iowa is speaking on time yielded from the Senator from Pennsylvania.

Mr. KENNEDY. Mr. President, I wonder if we could have the attention of the Senator from Pennsylvania.

Mr. HARKIN. The Senator from Pennsylvania has the floor; is that correct?

The PRESIDING OFFICER. The Senator from Pennsylvania controls the remaining time.

Mr. KENNEDY. Mr. President, I was inquiring if the Senator would yield just for a question.

Mr. SPECTER. I do.

Mr. KENNEDY. I saw the Senator from Iowa indicating that we might have a lull. I see the Senator from Texas on her feet. There was a desire by the committee to move forward on this bill and I would be glad to move on to one of the other amendments with a short time agreement as well. I see the Senator from Texas. We will be glad to cooperate.

Mr. SPECTER. If I may respond, I would be glad to entertain the next amendment of the Senator from Massachusetts on a short time agreement. We are sequencing. We would like to now yield to the Senator from Texas to make a statement, and then we will proceed with an amendment on this side.

The PRESIDING OFFICER. The Senator from Texas.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senator from Maine and I have 10 minutes equally divided to speak on an issue pertaining to the bill but not actually offering an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. If it is agreeable to go ahead, we will be set to go. I am willing to work out a time agreement. As far as I am concerned, the Senator from Texas may want to go right ahead. I can follow her right away.

Mr. SPECTER. We have another amendment on this side. We are sequencing time. We will be yielding to Senator HUTCHISON now. We have another amendment on which we hope to have a short time agreement. Then we will return. Is the Senator from Massachusetts prepared to accept another time agreement of 30 minutes equally divided?

Mr. KENNEDY. I think the Senator from Rhode Island wishes to speak, if we can make it 45 minutes.

Mr. SPECTER. All right. Let's do this. I ask unanimous consent that in sequence after the Senator from Texas and the Senator from Maine are recognized for 10 minutes equally divided, there then be an amendment offered on the Republican side. We would then go to the Senator from Massachusetts, Mr. KENNEDY, for his amendment, a second-degree amendment, with 45 minutes equally divided.

Mr. REID. Reserving the right to object, does the Senator from Pennsylvania know how long the second amendment will take? Ours will be 45 minutes.

Mr. SPECTER. I haven't worked that time agreement out. I haven't talked

to the proponent. But I expect it to be 30 minutes equally divided. I would not want to make a commitment to that because I haven't cleared that.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I would not object with an amendment with a short-time agreement. There was some talk that there may be an offering of another type of amendment—one that might require a longer time agreement.

Mr. SPECTER. We don't anticipate offering the ergonomics amendment—if that is the Senator's question—at this particular time.

Mr. REID. Continuing to raise the objection, it is my understanding that Senator KENNEDY would be able to debate for 45 minutes equally divided prior to there being a motion to table.

Mr. SPECTER. That is correct.

Mr. REID. And no amendment would be in order.

Mr. SPECTER. That is correct.

Mr. REID. Prior to the motion to table.

Mr. SPECTER. No second-degree amendment would be offered prior to the motion to table.

The PRESIDING OFFICER. Hearing no objection, the Senators from Texas and Maine are recognized for 10 minutes each.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask that after 5 minutes I be notified so I can yield my colleague her 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. Mr. President, I am talking today about an amendment that I would like to offer but am not able to because it would be subject to a rule XVI point of order. It is an amendment that has been offered before and passed by the Senate. Yet we have not been able to prevail in conference. It is just an amendment that would clarify the law in a particular area, and one that I think would improve the options that would be available in public schools.

Mr. SPECTER. Mr. President, will the Senator from Texas yield for a unanimous consent request?

Mrs. HUTCHISON. Yes.

Mr. SPECTER. We now have the intervening amendment to be offered by Senator COVERDELL, after Senators HUTCHISON and COLLINS speak, and I ask unanimous consent that on Senator COVERDELL's amendment there be 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Reserving the right to object, we need to see the amendment.

Mr. COVERDELL. I will get a copy for the Senator.

Mr. REID. Could we know the subject?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that my time start now.

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

Mrs. HUTCHISON. Mr. President, the amendment I hope to provide in the ESEA authorization that is going to take place either later this year or next year would allow public schools the option of offering single-sex classes or single-sex schools in the public arena.

We all know that the hallmark of America is that we have a public education system that would give every child an equal opportunity to fulfill his or her potential. Many of us acknowledge that the public school systems throughout our country are failing the test today. What we are trying to do is give more options to public schools to acquire the necessary tools to provide each child the nurturing and the special attention they need to succeed.

My amendment would clarify existing Federal law by allowing Federal education funds to be used for single-sex public schools and classrooms as long as comparable educational opportunities are made available for students of both sexes. Remember, there is an option. It could not even come into being unless a school district and the school itself and the parents wanted this option.

Due largely to the fear that many schools throughout our country believe the Education Department's Office for Civil Rights will not allow single-sex education efforts, most schools and school districts are reluctant to use even their own money on same-gender education programs, much less Federal funds. Ask almost any student or graduate of a same-gender school, most of whom are from private or parochial schools, and they will almost always tell you they have been enriched and strengthened by their experience.

Surveys and studies of students show that both boys and girls enrolled in same-gender programs tend to be more confident and more focused on their studies and ultimately more successful in school as well as later in their careers, particularly if they have something to overcome in the way of either rowdiness, shyness, or something of that sort. Girls report being more willing to participate in class and to take difficult math and science classes they otherwise would not have attempted. Boys report less fear of being put down by their classmates for wanting to participate in class and excel in their studies. Teachers, too, report fewer control and discipline problems, something almost any teacher will tell you can consume a good part of class time.

Study after study has demonstrated that girls and boys in same-gender schools, where they have chosen this route, are academically more successful and ambitious than their coeducation counterparts.

Single-sex education has benefited students such as Cyndee Couch, an eighth-grader at Young Women's Leadership School in East Harlem, NY. Cyndee and the other students at their school, located in a low-income, predominantly African American and Hispanic section of New York City, have an attendance rate of 91.8 percent, significantly above the city average. They also score higher on math and science exams than the city average. In fact, 90 percent of the school's students recently scored at or above grade level on the standardized public school math problem-solving tests. The citywide average was 50 percent.

Last year, Cyndee bravely appeared on the television show ''60 Minutes'' to talk about why she likes this all-girls public school, one of the very few in the nation. She told host Morley Safer ''. . . as long as I'm in this school and I'm learning, and no boys are allowed in the school, I think everything's going to be OK.''

Unfortunately for Cyndee and for the other students in fledgling same-gender public school programs across the country, everything is not OK. Opponents of same-gender education have sued to shut down the Young Women's Leadership School and other schools like it around the country. I cannot imagine why they would do this when the success has been proven. We want to give the options to public schools that private and parochial schools now have.

It is not a mandate. It is an option. We want to pursue this so public schools will succeed in giving every child his or her full educational opportunity.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to begin my remarks by commending my friend and colleague from Texas for her leadership on this issue and for bringing it to the Senate's attention.

I wish to share with my colleagues a wonderful example of the accomplishments that can be realized by a same-gender class. A gifted math teacher, Donna Lisnik, at Presque High School, pioneered an all-girls math class some years ago. She believed it would result in greater achievement by the young girls who were studying math at Presque High School. She began to offer the same-sex class in math and she proved to be absolutely right. The class was offered for over 5 years and the results were outstanding. Both the achievement of these girls and the number of them participating in advanced math and science classes increased.

I had the privilege of visiting Mrs. Lisnik's classroom. I cannot overstate the excitement of the girls in her class studying advanced math. They were learning so much and they were so excited by this opportunity to learn together.

Incredibly, the Federal Department of Education concluded that this math class violated title IX of the Education Act. Consequently, Presque High

School was required to open the class to both boys and girls. It is interesting to note, however, that it is girls who continue to enroll in this class even though it is open to both boys and girls.

It is unfortunate that schools are prevented by the Federal regulations from developing single-gender classes in which both young women—and in other classes, young men—can flourish and reach their full potential. Senator HUTCHISON's proposal assures that other schools with innovative education programs designed to meet gender-specific needs will not face such obstacles.

This proposal does not weaken or undercut in any way the protections for women and girls in title IX. It does not allow a school to offer an education benefit for only one sex, to the exclusion of the other. Schools must have comparable programs for both boys and girls. However, it does give schools the flexibility to design and offer single-gender classes when the school determines that such classes will provide their students with a better opportunity to achieve high standards, the kind of high standards and achievement that I witnessed firsthand in Mrs. Lisnik's exciting math class in northern Maine.

Although Senator HUTCHISON has decided to withdraw her amendment, I am going to work with her to ensure that it is incorporated in the rewrite of the Elementary and Secondary Education Act that will be undertaken by the health committee later this year. This is a proposal that is designed to help young girls and young boys excel by using the device of single-sex classrooms. It deserves support.

I am very pleased to join with the Senator from Texas in supporting this effort.

I yield back any remaining time.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Maine for cosponsoring this amendment with me and for being willing in the committee to work on getting it included in the reauthorization.

This is an option, not a mandate. Coed education is better for a number of students. However, when students have a problem with not being willing to speak up in class or have a particular problem in math and science where it is indicated that they would do better in a single-sex atmosphere, let's have this option open for public school students, students who may not be able to afford the option of private school or parochial school, so that our public schools will be the very best they can be, offering every option they can offer to the public school students so every child in this country will have the same opportunity to excel.

I hope we can approve this amendment. The last time it was offered we adopted it in the Senate by a vote of 69–29. It was very bipartisan and very strong. I know Members on both sides of the aisle who have attended single-sex schools and who believe this is an option that should be allowed will fight for this amendment for every public school child to have this option without the hassle and threat of being sued that might deter the opportunity for them to have what would meet their needs.

AMENDMENT NO. 1837

(Purpose: To decrease certain education funding, and to increase certain education funding)

Mr. COVERDELL. Mr. President, I ask that Senate amendment 1837 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1837.

Mr. COVERDELL. Mr. President, 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 54, line 19, strike ''$1,151,550,000'' and insert ''$1,126,550,000''.

On page 55, line 8, strike ''$65,000,000'' and insert ''$90,000,000''.

At the end, insert the following:

SEC. . FUNDING

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part A of title X of the Elementary and Secondary Education Act of 1965 shall be $39,500,000;

(2) the total amount made available under this Act to carry out part C of title X of the Elementary and Secondary Education Act of 1965 shall be $150,000,000; and

(3) the total amount made available under this Act to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be $451,000,000, of which $111,275,000 shall be available on July 1, 2000.

Mrs. HUTCHISON. Mr. President, I offer a second-degree amendment to the Coverdell amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. Under the precedent of the Senate, the second-degree amendment would not be in order until the time for debate has been utilized or yielded back.

Mrs. HUTCHISON. I will reoffer at the appropriate time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, amendment No. 1837 increases funding for Reading Excellence by $25 million; it would increase charter school funding by $50 million, and increase Safe and Drug Free Schools by $25 million. The amendment is paid for by an offset of $100 million from the fund for the improvement of education which is currently funded at $139.5 million. I repeat, the amendment increases funding for Reading Excellence by $25 million, increases charter school funding by $50 million, and increases Safe and Drug Free Schools by $25 million.

Charter schools are offering some of the most promising educational reform today. Since 1991, 34 States and the District of Columbia have enacted charter school programs. This year, more than 1,700 charter schools will be serving 350,000 of our Nation's students. As most Members know, charter schools are public schools which have been set free from burdensome Federal, State, and local regulations. In place of the intrusive regulations, charter schools are held accountable for academic results by the consumers, parents, and students.

In the last 2 years, exciting studies have been released that provide data on the success of charter schools around the country. In May of 1997, the Department of Education released its first formal report on the study of charter schools. The findings include the two most common reasons for starting public charter schools: flexibility from bureaucratic laws and regulations, and the chance to realize an educational vision.

About 60 percent of public charter schools are new startups rather than public or private school conversions to charter status.

In most States, charter schools have a racial composition similar to statewide averages, or have a higher proportion of minority students. Charter schools enroll roughly the same proportion of low-income students, on average, as other public schools.

The Hudson Institute also undertook a study of charter schools entitled ''Charter Schools in Action.'' Their research team traveled to 14 States, visited 60 schools, and surveyed thousands of parents, teachers, and students.

Some of the study's key findings: Three-fifths of charter school students report that their charter school teachers are better than their previous school's teachers; over two-thirds of the parents say their charter schools are better than that child's previous school with respect to class size, school size, and individual attention; 90 percent of the teachers are satisfied with their charter school educational philosophy, size, fellow teachers, and students.

Among students who said they were failing at their previous school, more than half are now doing excellent or good work. These gains were dramatic for minority and low-income youngsters and were confirmed by their parents.

The Hudson Institute study found that charter schools are successfully serving students, parents, and teachers. Currently, there are national and State studies that demonstrate a positive ripple effect. The study on the impact of Michigan charter schools found that charter school competition has put pressure on traditional public schools to become more accountable. A similar study done on Massachusetts charter schools found that district schools have been adopting innovative practices that mirror charter school efforts. A study on Los Angeles charter schools shows that charter schools

have influenced district reform by heightening awareness and initiating dialog.

The implication of the success of charter schools is that successful public schools should be consumer oriented, diverse, results oriented, and professional places that also function as mediating institutions in their communities. Charter schools offer greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education.

Many in this Chamber are aware of my strong support of the opportunity for low-income parents to choose the best educational setting for their child, whether public or private. I believe this ability to choose the best educational environment for our children is something all parents should have, not just those parents who can afford the choice.

Another provision of this amendment deals with reading excellence. To get an idea of our children's future, one has only to look in the Sunday paper at all the high-tech firms looking for applicants. There is no more clear indicator of where our economy is headed. Without basic skills, many of our children will be shut out of the workforce—left behind. We have a literacy crisis in the Nation. More than 40 million Americans cannot read. Those who cannot learn to read are not only less likely to get a good job but they are also disproportionately represented in the ranks of the unemployed and homeless. Consider that 75 percent of unemployed adults, 33 percent of mothers on welfare, 85 percent of juveniles appearing in court, and 60 percent of prison inmates are illiterate.

The Federal Government spends more than $8 billion on programs to promote literacy, with little result. More than 40 million Americans cannot read a phone book, a menu, or the directions on a medicine bottle, and only 4 out of 10 third graders can read at grade level or above. That is why last fall we passed an important piece of legislation to address the serious problem of illiteracy in our country. This legislation, the Reading Excellence Act, seeks to turn around our Nation's alarmingly high illiteracy rates by focusing on training teachers to teach reading, increasing parental involvement, and sending more dollars to the classroom.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 3 seconds.

Mr. COVERDELL. The legislation provide $210 million for research, teacher training, and individual grants for K–12 reading instruction and requires that funds for teacher training be spent on programs that are demonstrated by scientific research to be effective. It also authorizes grants to parents for tutorial assistance for their children. Most important, Reading Excellence ensures that 95 percent of the funds go to teaching children to read, not to administrative overhead. The Reading Excellence Act provides today's children with the tools they need to be successful in tomorrow's workforce. Helping to ensure every child can read is one of the best bills Congress can pass.

We also deal in this amendment with safety in schools. In 1996, students ages 12 through 18 were victims of about 225,000 incidents of nonfatal, serious, violent crimes at school and 671,000 incidents away from school. These numbers indicate that when students were away from school, they were more likely to be victims of nonfatal serious crimes including rape, sexual assault, robbery, and aggravated assault.

In 1996, 5 percent of all 12th graders reported they had been injured with a weapon such as a knife, gun, or club during the past 12 months while they were at school; that is, inside or outside the school building or on a school bus; and 12 percent reported they had been injured on purpose without a weapon while at school.

So I come back to the basic tenet of this legislation; that is, we are reinforcing, through the amendment, in a significant way, Federal assistance to charter schools, the Reading Excellence Act, and Safe and Drug Free Schools—$50 million more to charter schools, $25 million more to the Reading Excellence Act, and $25 million into Safe and Drug Free Schools.

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

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. REID. The minority yields back its time on this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. The majority yields back its time on this amendment. I believe we have an agreement to accept it. I suggest this be dealt with by voice vote.

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

The amendment (No. 1837) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant 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.

AMENDMENT NO. 1819

(Purpose: To increase funding for title II of the Higher Education Act of 1965)

Mr. KENNEDY. Mr. President, I welcome the opportunity to have the attention of the Senate on a measure which I think has compelling support of families across this country. I know we have a 45-minute time limitation. So we have 22½ minutes on our side.

I yield myself 5 minutes at the present time.

The PRESIDING OFFICER. The Senator would need to call up his amendment.

Mr. KENNEDY. I call up amendment No. 1819.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. DURBIN, Mr. LAUTENBERG, and Mr. KERRY, proposes an amendment numbered 1819.

Mr. KENNEDY. 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 60, line 10, before the period, insert the following ": *Provided further*, That in addition to any other amounts appropriated under this heading an additional $223,000,000 is appropriated to carry out title II of the Higher Education Act of 1965, and a total of $300,000,000 shall be available to carry out such title, of which $300,000,000 shall become available in October 1, 2000".

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, if this amendment is accepted, it will provide some $300 million nationwide to improve the quality of teaching in the public schools of America. If we have had some important testimony over these past several years, it has been along these lines. Let's get along with having smaller class sizes in the various early years. Senator MURRAY, from the State of Washington, has made that case very clear. And the STAR report, that has focused in on the work of Tennessee, has also demonstrated that in a very compelling way.

The second area is afterschool programs. Our good friends, Senator BOXER from California, Senator DODD, and others, have spoken about the importance of afterschool programs for children in reducing violence and enhancing academic achievement and offering opportunities for business communities to work with children in these afterschool programs to offer career improvements.

There have been important needs which have been demonstrated for building additional kinds of facilities and improving the facilities that exist.

The General Accounting Office says that is in excess of over $100 billion. That amendment will follow on tomorrow. It is very important to make sure when every child goes to class in a public school system that the school is going to be in the kind of condition to which all of us want our children to go. If we do not do that, we send a very poor message to children. We say, effectively, it does not matter what that classroom looks like or what that classroom is really all about. That sends a powerful message to a child that perhaps education is not so important.

But when you consider that, and consider also the steps that have been taken in terms of improving technology in the classroom, improving the work that is being done in the areas of literacy, there is one important, outstanding additional issue which demands and cries out for attention in the Senate; and it is this: The American families want to have a well-qualified teacher in every classroom in America, period.

I think if you ask parents all across this country, at the end of the afternoon, where the greatest priority is—if you said, look, if we could have a well-qualified teacher in your child's classroom, I bet every family in America would put that just about at the top of their various lists.

Over the last 3 years, our Committee on Education has had extensive hearings on this issue. We made some recommendations in the last Congress on this issue. It had very strong bipartisan support on the issue of quality teaching. The approach that was taken in that legislation says: All right. We want to provide teacher enrichment for individuals who are already teachers.

We had ideas about mentoring with older teachers and working with professional teachers, but what we have not addressed in an adequate way is how we are going to recruit the kinds of teachers who would be the best teachers for our children and how we are going to train them in the most effective ways so they will be the very best.

This amendment, if it is accepted, amounts to $300 million. We have some $77 million in there now. The President had asked for $115 million to do it. But certainly the applications for this kind of training has far exceeded even the amounts we are talking about today.

This offers an opportunity to say to the young people of this country, and to those kinds of local partnerships—the effective State programs, the universities across this country in the States—that we are going to help and assist you in, as a top priority, recruiting the best teachers for the students in this country.

Finally, we have pointed out, in the education debate over the period of the past days, the need for new teachers. Some 2 million teachers over the next 10 years—200,000 a year—is what we need. We are only getting 100,000 at the present time. The Senate has rejected the excellent proposal of the Senator from Washington to increase the number of teachers in the early grades.

I yield myself 3 more minutes.

In fact, with the rejection of the Murray amendment, we are going to find in excess of 30,000 well-qualified, well-trained teachers who are working in grades K through 3 actually getting pink slips. It makes no sense at all. It makes no sense at all.

So it does seem to me that in an overall budget of $1.7 trillion—do we understand? $1.7 trillion—we ought to be able to have $300 million in the tried and tested way of recruiting teachers, additional teachers, who we know we are in short supply of; well-trained teachers, who we know we are in short supply of; and make them available to an expanding, growing population in our K through 12th grade system. We are increasing the number of students by 477,000 this year. So we are falling further and further behind.

This is a very simple, straightforward amendment. It is saying that of all of the priorities—and there are many—education is certainly among the very highest; and of all the priorities in the areas of education, getting good teachers, recruiting young and old people alike who will be good teachers, giving them the inspirational kind of training so they can go into the classroom, use the latest in technologies, adapt that to the kind of curricula to benefit the children of this country, should receive these additional funds.

Mr. President, I know there are others who want to speak on this issue. How much time remains on our side?

The PRESIDING OFFICER. Fifteen and one-half minutes.

Mr. KENNEDY. I yield 5 minutes to the Senator from Rhode Island, Mr. REED. I think all of us understand that he has made the issue of quality and highly trained teachers his issue in this body, as well his interest in providing pediatric specialists for all children. These are among the many other areas of public policy in which he has been actively engaged both on the Education Committee in the House of Representatives and here in the Senate. I certainly think all of us on the Health, Education, Labor and Pensions Committee in the Senate are very fortunate to have his insights about the importance of this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank Senator KENNEDY for those kind words, and also for offering this very important amendment. I am a very proud cosponsor of this amendment with Senator KENNEDY.

Last Congress, on an overwhelming bipartisan vote the Senate passed the Teacher Quality Enhancement Grants program as part of the Higher Education Act Amendments of 1998. This was the first time we looked seriously at reforming the way our teachers are trained by enhancing the linkage between teacher colleges and elementary and secondary schools.

What we tried to emphasize is the connection between the teacher colleges and the real-life experiences of teachers in the classroom. The best way to enhance the quality of teaching in America is at the level of the entry teacher.

This is something the Kennedy-Reed amendment will provide more resources for. What we want to do is form a strong, vibrant, and vital link between the teacher colleges and the elementary and secondary schools. We want to ensure that teachers who leave teacher colleges are not just experts in theoretical and pedagogical subjects. We want them to be, first and foremost, experts on the subject matter that they teach, be it mathematics or science or any other subject. In addition, we want to ensure that they have extensive clinical experience.

The model to follow is our medical education system. No one would dream of certifying and licensing a physician after simply going to school and hearing lectures and then maybe having 2 or 3 weeks in a hospital. It is a long-term, extensive clinical education. That model is applicable also, I believe, to education.

In fact, what we have found from our hearings is a disconnect between what teaching students are learning in college and the reality of the teaching experience in the classroom. We want to eliminate that disconnect.

The Higher Education Act Amendments of 1998 sought to do just that by authorizing partnerships between teacher colleges and elementary and secondary schools. There are examples of partnerships that already existed and inspired us; examples such as Salve Regina University in my home State of Rhode Island, which has a partnership with the Sullivan School in Newport. It is exciting and challenging, not only to the young students in that school, but also to the prospective teachers who learn a great deal. In fact, at the heart of these partnerships is the attempt not only to change the culture of elementary and secondary schools but also to change the culture of teacher colleges.

Too often the teacher college in a great university is a poor cousin without a great endowment, neglected by other parts of the university. What we want to do is get the university involved in this great effort so that professors in the math, English, and history departments are also part of this great reawakening of teacher preparation at the university level. This cultural change at the college level, together with extensive clinical involvement with local elementary and secondary schools, I believe, is a fundamental way to enhance the quality of teachers.

The Kennedy-Reed amendment will provide more resources to do this very important and critical job that lies before us. We have gone through the first

round of grants with respect to the partnership grants. The Department of Education funded $33 million in the first round to 25 institutions of higher education and their elementary and secondary school partners. This is a first and important step, but we need to do more. That is precisely what this amendment proposes to do. It will appropriate additional resources so we can broaden dramatically these partnerships, as well as increase our investment in the state and recruitment grants also included in the Teacher Quality Enhancement Grants program.

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

Mr. REED. I ask unanimous consent for an additional minute.

Mr. KENNEDY. One additional minute.

Mr. REED. I thank the Senator.

If we, in fact, pass this amendment, we will be able to fund up to 100 additional partnership, state, and recruitment grant proposals, thereby enabling this important innovation in teacher preparation to be accessible throughout our nation.

I am strongly supportive of this amendment. I think it is something that will allow us to make great progress. Once again, emphasizing a point made so well by Senator KENNEDY, if you look at public education, and if you search for the most powerful lever that we have to improve it, to reform it, and to continue it as an excellent system, teacher training is that lever.

This amendment will give us the power to move forward, dramatically and decisively to improve the quality of teaching in the United States. I strongly support it and commend the Senator from Massachusetts for his efforts.

I yield back to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine and a half minutes.

Mr. KENNEDY. I yield 5 minutes to my colleague from Massachusetts.

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

Mr. KERRY. I thank the Chair, and I particularly thank my senior colleague for this amendment, as well as for his extraordinary leadership on the subject of education. I think everyone here will agree there simply is no stronger voice for the quality of our schools and the opportunities for our children than my senior colleague.

The great battle in the Senate over the past years has been to establish standards by which we would raise the education level of our schools. The fact is, a few years ago we basically won that battle because now 49 States in the country have agreed to put standards in place or have them in place. Those standards vary. In some States they are stronger than they are in other States, but the great challenge now is fourfold.

One is to stay the course in putting the standards in place and raising the standards. The second is to guarantee that teachers can teach to the standards. The third is to guarantee that students have the opportunity to learn to the standards. That is not being dealt with specifically, though partly, in this amendment. The final one is accountability. All of this has to be accountable. We have learned that. You have to know that what you are trying to teach and what kids are learning are, in fact, being taught and learned.

What the Senator from Massachusetts, my senior colleague, and Senator REED and I and others are joining in is a recognition that we have an extraordinary challenge before us. I was going to use the word ''crisis,'' but I don't want to use it because it is overused. We have all heard the quotes about the number of teachers we need to hire in the next few years. We know maybe as many as 2 million teachers are needed, perhaps half of them in the next 5 years. We also know we are losing 30 to 40 percent of new teachers within the first 3 to 4 years. We know there are ways to make a difference in teachers staying at what is increasingly becoming one of the toughest jobs in America.

It is interesting that a survey, released about 4 months ago, showed what teachers have been telling us for some time. Our own teachers in this country acknowledge that they don't feel fully prepared for the modern classroom. By modern classroom, we mean a lot of different things. We mean the technology needed to teach. We mean some of the modern teaching methodologies, pedagogies. We also mean the nature of the student who comes to school today. That student comes burdened with a whole set of problems, unlike the students of the past. We also know that because of the multicultural, racial diversity of our Nation, we have teachers coping with different cultures, with a diversity that is absolutely extraordinary but also challenging.

The fact is that fully 80 percent of our teachers tell us they don't feel equipped to be able to do the job. They are crying out for help. That is what the Kennedy amendment delivers. It makes education programs accountable for preparing high-quality teachers, for improving prospective teachers' knowledge of academic content, through increased collaboration between the faculty and schools of education and the departments of arts and sciences, so we will ensure that teachers are well prepared for the realities of the classroom by providing very strong, hands-on classroom experience and by strengthening the links between the university and the K-through-12 school faculties.

We also need to prepare prospective teachers to use technology as a tool for teaching and learning. We need to prepare prospective teachers to work effectively with diverse students.

The truth is that we as Senators talk about the difficulties of teaching today in America. The fact is that it is one of the most difficult jobs in our Nation. It is extraordinary to me that the Senate, at this time of urgent need in the country, might not be prepared to make the most important investment in the country. It is extraordinary to me that kids just 2 or 3 years out of college can earn in a Christmas bonus more than teachers will earn in an entire year. It is impossible to attract some of the best kids out of our best colleges and universities because we are not willing to provide the mentoring, the ongoing education, the support systems, and the capacity to really fulfill the promise of teaching in the public school system.

So I hope our colleagues will support the notion that all we are trying to do is raise to the original requested level the spending for the teacher enhancement grants, with the knowledge that this is the most important investment we can make in America. Teachers need and deserve respect from the Senate and from those who create the structure within which they try to teach our kids so that they can, in fact, learn and we can do better as a country.

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

Mr. KENNEDY. Mr. President, I think I have 3 and a half minutes left. I yield myself 3 minutes.

On this chart behind me, we see that communities need more well-qualified teachers. Out of 366 total applications—and this is 1999—only 77 applications were funded. With this particular amendment accepted, we would still be below half of what was actually in the pipeline for this last year, let alone what would be in there for next year. There is enormous need.

Finally, I will quote from the chairman of our Education Committee, Senator JEFFORDS, who, in his representation to the Senate on the education bill, had this to say about this particular provision that is in the law—not about this amendment but about this provision:

> At its foundation, Title II embraces the notion that investing in the preparation of our Nation's teachers is a good one. Well-prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well-being and the ability of our country to compete internationally.
>
> . . .Title II demands excellence from our teacher preparation programs; encourages coordination; focuses on the need for academic content, knowledge, and strong teaching skills.
>
> . . .These efforts recognize the fundamental connection that exists among States, institutions of higher education, and efforts to improve education for our Nation's elementary and secondary school teachers.

This provision had the strongest bipartisan support in that education bill. We know what the need is. We know this is a very modest amendment. We know what a difference it will make in terms of the high school students of this country. I hope this amendment will be accepted.

Mr. President, I understand I have a minute left.

The PRESIDING OFFICER. The Senator has a minute and a half.

Mr. KENNEDY. I yield that time to the Senator from Rhode Island, Mr. REED, with whom I have enjoyed working, along with my colleague from Massachusetts, Senator KERRY.

Mr. REED. I thank Senator KENNEDY.

Let me emphasize one additional point that bears repeating. The classroom today is very different from those in the 1950s or 1960s—different because of technology; different because families are in much more distressed conditions in many parts of the country; different because of the various cultural factors that go into the makeup of many classes, particularly in urban America. In fact, we are still teaching in too many colleges as if it were the class of 1950, as if it were the time of ''My Three Sons'' and ''Leave It To Beaver.''

That is not what American education is today. What we have to do today—and this amendment will help immensely—is refocus our teacher training to confront the issues of today, such as multiculturalism, children with disabilities in the classroom, and technology. This is absolutely critical. Unless we enhance our commitment to this type of education—partnerships between schools of education and elementary and secondary schools, drawing on the resources of the whole university, focusing these resources on new technology and the challenges that are particular to this time in our history—we are not going to succeed in educating all of our children to the world-class standards that we all know have to be met.

I urge passage of this very important amendment.

Mr. SPECTER. Mr. President, there is no doubt about the importance of teacher quality enhancement. Teachers are the backbone of the educational system. There is no doubt about the importance of education. It is a truism that education is a priority second to none. The bill that has been presented on the floor by the distinguished ranking member, Senator HARKIN, and myself through subcommittee and full committee has recognized the importance of education in that we have increased education funding by $2.3 billion this year over last year's appropriation. It is now in excess of $35 billion on the Federal allocation. Bear in mind that the Federal Government funds only about 7 percent of education nationwide.

When we talk about teacher quality enhancement, this is a program which is a very new program. It was not on the books in fiscal year 1998. For the current year, fiscal year 1999, we have an appropriation in excess of $77 million. When we took a look at it this year, we provided a $3 million increase. This is a matter of trying to recognize what the priorities are.

The President had asked for $115 million, and we thought that in allocating funds on a great many lines—title I, Head Start, and many other very important education programs—the proper allocation was $80 million. Now, when the Senator from Massachusetts comes in and asks for an increase of some $220 million, he is requesting $185 million more than the President's request. It would be an ideal world if our funding were unlimited. But what we are looking at here—and we have had very extensive debate today on whether the budget is going to invade the Social Security trust fund. I think this Senator, like others, has determined that we do not invade the Social Security trust fund.

We had debated whether or not there ought to be a pro rata increase or a decrease, if we ran into the Social Security trust fund, to make sure we didn't use any of the Social Security moneys, or whether, as the Senator from New Jersey, Mr. LAUTENBERG, offered in an amendment, to have other targeted cuts. My view is that we have to structure this budget so we don't cut into the Social Security trust fund.

Senator STEVENS was in the well of the Senate earlier today, and I discussed the matter with him. We are trying to structure these 13 appropriations bills so we don't move into the Social Security trust fund. But if we make extensive additions, as this amendment would do, adding $220 million, as I say, which is $185 million more than the President's request, it is not going to be possible to avoid going into the Social Security trust fund.

We have already had very substantial increases in funding on this bill. We have a bill of $91.7 billion, which is as much as we thought the traffic would bear on the Republican side of the aisle, realizing that we have to go to conference with the House which has a lower figure, and realizing beyond that, that we have to get the President's signature. We have already had $1.3 billion added to the $91.7 billion for block grants. We have had $900 million added for day care. Now, if we look at another amendment for $220 million, it is going to inevitably at one point or another break the caps.

These are not straws that break the camel's back. These are heavy logs which will break the back, and it is not even a camel.

Much as I dislike opposing the amendment by the Senator from Massachusetts, I am constrained to do so in my capacity as manager of this bill.

In the course of the past week, I have voted against more amendments on funding for programs that I think are very important than I have in the preceding 19 years in the Senate. But that is the responsibility I have when I manage the bill—to take a look at the priorities, get the allocation from the Budget Committee, have a total allocation budget of $91.7 billion, and simply have to stay within that budget.

Mr. President, I inquire as to how much time is remaining on the 45 minute time agreement.

The PRESIDING OFFICER. Seven minutes.

Mr. SPECTER. How much does the Senator from Massachusetts have?

The PRESIDING OFFICER. His time has expired.

Mrs. MURRAY. Mr. President, teacher quality is one of the most critical factors influencing student achievement and success. I urge my colleagues to support the Kennedy amendment, which would increase Teacher Quality Enhancement grants from $80 million to the fully authorized level of $300 million.

I am a cosponsor of this amendment, along with Senator REED of Rhode Island and others, because I firmly believe that an investment in teacher quality is an investment in our children's future. We know all learners have the capacity for high achievement. We must increase our investment in teacher quality enhancement so every child in America is taught by the most qualified teacher available. We must invest in our teachers. We must help them reach the highest levels of competency, so they in turn can help their students reach the highest summits of achievement. As we work to bolster teacher quality, we must also focus our attention on reducing class size. Smaller classes have led to dramatic gains in student achievement. We must continue to reduce class size so highly qualified teachers can provide students more individualized attention. Reducing class size and increasing investment in teacher quality enhancement are key to ensuring academic success for all students.

Mr. SPECTER. Mr. President, we are prepared to move ahead with another amendment. We are going to evaluate our schedule. I suggest, just a moment or two, the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, it is my understanding that the Senator from Rhode Island, Mr. REED, is prepared to offer an amendment, to speak to it for 10 minutes, and then withdraw it.

Mr. REED. That is correct.

Mr. SPECTER. I ask unanimous consent that the pending amendment be set aside.

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not, is it appropriate to ask for the yeas and nays until the time has been yielded? I ask for the yeas and nays on my amendment. I ask for the yeas and nays on the previous amendment as well.

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

It is in order to ask for the yeas and nays. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, reserving the right to object on the request for the amendment, I would happy to do that. I say to my friend from Pennsylvania that we want to use this fill time. Senator BINGAMAN will go next, may I inquire, on the next amendment offered?

Mr. SPECTER. I believe the next amendment would be on this side of the aisle.

Mr. REID. The next Democratic amendment would be Bingaman.

I thank the manager.

Mr. SPECTER. That is satisfactory.

I yield the remainder of my time on the Kennedy amendment.

I now ask unanimous consent to proceed with Senator REED under the stipulated terms of 10 minutes to offer an amendment and withdraw it.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Thank you, Mr. President.

AMENDMENT NO. 1866

(Purpose: To permit the expenditure of funds to complete certain reports concerning accidents that result in the death of minor employees engaged in farming operations)

Mr. REED. Mr. President, I ask that amendment No. 1866 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 1866.

Mr. REED. 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:

In title I, under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', insert before the colon at the end of the second proviso the following: '', except that amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee (who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report''.

Mr. REED. Mr. President, this amendment is a result of a tragic accident in my home State of Rhode Island where a young worker on a farm was killed accidentally.

The police came immediately and determined that there was no foul play and concluded their investigation. But the parents were deeply concerned because no one could explain to them what happened.

As we looked into the matter for them, we discovered that for many years, because of a rider on this appropriations bill, OSHA has been prohibited from investigating deaths on farms that employ 10 or fewer workers.

If this terrible, tragic accident had taken place in a McDonald's, OSHA would be there. There would be an investigation. They would discover the cause. They would suggest remedies. They would do what most Americans expect should be done when an accident takes place in the workplace. But because of this small farm rider, OSHA is powerless to investigate.

I think it is wrong. I think it is wrong not only because these parents don't know what circumstances took the life of their child, but they also regret that it might happen again because there might be some type of systematic flaw or some type of problematic process on the farm that could also claim the life of another youngster.

Mr. SPECTER. Mr. President, will the Senator from Rhode Island yield for a moment on a managers' matter?

Mr. REED. I am happy to yield.

Mr. SPECTER. We are ready to proceed on the votes on the two amendments pending by the Senator from Massachusetts when Senator REED concludes. I thought perhaps we should notify the Members that the first vote will start at approximately 4:55.

I thank my colleague from Rhode Island for yielding.

I thank the Chair.

Mr. REED. Mr. President, let me continue.

My amendment would simply state that OSHA has the authority to conduct an inspection when a minor, someone under 18 years of age, is killed on a farm regardless of the size of the farm, but they would also be prevented from levying any type of fine or enforcement action. Their role would be very simple and very direct: Find the cause of the action; then, not with respect to that particular farm, not with respect to any particular sanction of penalty, generally, if they can learn something that would help protect the lives of others, they would incorporate that, of course, in their overall directions and regulations for farming and other activities.

These goals are very simple and straightforward: Identify the cause of the accident so that the employer knows what steps are needed to prevent similar deaths, and make that information available so that other farmers can take steps to avert similar tragedies.

This is not an academic or arcane issue because there are numerous youngsters working on farms. There are also in the United States about 500 work-related deaths reported each year. Moreover, although only 8 percent of all workers under the age of 18 are employed in agriculture, more than 40 percent of the work-related deaths among young people occur in the agricultural industry.

So this is an issue of importance.

Let me stress something else. This particular amendment would only apply if the individual youngster was, in fact, an employee of the farm. This would not affect a situation where a son or daughter are doing chores around the farm. This is a situation when someone is hired to work on the farm, and that person is involved in a fatal accident. I think it is only fair because I believe the parents in America, when they send their children into the workplace—be it a supermarket or McDonald's or a farm, large or small—expect their children will at least have the coverage of many of the safety laws we have in place; but failing that, at least we will have the power, the authority, the ability to determine what happened in the case of a fatal accident.

This proposal is not unique to the situation I found in Rhode Island. The National Research Council, an arm of the National Academy of Science, issued a report entitled ''Protecting Youth at Work,'' and among the recommendations:

To ensure the equal protection of children and adolescents from health and safety hazards in agriculture, Congress should take an examination of the effects and feasibility of extending all relevant Occupational Safety and Health Administration regulations to agricultural workers, including subjecting small farms to the same level of OSHA enforcement as that apply to other small businesses.

My proposal goes not to that great length, not to that extreme. It is much more constrained and limited. It simply says when there is a fatality involving an employee under 18 years of age on a farm—small or large—OSHA can conduct an inspection to determine the cause and perhaps propose remedial actions but cannot invoke any type of sanction or fine.

That is the height of reasonableness, given the experiences we have seen, given the report of the National Academy of Science, given all of these factors.

I believe this should be done. In fact, it is long overdue. It is simple justice, not only for the families of those youngsters who are fatally injured on these small farms, but also it will give us the impetus to save lives in the future.

Some have criticized this amendment as potentially imposing an undue burden on small farms. This is erroneous criticism. There is no burden here other than facing up to the facts and finding out what happened. Indeed, I believe knowledge is power; if we know what caused these accidents, we can prevent them and, even, I hope, make the operators of these farms more conscious of what they are doing, particularly as they employ youngsters.

This is an amendment I believe is important; it is critical. I offered a variation on this amendment in the Committee on Health, Education, Labor, and Pensions when we were considering

the SAFE Act. We had a vigorous debate but, I will admit, it met resistance.

I believe passionately we can do something and we must do something. I also recognize this process will not end today, that in the last few hours or moments of this debate it is unlikely this amendment will pass. I will, as I indicated to the Senator from Pennsylvania, withdraw the amendment. Such withdrawal does not signify retreat by me on this issue. I will continue to look for ways in which we can have investigations of fatalities on small farms, not because of any animus toward large or small farms but because when someone loses a child, I believe they deserve an answer. What happened? How did it happen? How can other children be spared from such a fatality?

In that spirit, I will continue to advance this issue and look for additional ways we can get an investigation. Again, the emphasis is not on being punitive; the emphasis is on being, first of all, fair to the family; and second, of being remedial so we can address problems that may be systematic and prevalent not just on the site of the particular fatality but endemic and systematic throughout the farming community.

AMENDMENT NO. 1866, WITHDRAWN

With that, I yield back my time, and I ask unanimous consent the amendment be withdrawn.

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

The amendment (No. 1866) was withdrawn.

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

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

VOTE ON AMENDMENT NO. 1819

Mr. SPECTER. Mr. President, a few minutes ago we gave notice to Members we would have a vote at 4:55 and it is now 4:57.

I move to table the Kennedy amendment on teacher enhancement, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to table amendment No. 1819. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—56

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

NAYS—43

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

NOT VOTING—1

McCain

The motion was agreed to.

Mr. LOTT. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2268

The PRESIDING OFFICER (Mr. CRAPO). The question is on agreeing to the Kennedy amendment No. 2268. The yeas and nays have been ordered. The clerk will call the roll.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kennedy Amendment No. 2268. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

YEAS—50

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

NAYS—49

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

NOT VOTING—1

McCain

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. 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. SPECTER. 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. MCCAIN. Mr. President, I would have voted against the Nickles amendment because I could not endorse a plan to bust the budget caps, spend every dime of the non-Social Security surplus, and then use budget gimmicks to keep ourselves from dipping into the Social Security surplus.

The Congress has the power of the purse, and that power carries with it the obligation to spend the taxpayer dollars responsibly. Just because we have a surplus of tax dollars in the Treasury, that doesn't mean we should spend it.

In fact, when we passed a tax relief bill this summer, we made it clear that the surplus—the portion that does not come from Social Security payroll taxes—should be given back to the taxpayers, not spent on big government. That bill was vetoed, as expected, and the Congressional leadership and the Administration have given up on providing meaningful tax relief to American families this year. But now we are apparently planning to use this year's surplus—the surplus that we were going to give back to the people—for more government spending.

The Nickles amendment does seek to protect the Social Security surplus, and I applaud him for that effort. I have consistently supported a lockbox to keep Congress' hands off these retirement funds.

However, I oppose the Nickles amendment because it contemplates spending the $572 billion allowed under the budget caps, as well as the $14 billion in non-Social Security surplus

funds, and even billions of dollars more—and then indiscriminately cut every program across-the-board by whatever percentage amount is needed to keep us from dipping into Social Security.

This ludicrous plan demonstrates just how badly the Congress is addicted to pork-barrel spending. Why not just cut out the pork?

I have identified over $10 billion in wasteful, unnecessary, and low-priority spending in the appropriations bills that have passed the Senate this year. Last year, when all was said and done, Congress spent over $30 billion on pork, some of it disguised as emergency spending, but most of it everyday, garden-variety pork.

If we cut out every one of these pork-barrel spending projects—projects added by Members of Congress for their special interest supporters and parochial concerns—we wouldn't have to resort to budget gimmicks like creating a thirteenth month in the next fiscal year, or delaying payments to our neediest families, or resorting to a Congressional sequester.

I have published on my Senate website voluminous lists that include every earmark and set-aside added by Congress this year and for the previous two years. I urge my colleagues to look over these lists. Surely, these pork-barrel projects aren't as deserving of taxpayer funding as, say, funding for our children's education, veterans health care programs, getting our military personnel and their families off food stamps, and the many other national priorities that would be cut in an across-the-board sequester gimmick.

Mr. President, I also want to make the point that voluntarily returning to the indiscriminate sequestration process of Gramm–Rudman-Hollings—a process that was instituted as a last-ditch effort to rein in enormous annual deficits—is not responsible budgetary stewardship. It is an admission of defeat, an admission that the Congress cannot control its appetite for pork-barrel spending.

Regarding the Lautenberg amendment, I voted to table that amendment for two reasons. First, by its silence on the issue, the amendment implicitly endorses spending the $14 billion non-Social Security surplus in the appropriations process. Second, the amendment contemplates closing special interest tax loopholes, which I fully endorse, but for the purposes of raising more money to spend on more government. I believe any revenues raised by making our tax code fairer and less skewed toward special interests should be used to provide tax relief for American families.

I agree that we must not dip into the Social Security Trust Funds; that would merely exacerbate the impending insolvency of the system. But I cannot support a plan to use the non-Social Security surplus for anything other than shoring up Social Security and saving Medicare, paying down the $5.6 trillion national debt, and providing tax relief to lower- and middle-income Americans. Neither the Nickles or Lautenberg amendments protect the entire surplus from the greedy hands of government.

Mr. President, we have a budget process and we have spending caps to make sure we keep the budget balanced. We should ensure that appropriations stay within the caps. We should cut out the wasteful and unnecessary spending. And we should make sure that America's priorities are funded, not the priorities of the special interests.

ORDER OF BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator ABRAHAM be recognized to offer his amendment, that immediately following the reporting by the clerk the bill be laid aside until 9:30 a.m. on Thursday, and at that time Senator ABRAHAM be recognized to make his opening statement on the amendment.

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

Mr. SPECTER. Mr. President, I have been authorized by the leader to say that in light of this last agreement there will be no further rollcall votes this evening.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1828

(Purpose: To prohibit the use of funds for any program for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug)

Mr. ABRAHAM. Mr. President, I call up amendment No. 1828.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. ABRAHAM), for himself, Mr. COVERDELL, Mr. GRASSLEY, and Mr. ASHCROFT, proposes an amendment numbered 1828.

Mr. ABRAHAM. 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 80, strike lines 1 through 8, and insert the following:

SEC. . Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Mr. ABRAHAM. Mr. President, if I could, based on the prior agreement that was entered into, we will begin a fuller discussion of this issue tomorrow morning, and I will be here along with other Members who wish to speak on it.

In a nutshell, this amendment to the appropriations bill before us would prohibit the use of our Federal dollars for the purpose of engaging in needle exchange programs.

I simply wish to indicate that when we discuss this in the morning, I will lay out arguments in support of the amendment. I believe the arguments would strongly buttress the case that we should not use the taxpayer dollars for purposes of needle exchange programs.

I am sure there will be a spirited discussion of this in the morning. I look forward to it.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, is the parliamentary situation such that the Senator from Virginia can make a unanimous consent request on a matter not related to the bill?

The PRESIDING OFFICER. Yes.

COMPREHENSIVE TEST BAN TREATY

Mr. WARNER. Mr. President, I rise to address the issue of the Comprehensive Nuclear Test Ban Treaty and to apprise the Senate of information presented at hearings of the Armed Services Committee over the last two days. The committee today conducted the second of its series of three hearings this week on the CTBT.

Yesterday morning, the Armed Services Committee heard classified testimony from career professionals, technical experts with decades of experience, from the Department of Energy laboratories and the CIA. At that hearing, the committee received new information having to do with the Russian nuclear stockpile, our ability to verify compliance with the CTBT, as well as DOE lab assessments of the U.S. nuclear stockpile. Much of what the committee heard during that hearing was new information—information developed over the past 18 months—and therefore was not available to the Congress and the President when the CTBT was signed in 1996. Since 1997, when the intelligence community released its last estimate on our ability to monitor the CTBT, new information has led the intelligence community—on its own initiative—to conclude that a new, updated estimate is needed. I have been informed that this new estimate will be completed late this year or early next year.

This morning, the Armed Services Committee heard from the Secretary of Defense, William Cohen, and the Chairman of the Joint Chiefs of Staff, General Shelton. This afternoon, we heard from Dr. James Schlesinger, former Secretary of Defense and Energy and former Director of Central Intelligence, and General Shalikashvili, former Chairman of the JCS. Their testimony is available on the Committee's web page.

In today's hearing, I highlighted my serious concerns with the CTBT in three areas:

1. We will not be able to adequately and confidently verify compliance with the treaty.

2. CTBT will preclude the United States from taking needed measures to ensure the safety and reliability of our stockpile.