We as the minority will have to continue protecting our rights, whether it is the CBI, this bill now before us, whether it is bankruptcy. Whatever the legislation that is going to be brought forward, we must have our input. That is all we are asking. We are not asking we win every amendment. Some amendments we recognize the majority does not want to vote upon. But that is not the way you conduct a legislative body, just avoid all issues that are tough votes.

We need more tough votes. We would all be better off, individually, in our respective States and the country, if we had more tough votes.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ARMENIA

Mr. REED. Mr. President, I rise to express my regret over the tragic situation in Armenia. As we all know, a few days ago gunmen broke into their Parliament and killed the Prime Minister and several other officials of the Armenian Government. Later today Senator ABRAHAM will introduce a resolution which will express our condolences to the people of Armenia and our expression of support for their continued struggle to create a viable and strong democratic tradition in their country.

As I said, late yesterday afternoon in Yerevan, the capital of Armenia, several gunmen broke into their Parliament and killed eight Government officials and wounded seven others. They then held hostages for 24 hours, and only after the intercession of the President of Armenia in negotiations did they relent, release the hostages, and then surrender to the authorities.

Among those killed were Prime Minister Vazgen Sarkisian, Parliament speaker Karen Demirchian, deputy speakers Yuri Bakhshian and Ruben Miroian, Energy Minister Leonard Petrosian, senior economic official Mikhail Kotanian and lawmakers Genrikh Abramian and Armenak Armenakian. These gentlemen gave their lives as they were pursuing a democratic future for the people of Armenia.

It appears the gunmen were not part of any larger conspiracy. They were family members who were bent on a path of individual retribution and revenge. But the tragic incident reminds us of the fragility of constitutional government and democracy around the world, particularly in Armenia.

Armenia declared its independence in September of 1991. It has been struggling to ensure a free and fair electoral process. Today, Armenians continue to be determined to ensure democracy will be the rule in their country. I had the occasion to travel there two years ago.

We all know one of the great points of friction in the area is the area of Nagorno-Karabakh, an ethnically Armenian territory which was controlled for years by Azerbaijan. Recently, we have seen progress. Indeed, the Prime Minister was one of the key figures in forging a dialogue between the Government of Azerbaijan and the Government of Armenia. His tragic loss, I hope, is not a setback for that process.

Deputy Secretary of State Strobe Talbott had just left Armenia in his efforts to try to prompt further discussions between Azerbaijan and Armenia. He has now returned there to ensure it is clear to the Government and people of Armenia that America will stand with them.

Today is an opportunity to send our message of support, our message of condolence; also, our message of further support for the people of Armenia as they confront the challenges of democracy.

I join my colleague, Senator ABRAHAM, and others supporting this legislation to, once again, signal to the world and the people of Armenia that we stand with them in this time of tragedy, and will in the future on more hopeful days.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mrs. HUTCHISON. Mr. President, I ask that the Chair lay before the Senate the conference report to accompany the D.C. Labor-HHS appropriations bill.

The PRESIDING OFFICER. The report will be stated.

The legislative assistant read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 3064, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 27, 1999.)

Mrs. HUTCHISON. Mr. President, I want to talk a little bit about the bill as a whole. There is going to be a joint effort between two subcommittees on the Appropriations Committee—my subcommittee, the D.C. appropriations subcommittee, on which Senator DURBIN is the ranking member, and then the Labor-HHS spending bill, which has Senator SPECTER as the chairman and Senator HARKIN as the ranking member. In addition, this bill contains the 1-percent across-the-board spending cut that is necessary for us to come into our budget caps and save the Social Security surplus intact.

First, I want to talk about the bigger bill because I think we should understand this is a very important achievement that we will make if Congress passes this bill and sends it to the President.

This bill marks, for the first time in 30 years, that we will pass all of our spending bills, and there will be no raid on the Social Security trust funds. The Social Security trust funds will be left intact so that people who have paid in will get back not only what they have paid in, but they will be given Social Security benefits after they are eligible. No longer will we dip into the Nation's retirement fund to pay for today's spending needs. This is a significant achievement.

For the record, this bill will be voted on on Tuesday. We will debate today and Monday. On Tuesday, I hope we will send this bill to the President, and I hope the President will sign it.

Some have complained about the across-the-board spending cuts. I think we can afford one penny of savings on every dollar to preserve the retirement needs of America. I do not think that is too much to ask of this Congress. After all, there is a little waste in Federal Government.

The inspectors general within the Departments across Government have already identified $16 billion in funds that have been misspent. The Governmental Affairs Committee, working with the General Accounting Office, has identified nearly $200 billion in savings in Federal overpayments, erroneous payments, and wasteful practices.

With this waste, I believe we can take a 1-percent cut to preserve the integrity of Social Security to cover the programs that are worthy and use our taxpayer dollars more efficiently. With $216 billion in waste, we can cover the programs that need to be covered if our administrators have any integrity and if they are, in fact, competent. I hope they are. I do not think it is too much to ask. After all, when any family sees it is not going to meet its income and its spending needs, what does it do? It does not just spend anyway. Hopefully, it does not borrow. It sits down and determines where it can cut. I wager most families in America have had to make more than a 1-percent cut in their budgets when they have run into an emergency and do not have the funds to spend.

I now turn to the provisions in the District of Columbia portion of this bill. This is our second attempt to get a District of Columbia funding bill the President will sign. I believe we have reached a solution that is acceptable to all the relevant parties.

Senator DURBIN has been very productive; he has been responsible; he has been a real player in this process. In

our negotiation, we came to terms that allowed both of us to be comfortable that we are doing the right thing for the District and that everyone has given a little bit without sacrificing principle.

No bill is perfect. I am the first to say that. We all have had to sacrifice a little, but this is a bill the President will sign and it is important we have a bill the President will sign because every day this bill is not signed is a day our Nation's Capital is without important new initiatives that will make this a better city for our citizens and visitors. Despite our differences on other issues, let's look at what is good in this bill.

We have provided $17 million for college scholarships for D.C. students. We have provided funds to fight the war on drugs in the District of Columbia, including money to combat open-air drug markets. We have $5 million for commercial revitalization. We have funds to clean up the Anacostia River, to promote adoptions, and to help the Children's Hospital.

On marijuana legalization, the ban is retained. Medical marijuana use will not become law in the Nation's Capital.

On needle exchanges, there has been a great deal of misinformation. In this bill, we continue the ban on Federal and local funding for needle exchanges. I believe needle exchanges do not work. The drug czar of the United States, who represents the President of the United States, believes needle exchanges do not work, and not one penny of tax dollars will be used to support needle exchanges in the District of Columbia.

Any suggestion that tax dollars from the Federal Government or D.C. Government are being used is simply wrong. What the bill does allow is for clinics that have privately funded needle exchanges and do other worthy projects will not be prohibited from Federal funding for other worthy projects. But it is very clear there will be no Federal and no local money spent on needle exchanges in the District of Columbia.

On the voting rights lawsuit, I believe strongly this is a constitutional issue. It is a legislative prerogative to deal with it. This lawsuit has named officers of the Senate, the House, and even the President as defendants. The taxpayers of our country are spending money to defend against the lawsuit. We provide the District with 2 billion Federal dollars. Those funds should not be used to sue the Federal Government on an issue that is squarely a legislative prerogative.

In my view, no public money should be used for this suit—not local money, not Federal money. Our bill permits the D.C. Corporation City Counsel to review and comment on legal briefs in private lawsuits. This is a limited role for their attorneys, but that is as far as this bill goes. There will be no public money spent on the D.C. voting rights lawsuit or to provide statehood for the District of Columbia.

Finally, on legal fees in school disability cases, we retain the $60 cap, up $10 from a $50 cap, but the cap will be removed if local officials develop a joint agreement—the school superintendent, the Mayor, and the control board—on a new cap.

These are the changes we have made to our bill since it went through the Senate. We have White House support for these changes, and we have the support of the Democratic side for these changes.

I want to mention one other very important part of the bill that has remained intact, and that is the Mayor asked for the ability to spend more of the D.C. funds. The District does have quite stringent requirements for a surplus as well as a rainy day fund. That is sound because we are just beginning to get investment grade bonds for the city which lowers the interest rate they will have to pay, and that, of course, means it lowers the cost of borrowing for the city.

I thought it important to keep the reserve requirements intact. That will keep the city on a secure basis. I believed if they were going to spend money out of the surplus, that half of the surplus above the basic reserve requirement should be spent only for paying down debt, while the other half could go to new programs. That was a compromise the Mayor welcomed. He believes they will be able to address some of the infrastructure issues that they have not been able to address in their budget, while at the same time I will be satisfied that they will begin to pay down their long-term debt so they will have a more correct debt-income ratio. That will give them a higher bond rating. It will lower the amount of debt they are carrying and I think will put the city on a very firm financial footing in the very near future, which, of course, would then allow the city to go forward with a lower interest rate, a higher bond rating; and our capital city, I hope, will be able to flourish.

So this is an excellent bill. I hope the President will sign it.

With respect to the Labor-HHS part of the bill, I think this also contains a number of positive provisions and should not be vetoed. Senator SPECTER and Senator HARKIN have worked very hard on this bill. No one should be led to believe this bill is underfunded. It is $6 billion higher than last year's bill. In fact, it is $600 million above the President's request. This bill contains $2 billion more for education than last year; $300 million more in funding for the Department of Education than the President even requested. So if anyone tries to say we have underfunded education, the facts do not bear that argument out.

The National Institutes of Health will receive nearly $18 billion. This is the funding for research, for medical research, for quality-of-life improvements in our country. It is a $2 billion increase over last year's bill and $2 billion above the President's request.

The Head Start program is increased by $600 million.

So despite our goal of keeping funds intact for Social Security, we have still funded important priorities. If the bill is vetoed, it will not be vetoed because we have not addressed the correct priorities.

With that, Mr. President, I conclude and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

Mr. President, we come today to begin the debate on the appropriations bill for the District of Columbia. I am not certain, but I believe, of the 13 appropriations bills considered by the House and Senate, this is probably the smallest bill. Yet if you looked at the controversy that has preceded this debate, it would be a surprise to realize it is a small bill in comparison to other spending bills.

I say at the outset, my colleague and my friend, the Senator from Texas, Mrs. HUTCHISON, has been a pleasure to work with. Oh, we disagree on some things, and we have had some pretty hot debates, but I have the highest respect for her ability and her hard work and her willingness to sit down to try to work out our differences. I think it is because of that that we come today with the underlying D.C. appropriations bill—once vetoed by President Clinton—considerably improved over the original version.

The Senator from Texas has outlined several elements that we have changed or improved, and I would like to note them as well for the record.

I think it is important we follow the lead of the public health experts, who tell us the incidence of HIV and AIDS in the District of Columbia is a national disaster. It is seven times the rate of the rest of the United States. If we do not acknowledge this health care crisis, and respond to it with aggressive and creative programs, we are going to doom generations of D.C. residents and others who come into contact with them. It is that serious. That is why I applaud the Senator from Texas.

The needle exchange program no longer receives any Federal funds or any local funds, but if the program is offered by a clinic, in the District of Columbia, they will not be disqualified from other public health programs. That, then, leaves it to the individual clinics to make the decision. It does not ban the program, it merely says there will not be governmental funds used for these purposes. That is not the compromise I was looking for, but I think it is a reasonable one. I support it.

On the question of voting rights, it retains the ban on local and Federal funds on the voting rights case. But the D.C. corporation counsel, the city's attorney, is permitted to review and comment on legal briefs and private lawsuits.

This is what it is all about. There is a fear on the Republican side of the

aisle that if the District of Columbia ever achieves statehood, it will elect Democrats. So they have historically opposed any efforts toward statehood; and they have tried to stop or slow it down in a variety of ways throughout history. It is a very clear political decision. But I think we have done the best we can and said that the D.C. corporation counsel can at least review and comment on the status of lawsuits moving in that direction with the city council.

The cap on city council salaries of 5 percent is not something I would vote for were it not part of a package that I think is important to pass. I do not believe we should try to inject ourselves in the decisions of the D.C. City Council—even bad decisions. This is a questionable decision. The pay raise they are envisioning, I believe, is in the neighborhood of 15 percent, if I am not mistaken—a pretty substantial increase. And the Senator from Texas believes it should be no more than 5 percent.

I am not certain I would even weigh in on that debate since it is a local decision. If we are going to weigh in on local decisions, I certainly would like to weigh in on what I consider the absolute foolishness of the D.C. City Council in announcing a tax cut of $57 million at a time when the District of Columbia still lacks the most basic in public services.

You can leave this Capitol Building right here, that is well known around the world, and go four or five blocks away, at night, and run the risk of being shot and killed. Of course, that happens in some other cities, including in my State of Illinois. But the fact is, the District of Columbia is not safe for visitors or residents. And to declare a tax cut under these circumstances is absolutely foolish. To ignore the public health needs of the District of Columbia and to say we have so much money in our till that we can give away $57 million in tax cuts is ridiculous.

The HIV/AIDS crisis alone would argue that the District should take this public health issue more seriously. There was a program on television the other day, on CNN, which reported the ratio of students to computers in the United States of America: Dead last—and no surprise—the District of Columbia, 1 computer for every 31 kids. That is as good as it gets if you happen to be a child in the District of Columbia.

Did the D.C. City Council decide to buy more computers so the kids could learn and become proficient in the use of computers to be able to compete and get good jobs? No; no way. They want to give a tax cut of $100 or $200 a year.

Oh, there is applause among some quarters. You can say: I'm a politician. I'm giving away a tax cut. Then you look around and say: Wait a minute. It's not safe to live in my neighborhood. There's an HIV epidemic going on. And the schools are the most disgraceful in the Nation. That is what it comes down to. I think it is a bad decision, but it is a decision they have made.

When you come down to other questions, such as attorneys fees and special education, we have made a concession in terms of the amount of money that will be allowed to attorneys representing families of special ed kids.

I would like to finish my comments on this bill related to the D.C. Appropriations bill and the Labor-HHS Appropriations bill which is before us, but I see our minority leader has come to the floor.

Mr. President, I ask unanimous consent to yield to the minority leader for such time as he may consume, and then resume my comments on the bill.

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

The minority leader.

Mr. DASCHLE. I appreciate very much the courtesy of the distinguished Senator from Illinois. I came to the floor to have a personal conversation with him on another matter. So I will yield the floor at this time to allow that opportunity, and appreciate, again, his courtesy.

Mr. DURBIN. Thank you very much, Mr. President. I was trying to do my duty as a member of Senator DASCHLE's team.

Let me say that having said earlier that Senator HUTCHISON has done such an extraordinary job in trying to find a compromise, I would have to tell you that the District of Columbia deserves better. They deserve better than a process where every Member of the House or the Senate would decide that they might add a rider to a bill to override local decisions by the D.C. City Council.

The District of Columbia certainly deserves better than to be in the predicament they are in today, where they have been appended as an afterthought to a huge spending bill, the Labor-HHS and Education bill, and, frankly, have bought a ticket on the Titanic. This bill is going to be vetoed, just as sure as I am standing here. So D.C. is about to see its third incarnation as an appropriations bill even later in the session.

I would like to yield, if I might, to the Senator from——

Mrs. HUTCHISON. Mr. President, reserving the right to object, I think Senator SPECTER, the chairman of the Labor-HHS committee, was going to make the next presentation. That was the order. Is that acceptable?

Mr. DURBIN. I find no problem with that. I would be glad to yield to Senator SPECTER in one moment.

Let me just finish on the D.C. bill, if I might, very quickly, and then yield to Senator SPECTER. Then we can come back to our side of the aisle for further comment. Let me tell Senators, for perspective, we are talking about a $429 million Federal appropriations bill for the District. The District of Columbia has its own budget of $6.8 billion. That budget is twisted in knots by Members of the House and Senate who have their own political agenda they want to inject into the appropriation for the District of Columbia. They impose standards and restrictions on the District of Columbia they would never consider even suggesting in their home States. The evidence is obvious. Some of the more controversial issues in which we get involved in the D.C. appropriations bill turn out to be programs these Congressmen and Senators don't even talk about in their home States. I think that really tells the whole story about what has happened with the District of Columbia in its spending bill.

I have a number of comments I would like to make about the underlying bill, the Labor-HHS appropriations bill. But in the interest of continuing this debate and acknowledging the presence of the chairman of that Appropriations subcommittee, I yield the floor to Senator HUTCHISON, if she would like to yield to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is now my intention to allow Senator SPECTER to take the floor. As I said, we have two bills together—the D.C. bill, which I chair, and the Labor-HHS bill, which Senator SPECTER chairs. Senator SPECTER has been very helpful, very cooperative to allow his very major bill to be put together with mine. He is very much a greater than equal partner in this bill. I have to admit, his bill is much bigger and much more important from a national standpoint, although the District of Columbia is very important. Nevertheless, Senator SPECTER's bill affects the lives of people all over our country.

It is my pleasure to yield the floor to Senator SPECTER for such time as he may consume.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Texas for yielding. I know there are other Senators on the floor waiting to speak, so I shall be relatively brief.

I do chair the Subcommittee on Labor, Health and Human Services, and Education. We thank the managers of the District of Columbia bill for allowing us to participate in their conference and for bringing our bill along.

The distinguished Senator from Iowa, Mr. HARKIN, and I had worked through, in our subcommittee, a bill to finance the Department of Education, the Department of Labor, and the Department of Health and Human Services which received a vote of 73 to 25. It is a very solid bill.

We then proceeded in a rather unusual way, because the House of Representatives had not passed a bill, to have an informal conference where Senator HARKIN and I represented the Senate and Congressman PORTER, chairman of the subcommittee on the House side, represented the House. Congressman OBEY, the ranking Democrat on the subcommittee, declined to participate because there had not been a House bill.

We are trying to make the best of a very difficult situation. As I noted, I will speak relatively briefly because I came to the floor on Wednesday, October 27, and spoke at some length when we had just finished the conference. Those remarks appear in the CONGRESSIONAL RECORD for October 27.

In substance, the portion of this bill on Labor, Health and Human Services is a $93.7 billion bill. It is an increase of $6 billion over fiscal year 1999, an increase of some $600 million over the President's figure. On education, which is a very high priority in America, priority second to none, this bill has appropriations totaling some $35 billion, and it is a $300 million increase over what the President had recommended.

We have sought to accommodate the President's interests and recognize his priorities. On Head Start, we had an increase of some $608.5 million, bringing the total funding for Head Start in excess of $5 billion. On GEAR UP, we had a 50-percent increase, from $120 million to $180 million. The President wanted a doubling. We could not find that much money. It is a good program, but we think a 50-percent increase was very substantial.

There is a point of controversy on the question of teacher classroom size. We have funded that at $1.2 billion. The President wanted $200 million extra. We anticipate that in negotiations that figure could be raised. Mr. Jack Lew, head of the Office of Management and Budget, has some add-ons he wants to make when the negotiations finally do occur, and they have some additional offsets to talk about at that time.

There has been a disagreement over whether there ought to be a mandate for those funds to be used for classroom size reduction or whether there ought to be some flexibility on the school districts. On this matter, we have specified that classroom size is the first item on the agenda, but we have given the local districts the option of using them for teacher training or some other local purpose.

We do not believe there ought to be a straitjacket coming out of Washington, if the local districts have some other need and can demonstrate that. I know this causes some heartburn to the administration. I talked to the President about it personally and talked to Jack Lew about it. It seems to us this is a matter where there ought to be some significant congressional input. The primary responsibility on appropriations comes to the Congress. That is what the Constitution says. Of course, the President has to sign the bill, and we are always concerned and take into consideration the President's priorities. But as a matter of public policy, it makes a lot of sense to allow local school districts to make a different allocation from classroom size reduction if they don't have a problem on classroom size. So that is one issue where there is disagreement.

One aspect of the final bill, which came out of the conference, provides for a 1-percent across-the-board cut, with which, as I noted 2 days ago, I am personally not in agreement. My preference would have been to go through the bill and itemize various programs to make those reductions without a 1-percent across-the-board cut. There was a very strenuous effort made by the leadership of the House and Senate and the representatives of the subcommittee and the full committee to find another way out, to have this bill come in without touching Social Security. Simply stated, this was the least of all the undesirable alternatives.

It is my hope the President will sign this bill. He has already stated he will veto it. This is another step in the process of the appropriations procedures to come back to negotiations and to try to find a bill which will be acceptable to the President and to the Congress.

I note that when we talk about a 1-percent across-the-board cut on a program such as Head Start, there will still be an increase of some $569 million, not as much as the $608 million we had hoped for but still a very substantial increase. When it comes to a variety of other programs, we have added very substantial increases, so even when there is a 1-percent across-the-board cut, there is still a net advance.

Two more items are worthy of brief mention. We have added very substantially to the National Institutes of Health, some $2.3 billion. That is the crown jewel of the Federal Government. They are making enormous strides. The expert testimony specifies that the cure for Parkinson's may be only 5 years away; great advances on Alzheimer's, great advances on cancer—cervical cancer, breast cancer, prostate cancer—heart disease, the entire range of problems.

We have in this bill an allocation of some $800 million for a program directed at youth violence. The actual figure is $733.8 million, where no additional funds were added, but there is a redirection to try to deal with that major problem in America.

In essence, I think the bill that passed the Senate was a really good bill which would have clearly merited the President's signature, even though some differences have existed with the 1 percent across-the-board cut. I understand the problems there. But if somebody has a suggestion on how to have offsets or cuts to protect Social Security, we are prepared to sit down and meet with the officers of the executive branch and the President to try to work out a bill that is acceptable to both the administration and the Congress, to be sure there is adequate funding for these three very important Departments.

I thank the Chair and yield the floor.

Mr. ABRAHAM. Mr. President, recently the Senate passed the last of the Fiscal Year 2000 appropriations bills, the Labor, Health & Human Services, Education appropriations bill. Despite tight budgetary constraints, the Senate has passed a bill which embodies the basic principles of our democratic society—all of our citizens deserve an equal opportunity to reach one's highest potential—by providing access to a good education, jobs skills training and protection from illness.

While I believe that this is a well balanced bill which appropriately reflects the priorities of the Senate, many of the votes that we cast in relation to the this bill challenged these priorities as well as our commitment to protecting the Social Security surplus from careless government over-spending. Therefore, please allow me to address some of the specifics of individual amendments which touch upon these issues.

As I stated before, this legislation rightly embodies the ideals of responsibility, accountability and flexibility. No greater are these ideals highlighted than in the areas of education. This legislation provides for $37.6 billion for the Department of Education; $6 billion for special education; and $892 million in education impact aid. In fact, the Committee exceeded the President's funding level requests by $537 million, $586 million and $156 million respectively. This support will provide the foundation by which we can continue to strengthen and improve the education system for all of our children.

In addition, this legislation respects the right of the states and local districts to make appropriate decisions regarding education.

However, some of my colleagues would jeopardize the jurisdiction of states, schools and parents to decide the most appropriate means by which to address the specific concerns of their children.

Senator MURRAY offered an amendment (No. 1804) which would have increased the levels for the class-size reduction program from $1.2 billion to $1.4 billion. This increase would be coupled to a mandate which requires that the funding must be used to reduce class size. Now, I agree that smaller class size is preferable to a larger class-size, just about anyone would; children receive more individual attention from the teacher when there are fewer children in the classroom. However, not all schools have the need for smaller class-sizes—42 states have already met the goal of 18 students per teacher. Thus, not all districts place priority on smaller class-sizes. Why would the federal government force districts and states to spend limited resources on a program which is unnecessary? What right does the federal government have to decide for the schools and the parents what their priorities should be? Forcing schools to spend funding on one particular program, simply takes valuable resources from other programs which might better address the needs of their students. Although this amendment failed, the funding itself is still available to schools; to reduce the number of children in each classroom if they so choose or, if further class-size

reduction is unnecessary, to fund a more appropriate program such as technology-related training for teachers, dropout or drug abuse prevention programs and building new school facilities.

It is for similar reasons that I could not support an amendment (No. 1809) to increase funding for 21st Century Community Learning Centers. Again, I do not doubt that after-school programs offer structural, educational, and health services to children and the families of communities. However, the funding for this program had already been increased $200 million over FY99 funding levels by the Committee. I cannot justify forcing states and localities to spend additional funding on specific programs which might not be appropriate for their communities.

As we continue to raise the bar on the quality of education provided to our children, we have also increased state and local accountability for reaching these high standards. Accountability is a key component of a successful education policy, without it there is less incentive to succeed or exceed goals. Earlier this session, we passed the Education Flexibility Partnership Act (Public Law 106–25), which in exchange for greater accountability, provides states with expanded flexibility to choose which education initiatives best fit the needs of their children. In the five years the Ed-Flex program was in effect, prior to its expansion to all states with the passage of this bill, it has realized modest to spectacular results, and in no case has performance declined or has a state abused its increased flexibility by diverting or misrepresenting funds. I am proud to have voted for Ed-Flex and the principles it upholds.

Unfortunately, some of my colleagues, while espousing the virtues of accountability, would at the same time take away the flexibility states need to respond quickly and effectively to the needs of their students and schools. This is why I opposed an amendment (No. 1861) offered by Senator BINGAMAN, which purported to increase accountability for states. This amendment undermined the principles of responsibility, accountability and flexibility. While the amendment would increase funding for disadvantaged students by $49 million, it specifically mandated that $70 million in funding must be used for state accountability programs. This represents a net loss of $21 million in funding which could have gone directly to the classrooms—funding which could have directly and positively impacted the quality of education provided for economically disadvantaged students. This amendment represents accountability, or at least requires the implementation of an accountability program, without the accompanying flexibility states need to effectively address education issues.

Mr. President, there is another side to responsibility as well. Earlier this year, we made a promise to the American people that we would not raid the Social Security surplus. Even as the President's budget proposal threatened drain the Social Security surplus by $158 billion over five years and the Democrats continued to filibuster my Social Security Lockbox legislation, we still held true to our commitment not to spend a single penny of the Social Security trust fund. Now, as we are nearing the end of the appropriations process, it is vital that we uphold our responsibility to the American people and keep this promise.

Senator NICKLES offered an amendment (No. 1889) which rightly expressed the sense of the Senate regarding the importance of protecting the Social Security surplus. Recognizing the possibility that the amount of funding appropriated through the 13 appropriations bills could exceed budgetary restraints, the Senate agreed that a solution could be an across-the-board reduction in discretionary funding in an amount equal to that needed to stay within budget constraints, thereby protecting Social Security. My vote reflects my unwavering belief that the social security surplus must be protected from wanton government spending. It also highlights my continuing opposition to rasing taxes on America's working families, especially when cutting wasteful Washington spending is certainly a viable alternative.

Some of my colleagues, many of whom are the same individuals who have continued to vote against a Social Security Lockbox, denounced the across-the-board proposal. Although they could have offered a substantial and realistic alternative to across-the-board reductions in reductions, instead they choose to introduce an amendment (No. 2267) which merely denounces the proposal for a reduction in discretionary funding and offers vague support for paying for the budget shortfall by raising taxes and using other offsets.

When my colleagues were pressed about details, they stated that there is currently $4 trillion in tax expenditures which could be examined and possibly eliminated to raise revenue for excess spending: that ''there may very well be an opportunity to squeeze some resources out of tax expenditures * * *''. Another term for tax expenditure is tax relief. And when my colleagues talk about squeezing out resources, this includes ''squeezing'' relief measures such as the tax credit for post-secondary education, the $500 per child tax credit, estate tax relief and the home interest deduction, among many other provisions which allow families to save and invest in their own and their children's futures. Without a clear explanation of exactly how enough revenue would be raised to fill the budget shortfall, thereby avoiding spending the Social Security surplus, I could not support the alternative amendment to the across-the-board reduction in discretionary spending levels and I will not support any proposal which would increase the already excessive tax burden on American families.

In addition, some of my colleagues offered an amendment (No. 2268) which would reduce the level of fairness inherent in an across-the-board reduction by insisting on an exemption for specific programs from the resulting decreases in discretionary funding, specifically education funding. While I believe that education is a top national priority, this amendment primarily highlights a general lack of understanding about the actual education funding levels in this appropriations bill.

My votes on these Sense of the Senate amendments simply express my preference for spending reductions versus raising taxes or spending the Social Security surplus. In that there are many specific areas of federal spending that in my view can and should be cut back, I would prefer to see us balance the budget with reductions of that type. Unfortunately, gaining consensus on such reductions will be difficult, although I will continue to press for this type of approach. Failing that, some type of across-the-board reductions may be the last resort.

As I mentioned earlier, the education funding in this bill exceeds the levels requested by the Administration on many fronts. While it is impossible at this point to know exactly what the final spending level will be at the end of the day, even after including all of the President's emergency spending and a possible Balanced Budget Act of 1997 (BBA) pay-back bill, an across-the-board reduction, designed to protect Social Security, would result in approximately a 1.4 percent decrease.

Mr. President, even with a 1.4 percent reduction in discretionary funding, I would further note that special education and education impact aid would have funding levels $521 million and $143 million above the President's request levels, respectively. In addition, the Department of Education would be funded $10.6 million over that which the President requested. Far from under-funding education, this bill continues to provide strong support for our schools and our students.

We have almost completed our appropriations work this year, and I applaud the effort and dedication demonstrated by my colleagues on the Senate Appropriations Committee and in the Senate as whole. I hope, as we go into the final stages of this process, we will continue to abide by the ideals of responsibility, accountability and flexibility by upholding our promise to protect Social Security and by producing a final package which will serve Americans well.

I yield the floor.

TAX RELIEF EXTENSION ACT OF 1999

Mr. LOTT. Mr. President, we have some very important extenders in the Tax Code that need to be acted on before the end of this year or they will