posed by Saddam Hussein, and especially by his willingness to use weapons of mass destruction, we must be careful to not overestimate the role of Iraq and thereby get preoccupied with that nation to the detriment of focusing on our vital regional and global interests.

Another matter which begs an answer is the question of sustainability, of our capacity to maintain our policies, not only now but also well into the future. For example, on the military front, are we going to require deployments for months and years rather than just days and weeks?

There is also the question of consistency—the extent to which our policy choices in pursuit of one national interest objective do not hamper the achievement of other vital objectives. For example, we need to take into account what impact each of the diplomatic and military options designed to contain Saddam Hussein's chemical and biological weapons programs are likely to have on other vital American interests such as our encouragement of Russia to continue forward with ratification and implementation of START II, and other arms control agreements.

On a more specific matter of military policy, I feel we need to take a long, hard look at our current force deployment strategy. Before we get to the point of committing our servicemen and women, we must certainly determine if we have an appropriate military mission which can only be accomplished by military means. Once such a determination is made, we must provide our forces with sufficient resources, and clear and concise rules of engagement to get the job done.

The distinguished Senator from Kansas, Senator ROBERTS, made a very fine and thoughtful address to the Senate the other day. He cited the following quotation from one of my personal heroes, Senator Richard B. Russell, from thirty years ago during the War in Viet Nam. At that time I was serving in that war. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

As part of our effort to produce an effective long-term policy for dealing with Iraq and Saddam Hussein we must also ask the question about appropriate burden-sharing among all of the nations, including the United States, which have vital interests in the area. It should be the long-term aim of our policies that the American people should not be asked to alone shoulder the costs, whether in terms of financial expenses, potential military casualties or diplomatic fallout, of pursuing objectives whose benefits will not be realized exclusively, or in some cases, even primarily, by the United States. To cite but one example of the kind of calculations I have in mind here, while the Persian Gulf accounts for 19% of U.S. oil imports, that region provides 44% of Western Europe's oil imports and fully 70% of Japan's.

In posing these questions regarding our long-term policy toward Iraq, and arriving at my own answers to them, I am led to make the following conclusions.

First, the best, and perhaps the only, way to secure our vital interests of curbing the spread of weapons of mass destruction and preventing Saddam Hussein from developing the capacity to threaten neighboring countries is through a continuation of people on the ground. In this case right now, the people on the ground are the UNSCOM inspections. It is these inspections, and not any conceivable military option, short of an all out invasion and occupation of Iraq, which can locate, identify, and destroy, or at least impede Iraq's development of chemical, biological and nuclear weapons.

Second, in order to secure our national interests, we should place a priority on international coalition building for peace and security in the Persian Gulf. Not only is such an exercise called for in order to insure that American soldiers and American taxpayers are not asked to bear a disproportionate share of the burden in confronting the mainly regional threat posed by Saddam Hussein, but also it is essential to achieving our policy goals—anti-proliferation and regional stability.

Third, in order to aid both weapons inspection and coalition-building, we should be prepared to re-examine our approach to sanctions policy. We should not follow an approach which isolates us from our allies in the region or elsewhere, nor which makes us the villain in the minds of the Iraqi people and its future leaders. In other words, just as I don't want us to pay a disproportionate economic cost, neither should we have to alone bear the diplomatic costs of containing Saddam Hussein. While I certainly do not call for an end to economic sanctions against Iraq, and indeed I believe the international community will need to find a mechanism to secure long-term leverage to maintain adequate surveillance of Iraq's weapons-building programs, I believe that we should work with our allies to develop a comprehensive, long-term approach with respect to sanctions, with graduated modifications geared to concrete Iraqi actions.

Finally, consistent with my view that we are currently paying more than our share of the financial and political costs of dealing with Saddam Hussein, I believe that, in the long run, we should phase-down our military presence in the Persian Gulf. While we do have important national interests in the region, these interests are neither our's alone nor are they our only national interests. The over-extension of American troop and naval deployments in the Persian Gulf compromises our ability to sustain commitments in the Mediterranean, on the Korean Peninsula, in the Balkans and elsewhere.

In short, I don't want the United States to pursue policies which might win the battle against Saddam Hussein but lose the larger war of securing our vital interests throughout the Persian Gulf and around the globe, now and into the future. We should continue to carry the big stick, but build our coalition stronger to do it and not fail to walk softly as the situation requires.

Mr. President, I look forward to continuing this debate on these and related matters in the weeks and months ahead.

I yield the floor.

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. KERRY. 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. KERRY. Mr. President, it is my understanding that at 11 o'clock Members from the other side of the aisle will be coming in. I think the moment is close to that. I do not have that long a presentation, but I ask unanimous consent that I be permitted to proceed for such time as I need, which will not be very long.

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

Mr. KERRY. I thank the Chair.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. KERRY. Mr. President, there is an enormous amount of rhetoric today at many different levels of Government about education. There is also a lot of good, genuine effort in many States, literally, as well as here at the national level, to try to address some of the very real questions about education.

What is clear to me, though, and I think to other Members, is that there is still an enormous gap between the reality of what is happening in many of our schools and those things we are choosing to do at the national level. It seems clear to almost everybody who talks about education that nothing is more important than providing the children of America a system with opportunity that is second to nobody in the world. But as the test scores and other aspects of our education system are indicating, we really lag way behind the full measure of the ability that we have as a country to do that. We are failing too many of our children today. We have too many crumbling schools. We have too many overcrowded classrooms. We have too many

inadequately prepared teachers. And, regrettably, the bill on which we will be voting on a motion to proceed later this morning, while I think it has good intentions and even some good components that, if they were part of a larger effort, might make sense, simply does not do anything to address the fundamental problems that we have in the country. Perhaps I should amend that. I guess it is not fair to say it doesn't do anything. It certainly puts money in the hands of a certain group of people, and for them there is a benefit. So you cannot say it doesn't do anything. But the question you have to ask is, is that the first place we ought to begin with some kind of Band-Aid solution to a much larger problem? And is that the solution that the U.S. Senate ought to adopt in a free-standing effort?

I respectfully suggest to my colleagues that as legitimate as the fundamental concept of some kind of savings account might be, this particular bill, this particular set-aside, this particular savings account, does an injustice to the rest of the education needs of the country, and it also serves those people who are already doing pretty well and not those in need or for whom there is a much more serious set of remedies needed. In many ways what the Senator from Georgia is proposing could wind up inadvertently making things far worse for the overall educational system.

I want to make it clear, and I will be trying to do this more and more in the next weeks, that I think there are some enormous fundamental flaws in the educational system of the country. Notwithstanding 20 years of discussions in various national fora that have brought the governments together with Presidents and otherwise, and notwithstanding all of the outside reports that have been commissioned with respect to our education system, the truth is that today the system continues to implode, almost.

Also, notwithstanding the remarkable efforts of individual teachers and individual schools, the fact is there are more and more poor young people in America, there are more and more pressures on the education system, and there are more and more difficulties that teachers need to deal with and principals need to deal with, particularly in inner cities and also in some rural areas. Our schools are attempting to do what no other school system on the face of the planet attempts to do, which is to bring so many different people of different languages and different cultures and different races together under one roof, too often with total inadequacy of resources and structure.

I don't think it's that hard, frankly, to analyze what is wrong. What appears to be hard is the building of a consensus, a coalition that is willing to tackle the things that we know are wrong. I will also be saying a lot more about that in the days ahead.

But the problem with the Coverdell bill is what we really need is an overall approach that deals with the problems where 90 percent of our children are being educated. Mr. President, 90 percent of America's children are in the public school system. What we are witnessing in the Coverdell bill is an approach that drains away from that 90 percent a certain amount of the existing support and permits those people who get the benefit of the money that is drained away to be able to do what they want with it. That is a very nice idea. I do not object, as I say, in principle, to allowing people to have choice within the education system, and also to have some choices about the quality of where they are going to send their kids to school. But the Coverdell bill expands the tax-free education savings accounts to a level, $2,000 a year, replacing the current $500 cap, which would also expand the allowable use of those funds for education expenses for public, private, and religious schools, which obviously raises another subset of questions. But the great majority of families—and here is the most important point—the great majority of families would get little or no tax break from this legislation.

We have to ask ourselves some tough questions as we make some choices here in the Senate and in the budget process about where we spend our money. I do not think it's that tough a choice to ask what is the justification for providing 70 percent of the benefits of this effort to families in the top 20 percent of income in America? I do not understand that. We know we are creating more poor people. We know the public schools that are hurting the most are the public schools where there is the least amount of property tax base. We know the public schools that are hurting are schools where they do not have enough money to pay teachers enough or they do not have enough money to put the computers in or enough money to fix roofs that are leaking or to have air-conditioning so kids have a decent environment to learn in, or even to have some of the important programs that ought to be part of learning—whether it's sports or music or a new science laboratory or art. These are all things that have been cut in recent years, and predominantly cut in those school districts that cannot afford to keep them because they do not have the tax base.

So what are we doing? We are going to talk about turning around and giving 70 percent of revenue that we are going to give up, $1.6 billion we are going to give up, in order that people in the top 20 percent of income-earners in America can do better. When you are asking Americans to tighten their belts, and you are asking Americans to come together around notions of fundamental fairness, it is pretty hard to say to them that in the midst of some of the chaos that we see in the public education system, the first thing we are going to do is turn around and allow the people who are doing the best in America to take the most amount of money from our first effort.

The fact is people earning less than $50,000 would get an average tax cut of only $2.50 from this legislation. How do you justify that? There is not a Senator here who does not come to the floor at one time or another and talk about the problems of youth in America, the problems of illegitimacy, of births out of wedlock, the problems of kids who have no place to go after school, of kids who wind up smoking cigarettes or doing drugs and getting into trouble. We spend billions of dollars every year in order to address those after the fact, and here we are about to consider a piece of legislation that suggests that we ought to take the money out of the current expenditure that we put in the Federal level and give it to people who are earning the most money in America, a $1.6 billion price tag over the next 10 years.

The Joint Committee on Taxation has found that half of the benefits would go to the 7 percent of families with children in private schools—half of the benefits of the $1.6 billion will go to the children and their families who are already in private schools. You know, it's one thing to criticize our public schools; it's another to suggest that they are responsible for their own faults when they depend upon the public dollar. If we take the public dollar away from them and then we turn around and just criticize them, it seems to me we are building the capacity for failure into the system.

As I said before the Senator who proposed this came to the floor, I think there are merits in the concept of a savings program. I am perfectly happy to embrace a legitimate effort to create a private savings capacity to encourage people to be able to put money away to send their kids to school. That is a legitimate goal. But surely we have the ability to do it in a way that spreads the benefit more evenly across the need in this country. You simply cannot ignore as the country has been getting richer and richer in the last 10 or 15 years, we have more and more poor people, particularly poor children. The number of poor children in America is going up, as is the number of children in need within our inner cities who deserve equally as good an opportunity at a decent school as the kids of these other parents, and they ought to get one. So I am perfectly prepared to embrace the concept, but I want to do it in a way that is part of an overall effort that suggests that we understand the larger question of what our public education system needs.

We Democrats would like to be able to propose a substitute and some alternatives that would help the vast majority of working families. Our bill would provide tax credits to subsidize school modernization bonds to enable States and local public school districts to provide safe and modern schools that are well-equipped in order to provide students with educations for the 21st century. One-half of the funds in our bill would be targeted to schools with the

greatest number of low-income children, and States would be permitted to decide where to distribute the remaining half of those funds. Our bill would help more than 5,000 schools modernize so we can reduce class size and provide a safer environment.

Let's be honest. It is not hard to figure out why so many parents are looking for an alternative to some of the public schools. I am a parent. I have two kids who we chose, ultimately, not to send to a public school because we did not have confidence, as a lot of parents do not, for one reason or another. I regret that. I actually moved where I moved with the hopes that we would send them to the public school system.

You know, all of us are faced with this choice. Probably too many of us in the U.S. Senate who have had kids have opted for something else, and we have been able to do that. That, frankly, increases the burden on us, not decreases it. It increases the burden on us to understand what most American parents are thinking as they make choices about their kids.

So, today, people are voting with their feet. They are voting with their feet. They want vouchers; they want charter schools; they are even opting for home teaching.

Mr. COVERDELL. Mr. President, will the Senator yield for a question? Just a logistical matter?

Mr. KERRY. Absolutely. I suggested I would wrap up quickly when Senators came to the floor, and I will do that right now.

What I am saying is it is obvious to me and many others that you cannot go on with the current model of what is happening in our public school system. It is absolutely clear to me that we need greater accountability. In many States people are working to do that through testing, through standards, through teacher standards, new qualifications—a whole set of things that I, again, will talk about at another time.

The bottom line is that you cannot come here and not recognize that there is no way, even if you embrace charter schools, that you could create enough charter schools fast enough to save a generation. The fact is that 90 percent of our kids are in a system that provided the generation that brought us through World War I and World War II, that created the greatness of this country during the course of this century. I can take Senators to any number of schools, as they could go to in their own States, that are wonderful public schools, that work. They work because they have great principals, great teachers, great resources, and a great commitment from parents. And they are accountable. Then we can go to pure disasters in other parts of all of our States.

What we ought to do is come to the floor with a responsible effort that tries to address how we are going to provide the structure and the resources to deal with the problem schools while not pulling the rug out from under those schools that work. That is why I think it is so important to look for an alternative, or at least work out some kind of compromise to what the Senator from Georgia is proposing.

I thank my colleague for his courtesy, and I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia.

Let me say to the Senator, under the previous order the Senator now has 1 hour, even though it will extend beyond 12 clock.

Mr. COVERDELL. Thank you very much, Mr. President. I do want to point out with regard to the remarks made by the good Senator from Massachusetts, that what we are debating here theoretically is not even the merits of the legislation. The other side is filibustering. This is an outrageous filibuster that is designed to prohibit us from ever getting to the legislation. The other side has organized. The motion being debated is the motion made by the majority leader to bring the bill to the floor, and the other side is filibustering that. The comments that the Senator from Massachusetts made about their version and wanting to have an opportunity to discuss it and debate it is blocked, not by us, but by their filibuster. In fact, in the original unanimous consent request, the majority leader offered the other side an opportunity to bring their version to the floor as a substitute or as an amendment and we would have a full and open debate about the merits of these proposals. So it is important that everybody understand. This is a little bit disingenuous because the other side is trying to keep us from even getting to the legislation. It is the ultimate example of defense of the status quo.

The Senator from Massachusetts took issue with the status quo. But we cannot deal with the status quo, or improve it—whether it is their version or ours—if they will continue to disallow our ability to bring the legislation to the floor.

The Senator referred to one component of our proposal, an education savings account, for which any family is eligible, that somehow in their mind, or in his mind, was not attentive enough to the poor. I want to point out to the Senator and to the other side that the criterion by which our savings account is created is identical. I repeat: It is identical to the savings account that the President signed, with a great celebration and fanfare at the White House a year ago, or last fall, for a savings account for just higher education.

That savings account allowed a family to save $500 a year, just as ours, and it works identically to our account. So the criteria that was designed for the savings account that was signed into law last year is designed to push the vast resources of these savings accounts to people of middle income and lower.

Seventy percent of all the proceeds in all these savings accounts will go to families earning $75,000 or less. But the important point is that the governance rules of these savings accounts are the exact same rules that the other side embraced last fall in the tax relief proposal and that the President signed. There is no difference. That proposal was designed to make the account work toward middle class; this one is designed to accomplish the very same thing. So it is a smoke-screen issue to suggest that somehow the governance of this education savings account favors people of substantive means when the other one didn't and when they are identical, absolutely identical.

The only thing that is changed is that we have said that instead of $500 a year, you can save up to $2,000, and instead of it just applying to college needs, it should be eligible for kindergarten through high school. It seems pretty logical to just expand the usage of it. I will come back to what I consider deflecting arguments from what the real problem is on the other side a little bit later.

I yield up to 10 minutes to my good colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President. I rise in support of the cloture vote to proceed. The vote will take place in about an hour.

What is the answer to the basic question of why should we proceed? The answer is for our children. We can no longer defend the status quo. The Coverdell Parent and Student Savings Account Plus Act is our next step in improving education for our children for the next generation. I will just point out that it builds on the new education IRAs from the Taxpayer Relief Act, which were directed to higher education. Senator COVERDELL's proposal focuses on primary and secondary education.

Why is that important? The answer is that no longer is the status quo defensible in American education. I want to take a few minutes to share why I say that.

Over the last 6 months, I have had the opportunity to chair the Senate Budget Committee's Task Force on Education. In our hearings—a series of six hearings over the last 6 months—I have discovered several things: The current Federal establishment is so complex that it is difficult for even somebody from Government to come forward and say how many programs we have at the Federal level for education. I have learned that we have committed as a nation, as a people, as a U.S. Congress, substantial and growing resources to secondary and elementary education, but we have few proven good results to show for it. Our student performance is essentially flat over time. According to Secretary Riley, some of our schools ''don't deserve to be called schools.''

I have a few charts which depict why I say that we are not doing enough, and why we cannot defend the status quo.

The first question we might ask is, are we as a nation, as a society, spending enough money today, putting enough resources into primary and secondary education? That is a fairly subjective question to ask. What we can answer is, are we spending increasing amounts over time? And the answer to that is yes.

This first chart shows current expenditures per pupil in average daily attendance in public elementary and secondary schools. It goes from 1970 up to the current 1997 years. If you look at the green line in current dollars, it has gone from approximately $1,000 per pupil up to over $6,000 per pupil. If you apply that same curve to constant 1996–1997 dollars adjusting for inflation, we have gone from about $3,600 per pupil up to over $6,000, a 50-percent increase. Thus, over time, per pupil in today's dollars, we have increased spending about 50 percent per pupil.

That, I believe, reflects what actually is being discussed in the Budget Committee as we speak—where we are going to increase spending more per pupil, a willingness, a commitment on the part of the Congress and the American people to spend more, to put more resources in education.

I should point out that in 1997, we spent $36.6 billion on elementary and secondary education. It is important to note that the Federal spending of that amount is only about 7 percent. States and localities provide the rest.

A second question is, what is the Federal role in primary and secondary education? We asked that question. I will put up a fairly large chart that is very complicated. In our own office, we call this the ''spider web'' chart. This is the chart that was produced by the General Accounting Office (GAO). GAO brought this chart to us to explain to us the Federal role in primary and secondary education.

GAO basically took three areas—one is teachers, one is at-risk and delinquent youth and one is young children—to demonstrate the overlapping complexity. In fact, GAO's testimony that day was entitled ''Multiple Programs and Lack of Data Raise Efficiency and Effectiveness Concerns.'' That title really describes this chart very well.

If we take one of these populations—the at-risk and delinquent youth, we can see, using this one example that there are 59 programs at the Department of Health and Human Services that are directed at this group; 7 are administered by the Department of Defense; 8 by the Department of Education; 4 by the Department of Housing and Urban Development; 9 by the Department of Labor; 22 by the Department of Justice; 3 by the Department of the Interior; 7 by the Department of Agriculture; 3 by the Department of Energy; 1 by the Department of Treasury; and 18 by various other agencies.

This chart around the border shows that there are 23 Federal departments and agencies administering these multiple Federal programs to just these three targeted groups. Again, it is unimportant to figure out right now for the purposes of our discussion today what each of these programs are doing. The point is, it is very complicated with a lot of overlap. Is there room for streamlining and simplification and innovation? I think yes.

Third question: With this bureaucracy and with this increased spending over time, how are we as a nation doing? What have our results been?

Just 3 weeks ago, on February 24, the last battery of TIMSS, which is the Third International Math and Science Study, was released. This test measures the achievement of students at the end of their last year in secondary school, that is the 12th grade in the United States. These latest trends reflect the downward trend in America vis-a-vis our international competition, our international counterparts.

I will go through several charts very quickly that summarize and demonstrate what Dr. Pat Forgione, the Commissioner of the National Center for Education Statistics, stated in his press release on the results. Let me quote him:

> Our most significant finding is that U.S. 12th grade students do not do well. When our graduating seniors are compared to the students graduating secondary school in other countries, our students rank near the bottom. This holds true in both science and math, and for both our typical and our top level students.

Secretary Riley said, ''These results are entirely unacceptable.''

This first chart shows in the field of general science knowledge where we as a nation stand. The scores are in the columns on the right. All of these countries on the left are nations with average scores significantly higher than the United States. The United States is in the second lower category. There were only two nations tested who did significantly worse than the United States in the general science knowledge.

You can see all the countries that did better: Sweden, the Netherlands, Iceland, Norway, Canada, New Zealand, Australia. This portion of the test measures skills ''necessary for citizens in their daily life.'' We are right at the bottom.

Our next chart shows mathematics general knowledge achievement. The layout is the same. On the left are the countries which did better than the United States. We are at a level of 461. The average for all countries tested was 500. We are significantly below the average. Again, the Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, in terms of mathematics general knowledge do better than the United States. Again, this is measuring what citizens need to know in daily life. Only two countries did worse than us, Cypress and South Africa.

Some people say, ''That may be true, but is it a dumbing down or does our lower level pull the median down?'' To answer that question, unfortunately, I turn to the next chart. We look just at advanced science students, just our very best compared to the very best in other countries to answer that fundamental question of whether or not the bottom rung brings our median down.

For a long time, we thought our very best were better than the very best from other countries. Unfortunately, it is just not true. Again, the layout is just the same. These are nations with average scores higher than the United States. This is the average physics performance of the advanced science students. Again, you can see that we are at the bottom of the rung of the ladder. In fact, there are no nations—no nations—that did worse than our best students in this competition.

Clearly, we are doing poorly when we compare ourselves internationally. But then let's go back and say, ''Well, are we doing better than we did 20 years ago?''

We see we are spending 50 percent more per pupil. Are we doing better? Is the payout for our investment real? What is the return?

Unfortunately, this next chart, again 1970 to 1996, shows the data. In spite of increased spending and lower class sizes, the trends are completely flat. The red is 9-year-olds, the blue is 13-year-olds, the green is 17-year-olds. These are the trends in reading on this first chart.

The bottom line is that we have seen no improvement whatsoever in the last 20 years. The next chart shows in the field of science, once again, the average science scale scores for our Nation over time in control testing is completely flat—flat line, very little return on our investment.

I think this argues that we can't defend the status quo. We can't have bills filibustered which are innovative, which are creative, which inject that creativity and innovation in our system today, because the status quo is simply unacceptable.

Access has improved over time. In 1900, only 6 percent of American students graduated from high school. In 1967, 50 percent of the population finished high school. Today, completing high school is nearly a universal phenomenon with 94 percent of America's youth completing high school, although many not on time. So access has greatly improved; quality has not improved.

The Coverdell Parent and Student Savings Account Plus Act is not the cure-all. We recognize it is not the cure-all, but it is our next step in improving education in this country. It empowers the parent-child team, it encourages savings for education, it recognizes that the status quo is not sufficient in preparing our children for the future, and it encourages innovation and new ideas.

In closing, I urge my colleagues to allow this bill to come to the floor to be debated and voted upon. I urge its

support and look forward to defending this bill as our next best step in reforming education in our country.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I commend the Senator from Tennessee. I think in a very brief period, he has demonstrated what all of us are so worried about; that we have been making greater and greater investments financially, particularly in grades kindergarten through high school, and we are not seeing the kind of results from it we need to see. We have all known that you have to have an educated society to maintain a free country.

On a personal basis, all those numbers on all of those charts of the Senator from Tennessee—which I would like a copy of—at the end of the tunnel what they point to, in all too many cases, is that a child can get out of our school system and not be ready to take care of themselves in society. They will have trouble getting a job, they will have trouble thinking through the kind of problems they have to solve, and they will be a diminished citizen. They are not going to be able to enjoy the opportunities and privileges that go with American citizenship. That is what all those numbers mean at the end. Thousands of people across our country are denied the benefits of American citizenship because they don't have the tools to engage our society.

I think I will take a moment, if I may, Mr. President, to remind everybody that we are in the midst of a debate over whether or not the other side will allow us to bring our proposal for improving families and their children's education, for improving education and grades kindergarten through high school and beyond. We are trying to get our proposal to the floor. That proposal is being filibustered on the other side. We are going to have a vote at 12:15 today to see if we can get 60 Senators who will agree that we need to get this legislation to the floor.

Let me take a moment, if I might, Mr. President, and describe the legislation that we want to bring to the floor today. The first provision is an education savings account. This is the provision that has caused the most discussion. Currently, last year in the Tax Relief Act, we adopted an education savings account. It was for $500. In other words, $500 per year can be put in the savings account and the interest buildup will be tax free if the proceeds are used for college expenses. It was designed by means testing to assure that the principal benefits went to middle income or lower.

Our proposal is to take the savings account that was passed overwhelmingly, that was signed by the President, and say you can invest more than $500; you can save up to $2,000 per year. So we have increased it by $1,500. Then we said, Why limit it to just financial needs that confront a family with a student in college? Why not make it possible for the family to use that savings account at any period in their education—kindergarten through college? And we applied the same constraints to that account. Everything about it is the same. So it is a pretty simple proposition. We took the savings account, you can put more in it, and you can use it kindergarten through college.

Interestingly enough, the amount of money that we will be leaving in family checking accounts through this instrument is not a lot of money in terms of a $1.6 trillion budget. It is about $750 million that would be left in these checking accounts over 5 years. What is interesting is, that small amount of relief, according to the Joint Tax Committee, multiplies itself by about 15 times—that families across the country, somewhere between 10 million and 14 million, who will use this opportunity, who will open this account, will save in the first 4 years about $5 billion. In over 8 years, they will save between $10 and $12 billion. So we are taking a very small amount of tax relief incentive and it causes American families to do something we all think they should do—save. And they are going to save billions of dollars.

What can they use the accounts for? They can use them for any educational need. I call these billions of dollars ''smart dollars'' because the guidance system is right in the household; it is the parent, who understands most what the child's needs are. They may decide this child has a math deficiency, so they would use the account to hire a tutor. Or they may be one of the 85 percent of the families in the inner city who don't have a home computer; they would use the account to help that child's education by acquiring a home computer. They may have a physical impairment or a special education need, and they could use the account to hire a special ed teacher to deal with whatever the problem would be.

There are no losers in this proposition. A lot of legislative proposals we see here, somebody gains and somebody loses. Not in the education savings account. Whether the child is in a rural school, an urban school, a fairly wealthy school district, or a very poor school district, everybody benefits. Whether the child is in public education, where 70 percent of the families who use these accounts will be supporting children in public schools, or 30 percent will be supporting children that are in private schools or home schools, there is no component of education that will not be the beneficiary of the savings account.

A little earlier, the Senator from Massachusetts was admonishing the fact that the Joint Tax Committee says about half the money that parents use—remember, it is their money—that these billions of dollars that are being saved are private dollars; they are not tax dollars. About half of that will go to support students in private schools, and about half will go to support children in public schools. I guess the Senator takes exception to that.

What that means at the end of the day is, in the first 4 years, $2.5 billion will be out there supporting children in private schools and about $2.5 billion will be out there supporting children in public schools. It will be families, but there will be a tendency to save a little less, because a family in a public school does not have to deal with tuition. I assume the Joint Tax Committee is acknowledging that families with children in private schools have bigger bills to pay because they have to pay the public school costs through their property tax, and they have to add the private school on top of it, so they will probably save a little more and they will spend it sooner.

The thing that the Joint Tax Committee does not do is estimate what happens if the families kept it through college. They have only estimated the division of money kindergarten through high school, and they also have not calculated a huge benefit that this savings account creates because it allows sponsors to contribute to the account. This makes it unique. What do you mean, ''sponsors?'' Well, an employer could help his or her employees by depositing funds in the employee's savings account for education. A church could. A grandparent could give a child a deposit in a savings account instead of a toy that will probably be ignored in 24 hours. This might change birthdays dramatically as parents, friends, uncles, and aunts try to figure out what kind of gift and find that a deposit in that child's savings account would be a great gift and have a lasting beneficial effect. That hasn't been indicated in the Joint Tax Committee's work. It will alter dramatically what the final outcome is of the distribution.

Say it all ended up exactly where they said. Why would anybody oppose infusing billions of new dollars behind children in private schools and billions of new dollars behind children in public schools? Why in the world would that be a reason to be upset about? It is mind boggling that a savings account that families open with their own money—not public money, their own money—from which some 10 to 14 million families will benefit, some 20 million children, and we would have this strident filibuster in opposition to it. Pretty mind boggling.

There are other provisions of the proposal. I will go over them briefly. It helps qualified State tuition provisions. In a number of States—21 of them, to be specific—States allow parents to purchase a contract that locks in their tuition costs for college in the future at today's prices. This proposal would allow those proceeds to come out tax free to the student. Twenty-one States would be immediate beneficiaries, or the citizens of those

States. In fact, this is one of the most costly provisions of the proposal. There are other States that currently are considering this provision, but this would help parents and States who are trying to help parents set up these advance tuition payment systems.

The proposal would aid employer-provided educational assistance. This legislation extends the exclusion for employers who pay their employees' tuition through 2002 and expands it to include graduate students, beginning in 1998. This allows employers who pay up to $5,250 per year for educational expenses to benefit their employees, without the employee having to claim it as income and pay taxes on it. So every company across our land has an incentive to help their employees update and improve their education—once again, a very sound proposal that has a broad reach across our country.

Briefly, there are two other major provisions that deal with helping small school districts get revenue bonds to help build schools, and there is some defining language that helps make HEALTHY, the national health care scholarships—these five provisions are at the center of our proposal that we are trying to get to the floor for a debate.

I want to reiterate, relating to the comment from the Senator from Massachusetts, we have been agreeable to the other side bringing to the floor their provision and debating it. What we are trying to do is get the legislation on the floor. We have been joined by my cosponsor on the other side of the aisle, the distinguished Senator from New Jersey, who has been tireless in his effort to promote particularly the education savings account among the adversaries on the other side. I have been particularly appreciative of his work and courage in helping us with this educational innovation. He has been tireless. His intellect has been superior. I yield up to 10 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank my colleague from New Jersey for yielding me the time and, more than that, for his leadership, tirelessly, month after month, in bringing this issue of savings accounts to the Senate and now, I believe, to acceptance.

I have noted in the debate to date, Senators have offered a perspective that they have other ideas that would enhance educational quality in our country.

People believe they may have better ideas. People have other suggestions and approaches. In large measure, they all have merit. Neither Senator COVERDELL nor I argue that this is exclusively the only approach in improving educational quality in our country. But it is an idea and it is a worthwhile idea. Critics are right that the country also must, as the President has suggested, rebuild America's schools. We need additional teachers, we need to reduce class size, and I believe we need to do voluntary testing. The President's proposals and those of our Democratic and Republican colleagues all have merit. A+ savings accounts are not designed to replace those ideas, and they are not instead of other suggestions. But this is a beginning, and it is an important beginning.

A+ savings accounts, under Coverdell-Torricelli, will bring $12 billion of new educational resources for the classrooms of America, in public and private schools. It is not a diversion of current public resources, as might be the case with vouchers. These are new resources. It isn't Government money at all. These are the funds of private American families who are given a new avenue to use their own money to enhance the quality of public or private education. It is resources where we need them the most. It is estimated that 75 percent of all of these resources through educational savings accounts will go to families who earn $70,000 per year or less—families who are struggling the most to provide their children with quality education. Yet, Senators will come to the floor and argue that this money continues to go to a privileged few. What privileged few in America earn $50,000, $60,000 or $70,000 a year and pay the tuition or the ancillary cost of public education on one, two, or three children?

Other Senators will argue that the money should be going exclusively to public schools. Well, according to the Joint Committee on Taxation, it's estimated that 70 percent of the actual funds placed in these savings accounts will go to public school students because not only are these resources available for private tuition at parochial schools, yeshivas, and other private institutions, they are also available for the ancillary cost of public education. What parent in America today, recognizing how students are struggling with advanced science, new math, the more complexities of rising educational standards that we are trying to impose on America's schools from our school boards and local governments, does not recognize that this complexity requires additional instruction? Educational savings accounts are the only means that we are offering American families, through any program, to hire tutors, to get teachers after school, pay them additional resources to get their time to help American students compete and to learn.

It is the only program designed by anyone that I know to deal with the fact that even some of our best public schools are canceling after-school activities, after-school transportation, extracurricular activities, which are such a vital part of American education. These savings accounts will make this money available to pay for those activities.

I believe that A+ savings accounts can be the beginning of a revolution in American education, where Senators will succeed in coming to the floor, as the President has suggested, and offering legislation to rebuild our schools, where others will succeed in ensuring that there is voluntary testing that will renew the standards and quality of American instruction. A+ savings accounts could be the beginning of that revolution in American education.

We offer this to supplant no other idea, as a replacement for no other initiative, but that it stand on its own merits. At a time when American families are struggling to prepare their students for a new generation, the difference between success or failure, a quality of life or a struggle of life, can be simply defined by the quality of the access to an education. Who here can argue that parents should not be able to use their own resources, for which they work every day, to save funds to help in a private or a public education?

I believe, Mr. President, that in the final analysis, as the years pass and as we look back on this proposal, we will realize that we have awaken in America a tremendous resource—because A+ savings accounts would not only provide this opportunity to American families, but something much larger—to get the American family involved again in the process of education.

Imagine a system where on a child's birthday, or on Christmas, on Easter, on any anniversary in our religious or civic calendars, aunts, uncles, grandparents, would provide money as a gift to go into a savings account to help a child with their public or private education. We are inviting the extended American family back into the business of education when for so long people believed that education was a problem of the Government or, at best, a mother and father, but still believe that they cared about these children who were their nieces, nephews, or grandchildren. This is a vehicle to get involved. If that is true of the extended family, it's true of others as well.

I have noted in this debate before the potential where labor unions could go to the negotiating table and ask not just for health benefits, or retirement, or pay increases, but ask every month in every paycheck that $5, $10, or $50 be placed in a child's savings account as part of a labor agreement; where corporations compete for labor in America not just on wages but say to their employees, ''if you work for our company, we will contribute to your savings account to help a child.''

The potential here is enormous. But it begins with a single step, and that is to establish these accounts. I know many of my colleagues who are still wondering about their position on this legislation have many questions. I want you to consider this one, as well, because I recognize that this proposal is controversial. Many of my colleagues who have doubts about it stood on the Senate floor a year ago and enthusiastically supported educational savings accounts—accounts to help parents deal with the rising, and sometimes insurmountable, burden of college tuition. It is believed that under this savings account proposal we could

quadruple the amount of money available for college tuitions, because every dollar placed in these savings accounts for public and private secondary education can be rolled into a college savings account if not used by the 12th grade. So if for no other reason you do not join us today in Coverdell-Torricelli, but you believed last year in educational savings accounts for college tuition, you should be joining with us today.

Finally, Mr. President, I offer this: Of all the divisions in American life, of race, or poverty, or opportunity, the one this country cannot afford in the next century is to create a caste system of knowledge. Yet, that threat is arising in America: two distinct classes of American citizens, one that enjoys unlimited opportunity and the other mired in the past, in poverty, without hope or opportunity. That division is knowledge. Where parents do not feel the public school can adequately prepare their child, they should have a private school option.

I agree that we cannot afford, at a time when our public schools are not adequately financed, to divert public resources. That is why I have opposed vouchers. But this is another opportunity to provide that private school option with a family's own money.

But ending this division of knowledge requires something else, too. The classroom experience will never be enough in the next century to prepare American students to compete in the world. It will never be sufficient. That is what's exciting about these savings accounts, where parents, after the regular school hours, can use tutors for extra instruction, paid for with their own resources through these savings accounts, and through the use of technology. Who in this Senate believes that in the 21st century a student can genuinely compete and prepare themselves in research, or computation, or writing, or word processing, without a home computer and access to the Internet as a research tool? I doubt that anybody here will make that case. Yet, 60 percent of American students will end the 20th century without a home computer. Most frightening, 85 percent of all minority students will never have that resource, under current financing. These home savings accounts in the Coverdell-Torricelli proposal make funds available for home use and the purchase of a computer. It is our greatest opportunity to assure that this new divide in American life never occurs, that access to knowledge will occur regardless of race or family income, that opportunity is afforded across these lines of American life.

Finally, Mr. President, I hope that we can proceed on a bipartisan basis. I regret that the judgment has been made that more amendments will not be made available by many of my Democratic colleagues. By the end of the day, we are still left with a proposal that stands on its own merits and deserves the support of Senators, Democratic and Republican.

Let us begin the great American initiative to confront the most pressing problem in contemporary American life, which is the crisis of quality in the American secondary schools. This is not an end to that debate. It is not a definitive solution. But it is a beginning, to be followed by many proposals of many Senators of both great political parties. I hope we receive overwhelming support.

Again, I congratulate the Senator from Georgia for bringing this before the Senate. I am very proud to offer it with him as his coauthor. I thank the Senator for yielding.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to acknowledge one of the most eloquent statements we have heard about education savings accounts that has just been given to us by Senator TORRICELLI. I particularly applaud his reflection on the caste system that we are in danger of creating in this country. It has been rewarding to me, and I know to the Senator from New Jersey, that many of the leaders of these communities, from Alveda King to Congressman Flake, really want these savings accounts because they understand it could be a potential avenue and tool to alleviate that caste system. I appreciate those remarks.

I yield up to 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am a strong supporter of public education. Increasingly, more education is key to the American dream. I would not support any legislation that I felt in any way undermines this country's commitment to public education.

There have been a lot of myths and misinformation circulated about the bill that the distinguished Senator from Georgia has taken such a leadership role in drafting and bringing to the floor. I would like to engage the Senator from Georgia in a colloquy in an attempt to put to rest some of the misinformation that has been circulated about his proposal.

First, I want to commend him for his leadership. I know that he is sincerely committed to improving the quality of education in this country. He has been a real leader on this issue, and it has been a pleasure and a privilege to work with him. The Senator from Georgia and I have had many conversations about this bill. I, too, had some misinformation about it in the beginning, and the Senator from Georgia was able to alleviate my concerns.

For the record, I would like to publicly ask some questions of the Senator from Georgia so that everyone may have the benefit of this information.

First, as the Senator from Georgia knows, I oppose vouchers because they would divert needed funds from our public schools. I would ask the Senator from Georgia, does this bill in any way divert money from local school districts that would otherwise be used for public education? Does this bill in any way authorize school vouchers?

Mr. COVERDELL. First of all, I thank the Senator from Maine for her courtesy and her remarks. But specifically to her question, the answer in both cases is no. Absolutely not. No local public school dollars are diverted. As a matter of fact, as the Senator knows, if a family today anywhere in America makes a decision to go to a private school, that is over and above the fact that they continue to pay their property taxes and their school taxes for the public education system. All of these dollars are private dollars.

Ms. COLLINS. I very much appreciate the Senator from Georgia clarifying that important point. Many of us may differ on the issue of vouchers, but the fact is that this bill is not a bill to authorize vouchers, despite some of the information circulated by the opponents of the bill.

Mr. COVERDELL. That is correct.

Ms. COLLINS. Similarly, I ask the Senator from Georgia to clarify that the money in these A+ accounts could be used in fact to assist children that are attending public schools. I believe that is one of the purposes of this bill. For example, am I correct in believing that parents whose children attend public schools could use the money set aside in these savings accounts to purchase a computer, for example, or to hire a tutor to help their children, or perhaps to pay for a school trip—again, all related to the public schools? Is my understanding correct?

Mr. COVERDELL. The Senator from Maine is correct. In fact, my assertion is that public school children attending public schools would be the principal beneficiaries. Seventy percent, according to the Joint Tax Committee, of families—that is about, incidentally, 7 to 10 million of them—will be families with children in public schools, and about 30 percent will be families with children in private schools. The division of the money is more equal. It is about 50–50, according to the latest results. But those are not complete, because they only apply to kindergarten through high school, and not through college. But, specifically, families with children in public schools can use them, and, in fact, more families with children in public schools will use these accounts.

Ms. COLLINS. If I could expand on the point of the Senator from Georgia, who has answered my final concern in this regard, approximately 70 percent of the parents who would benefit from this important legislation have children in public schools. Is that correct?

Mr. COVERDELL. That is correct, according to the Joint Tax Committee.

Ms. COLLINS. Finally, Mr. President, I want to clarify that it is my understanding that if the money in these accounts is not used while the child is in elementary school or secondary

school, that it can in fact be used for the very important purpose of helping a family afford college costs or post-secondary costs. Am I correct in my understanding?

Mr. COVERDELL. The Senator is absolutely correct; it is eligible for use. My interest has been kindergarten through high school, as the Senator knows, but the family can make its own choice. The accounts can be used from kindergarten through college, and post college, if the student is suffering from a disability and has an ongoing educational requirement. So it is a full life of education as we know it in America.

Ms. COLLINS. Mr. President, contrary to the assertions of opponents to this legislation, the fact is that it will bring more money to our public schools, and it is a very pro-education pro-public-schools piece of legislation that the Senator from Georgia has brought forth.

I thank the Senator from Georgia for his reassurances in this very important matter. I yield the floor.

Mr. COVERDELL. I thank the Senator from Maine. Again, I appreciate the courtesy extended to those of us who have been framing the legislation. I understand her interest in clarifying these points, because there has been considerable misinformation. I will not go into it at this point. But it is disappointing, considering the source. These are sources involved with education, and you would think there would be a particular integrity, that I have found absent, and I am disappointed about it.

I thank the Senator.

Mr. President, I yield up to 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from Georgia for the opportunity to make a few comments, but more particularly for the efforts that he has put forth and the leadership that he has given in producing this bill to strengthen American education.

I say again, as has been said before, that we must remember what the purpose of this vote is, what the purpose of this effort is, and that is to get it on the floor. This, of course, will never be resolved until we come to some agreement as to how to get it on the floor and to in fact consider it along with other kinds of issues.

Everyone is for strengthening education. I don't know of anyone who would get up and say, ''No, I certainly don't want to do that.'' Of course not. All of us want to do it. The question then is, How do we best do it? How do we really approach the idea of strengthening education and preserving those things that we think are fundamental to education in this country? One of the real questions, of course, is the degree and the extent of direct Federal involvement.

I was interested in the charts of the Senator from Tennessee this morning that showed all of the different kinds of approaches that have been taken at the Federal level—literally hundreds of programs that we have now, which still only represent less than 7 percent of the total expenditures in elementary and secondary education. Can you imagine the amount of bureaucracy? Can you imagine the amount of expense prior to that money getting to the ground?

So what we are really talking about here is a system to provide the opportunity for families to be able to put together some money to use as they choose and strengthen the local government.

The President, of course, has outlined the education issue largely because it is an issue that everyone cares about—I have to say largely because it is such a high winner in the polls. So the President, along with the environment and other things, continues to mention education but really doesn't have a plan for it. I guess that is part of the system: You talk about education, sit back, and somebody else puts it together. And then, of course, you claim victory because you have done something for education. That is OK. We have seen that before.

The point is, How do we best strengthen education for all Americans? How do we get better results? That is really what the bottom line is about here. How do we maintain local control? Those are the issues. How do we get more results for the expenditures that we put out? I am persuaded that the approach taken by the Senator from Georgia—the idea of keeping it at the local level, the idea of letting people be responsible for saving and investing as they choose—is the real way to do it.

The Senator from Massachusetts, of course, represents the legitimate point of view that bigger government ought to have enormous direct expenditures and, therefore, the controls that go with it in education. I think that is not the case.

Basic changes: I get a lot of input into elementary education, and secondary. My wife happens to be a high school teacher. One of the things that is troublesome is the amount of time she spends on paperwork. She is a special education teacher, and she spends half the time on paperwork. We need to try to eliminate some of that. We need to offer discipline; we need to raise expectations so that children are really expected to do more; we need to have more accountability in terms of production—much of this through management. Of course, we need to provide more resources.

So, let me say to the Senator that I appreciate very much and admire what he is doing and certainly hope we can get this bill on the floor. And we should immediately.

I thank the Senator.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Senator from Wyoming for his support and comments on our education proposal. I appreciate it very much.

Mr. President, I thought in closing out this debate over whether or not we can get to this legislation, or whether we will continue to be filibustered, that it would be pretty interesting to compare two approaches about helping American families. One is ours, which will be in our budget, which we have just been talking about, which is an education savings account which allows a family to save up to $2,000 per year for use for an educational purpose, kindergarten through college. It is pretty straightforward. We just expanded the education savings account that was passed and signed by the President last year.

In the President's budget, they are proposing a $2,000 solar tax credit for ''photovoltaic systems''.

What are the uses of our savings account? After-school care; tutoring for special needs kids; a computer for every schoolchild; and special education. We have been talking about it all morning.

What would you use the solar tax credit for? Heating jacuzzis, tanning beds, mood lighting, you name it.

Who are the beneficiaries of the education savings account? Middle- and lower-income families; phased out for those making more than $95,000 a year. As I said this morning in response to the Senator from Massachusetts, this account is pointed toward middle-income families. Seventy-percent-plus goes to families, $75,000 or less, just like the savings account the President signed into law last year.

How about their plan? Well, the beneficiaries are wealthy people from sunny States. There is no limitation on income levels. Every movie star and rock star in the country could get this $2,000 tax credit to put a solar panel on their roof.

The purpose of our account: Provide every child a better education; help over 10 million and 14 million middle- and lower-income families.

What is their purpose? To combat global warming. The goal is to get solar panels on 1 million rooftops by the year 2010.

As a matter of public policy, when we are having to make decisions and hard choices, what do you really think America feels we need? Education savings accounts for 10- to 15-million families and around 20 million children; that is, about half the school population? Or 1 million solar panels, which can only be used in sunny States, and with no income means testing at all? Like I said, every rock star in America can be a candidate for the administration's solar panel.

If that isn't a clear distinction of where we are setting our priorities, I don't know what it is. The fact that we

have an administration that is arguing for 1 million solar panels and filibustering a savings account for everyday families—not rock stars, not wealthy folks—to set up a savings account to help their kids, kindergarten through high school, I don't know what better distinguishes our two objectives.

Mr. President, I have been very pleased with the bipartisan support of Senator TORRICELLI, Senator LIEBERMAN, Senator BREAUX, and others, and I hope we can end this filibuster and have a normal debate about our views on how to help education. But I find this to be a very telling comparison of our sets of priorities, with the filibustering of the savings account for average American families. We are proposing a $2,000 tax credit that anybody can take advantage of. And you know exactly who is going to use that, and it is not going to be middle America, is it?

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2646, the Education Savings Act for Public and Private Schools:

Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 2646, the Education Savings Act for Public and Private Schools, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—74

Abraham	Brownback	Cochran
Allard	Bryan	Collins
Ashcroft	Bumpers	Coverdell
Bennett	Burns	Craig
Biden	Byrd	D'Amato
Bond	Campbell	Daschle
Boxer	Chafee	DeWine
Breaux	Coats	Dodd
Domenici	Inhofe	Roberts
Dorgan	Jeffords	Rockefeller
Enzi	Johnson	Roth
Faircloth	Kempthorne	Santorum
Feinstein	Kerry	Sessions
Frist	Kyl	Shelby
Gorton	Leahy	Smith (NH)
Graham	Lieberman	Smith (OR)
Gramm	Lott	Snowe
Grams	Lugar	Specter
Grassley	Mack	Stevens
Gregg	McCain	Thomas
Hagel	McConnell	Thompson
Hatch	Moynihan	Thurmond
Helms	Murkowski	Torricelli
Hutchinson	Nickles	Warner
Hutchison	Robb	

NAYS—24

Akaka	Harkin	Mikulski
Baucus	Hollings	Moseley-Braun
Bingaman	Kennedy	Murray
Cleland	Kerrey	Reed
Durbin	Kohl	Reid
Feingold	Landrieu	Sarbanes
Ford	Lautenberg	Wellstone
Glenn	Levin	Wyden

NOT VOTING—2

Conrad	Inouye

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KOHL. Mr. President, my vote in opposition to the motion to proceed to H.R. 2646 was unrelated to the merits of this education IRA proposal. I voted with Senator DURBIN on this procedural issue to protest the lack of floor action on two noncontroversial judicial nominees from Illinois.

While the Senate should consider how to make quality education more affordable, it also should not neglect its duty to fill judicial vacancies. The Senate's failure to act on these nominees is particularly egregious—one of these positions has been vacant for five years, and the other has been vacant for almost three and a half years. There are currently 82 judicial vacancies, and continued inaction and delay in the Senate is likely to compromise the quality of justice available to crime victims and other injured persons throughout the U.S.

NOMINATION OF JUSTICE SUSAN GRABER TO THE U.S. CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

Mr. SMITH of Oregon. Mr. President, today we have an opportunity to confirm the nomination of an outstanding judicial nominee to the U.S. Circuit Court of Appeals for the Ninth Circuit. The fact that Susan Graber is scheduled today for a floor vote is a great honor, but one that does not surprise me. Justice Graber has earned an excellent reputation among her colleagues on the Oregon Supreme Court and throughout the Oregon Bar. She has earned this outstanding reputation not only because of her legal scholarship, but also because of the high professional standards she has consistently displayed in her advocacy in private practice and during the years she has served on the bench. I am confident that Justice Susan Graber will bring to the Ninth Circuit Court of Appeals the same dedication, professionalism, and integrity that has been the hallmark of her legal career.

Mr. President, I urge my colleagues to join me in support of this outstanding judicial nominee.

NOMINATION OF SUSAN GRABER

Mr. WYDEN. Mr. President, I rise today to speak in support of a friend and a constituent of mine who is a great legal thinker and writer, a pillar in her community, a respected and valuable Associate Justice on the Oregon Supreme Court, and someone who I believe will be an outstanding federal court of appeals judge—Justice Susan Graber.

Let me begin by expressing my thanks and gratitude to the Senate Judiciary Committee, and in particular the Chairman of that Committee, Senator HATCH of Utah for acting on the nomination of Justice Graber and holding a confirmation hearing earlier this year.

Mr. President, I rise today in strong support of Justice Susan Graber for appointment as a judge on the United States Court of Appeals for the Ninth Circuit. Justice Graber comes before the Senate today with the strong bipartisan support of the Oregon Congressional delegation, with broad support from Oregon's law enforcement community and with strong support from the bench and bar. From all across my home state, from both sides of the aisle in Oregon politics, from judges and litigants alike, I have heard the praise accorded to this dedicated jurist, who has just recently reached her 10th anniversary as an appellate judge —at the ripe old age of 48.

I will not dwell long on her outstanding qualifications for this position—a graduate of Wellesley College and Yale Law School, Susan Graber has excelled at every step of her fine legal career. From the moment she took the bench right up until the present day, Susan Graber remains the youngest—and I think most will agree, one of the most productive—justices of the Oregon Supreme Court.

Through her authorship of over 300 opinions in the past 10 years, Justice Graber has garnered praise from the bench and bar as being the epitome of a careful and non-ideological judge whose centrist approach has helped promote a consensus-building and collegial atmosphere on this important court. And Justice Graber's opinions point out another fact—this is an individual who respects and understands her role as a judge. She understands very clearly the difference between being a legislator and being a judge, and her opinions reflect a firm adherence to the law as written by the Oregon Legislature. She knows the role of a judge is to follow, not to make the law, and that is exactly what we need on the federal appellate bench.

I am certain that Justice Graber will bring to the U.S. Court of Appeals the