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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 21, 1998, at 12:30 p.m.

Senate

MONDAY, APRIL 20, 1998

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, in a world in which we hear so much about self-esteem, we are reoriented by a bracing word from Proverbs.

''Let not mercy and truth forsake you; bind them around your neck, write them on the tablet of your heart, and so find favor and high esteem in the sight of God and man. Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths.''—Proverbs 3:3–6.

Father, it is Your esteem we long for most of all. Remind us of the high value You place on mercy and truth. We want to build our lives around Your priorities. Help us to base our lives on Your absolute truth. May we be as merciful in our empathy and care for others as You have been for us.

As we begin this new week, may the Senators renew their commitment to serve You and to seek Your esteem above all others. May You be the Audience of One whose approval is important.

Lord, we pray that You will comfort and encourage those who have suffered the damaging, shattering devastation from tornadoes in recent weeks. Today we ask for Your courage and strength for the people of Nashville, Tennessee. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able Republican leader is recognized.

Mr. LOTT. Thank you, Mr. President.

Mr. President, I hope all the Senators had a restful recess during the Easter period back in their States and are ready for a very active schedule in the next 5 weeks.

I commend those who have been in charge of changes in the Senate Chamber. I think it looks very good. I hope the Senators will appreciate the changes that have been made.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period for morning business until 1 p.m. in order for Senators to make statements and to introduce legislation. At 1 p.m. today, the Senate will begin consideration of the Coverdell education A+ bill under the provisions of the consent agreement of March 27, 1998. As previously announced, there will be no rollcall votes today, but it is hoped that Members will be available to offer their amendments to H.R. 2646, the Coverdell bill. As a reminder, the next rollcall vote will occur tomorrow morning at 10 a.m. on or in relation to the Gorton amendment to S. 414, the Ocean Shipping Reform Act.

Just to remind Senators, we did have debate on the Ocean Shipping Act on Friday when we went out for the Easter recess period, and we completed all the work except for the vote on the amendment and then, of course, final passage after that, if that is necessary, and I presume it may not be.

Senators should expect further votes throughout Tuesday's session on or in relation to pending amendments to the Coverdell education bill.

In addition, it is hoped that during this week the Senate will be able to consider the NATO expansion treaty and the State Department reorganization conference report under the consent agreement of 6 hours.

I want to say again that there will be no rush to judgment on NATO enlargement. I want to make sure that Senators on both sides of the aisle and on both sides of the issue will have a chance to make their statements and point out their concerns or their reasons for support. So, if it is necessary to take that over into next week before we get to the conclusion of the NATO enlargement, we will certainly do that.

During the next 5 weeks, the Senate can be expected to consider the following items, and therefore Members can expect busy days with votes most every day that we are in session, including Mondays or Fridays, except for those where we have already indicated we will not have votes, and we will reconfirm those during the next 2 days so Senators will know for sure the Mondays or Fridays where there will not be recorded votes.

In addition to the items I mentioned, this week we also will take up, hopefully, with cooperation from both sides of the aisle, the IRS reform legislation; Department of Defense authorization; the budget conference report; supplemental appropriations conference report—perhaps even reports, depending

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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on whether there are one or two there—the nuclear waste bill; a series of high-tech bills. There could be as many as three or four of those coming out of the Commerce Committee. I will have to consult with the chairman as to exactly how many there will be. I believe they have already reported a couple, and there may be two more.

The Iran sanctions legislation is pending. We have tried to be cooperative with the administration on this issue, but we did get an agreement right at the end of the session before we went home for Easter as to when action could occur on the Iran sanctions. I believe that is before May 20, but we will reconfirm that later. And, of course, the tobacco legislation issue is pending before the Senate, having been reported by the Commerce Committee.

This is not an exclusive list, of course, and additional legislation or Executive Calendar items may be cleared for action. I look forward to a productive legislative period.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. LOTT. Mr. President, if I can just say a few brief words about S. 1133, the Parent-Student Savings Account Plus Act, which is commonly referred to now as the A+ Act. Everywhere I went during the recess period in my State of Mississippi—and I did a number of events throughout the State in a variety of forums in towns and cities—education was at the top of every list.

I spoke to the Mississippi Economic Council, which is an organization really affiliated with the U.S. Chamber of Commerce, but it represents a variety of businessmen and women, professionals, people who really want to make sure that we have what we need to create jobs and move forward economically and have opportunities for all our citizens. An important part of their plans for this year did include, of course, continued emphasis on education.

So I am really excited that a good portion of this week will be spent on debate concerning the education savings account and the other portions that we have added to this education bill in the Finance Committee and other amendments that will be offered on the floor of the Senate on both sides of the aisle.

Some people have said, ''Well, it could be messy debating education with as many as a dozen or more amendments being in order and with second degrees being in order.'' I think there are very few issues that we could be debating in the Senate this year in America more important than education. Of course, there are differences as to how to proceed on this education issue.

I feel very strongly that we should encourage parents to save more for their children's education, not only for college but also for elementary and secondary education. We should make it possible for parents and grandparents and scholarship groups to set aside money in savings, in an education IRA, and that money then could be used for a variety of needs for children, whether it is tuition, books, supplies, computers, transportation, even uniforms. In my hometown, I was surprised to learn that the school board had voted that the students will begin wearing a certain form of uniform because they think it will help cut down on some of the violence associated with the clothes that are worn to school.

I think there are a whole variety of options now that could be available. There are those who oppose the savings account for education for elementary and secondary students, but I ask why—we just last year, and the President signed into law, increased the opportunity for education savings accounts for higher education, and we raised the limit of those savings that could be set aside up to $2,000 a year—why shouldn't it be available for elementary and secondary education?

There are some other components of this legislation that have the guarantee that it would be bipartisan. In addition to the bipartisan support for the education savings account, other components in the bill include the expansion of the exclusion of employer-provided educational benefits to graduate education, which is a policy strongly advocated by the Senator from New York, Senator MOYNIHAN. We should encourage employers to provide education benefits as a part of the package that they get in the agreement between employer and employee. This bill does that.

While I was home, I spoke with the treasurer of our State of Mississippi. He made a particular point of coming over and asking me, did the bill still include the State prepaid tuition programs? I assured him that it did. We should encourage parents and students to save for their tuition. In this bill they will be able to exclude from income payments from State prepaid tuition programs.

Also, this bill does provide for some opportunity for bonds for school construction. I personally do not think the Federal Government should begin paying for school construction at the local level. I think that is a decision that should be made by the States, by the local governments.

Some people say, ''Well, they can't afford it.'' I represent the poorest State in the Nation—or what was the poorest State; thank goodness we are making progress now and getting off the bottom of many lists—but one of the ways we have done that is we have been putting more money into education, more money into building new high schools and new elementary schools. The education level in the State has generally been rising. The credit goes to the parents, the administrators, and the teachers at the local level. But to provide some process where there would be this bonding opportunity for school construction is one that I think we should consider. And it is in the legislation.

There will be a number of other amendments that will be offered from both sides of the aisle. I will agree with some of them, and I will disagree violently with some of the others. But I think this is a debate worth having. I commend Senator COVERDELL for his dogged work in support of education in this bill and the cooperation he has had from and with the Senator from New Jersey, Senator TORRICELLI.

So this will be a great opportunity this week to do some things that will help education. One of the amendments that will be offered could be to consolidate some of the many, many Federal education programs into block grants and then allow that money to go back through the States with the direction that 95 percent of the money go to the school districts. Only 5 percent of it can be eaten up by administrative costs; 95 percent of it will go to the school districts without strings attached. Let the schools decide. Let the local school officials decide if that money will be used for STAR teachers or for construction, if you will. It would be their choice. That is the fundamental difference between what some others will be trying to do, which would mean more decisions, more money, more direction and more strings from Washington. That is not the answer. I think in many cases that is the problem.

So, it will be an interesting debate. I commend the Senators for working with me to try to get an agreement as to how this process will go forward. We will spend today and all of tomorrow and possibly or probably even part of Wednesday completing this legislation, but it is time well spent.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there now will be a period for the transaction of morning business not to exceed 2 hours.

Under the previous order, there will now be 1 hour under the control of the Senator from Nebraska, Senator HAGEL.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President.

U.N. GLOBAL CLIMATE TREATY

Mr. HAGEL. Mr. President, last month the U.N. global climate treaty became available for the formal signatures of those countries who reached

agreement in Kyoto, Japan, in December. President Clinton has not signed the treaty. There is speculation, however, that he may sign the treaty this week.

Today we remind the President that the U.N. global climate treaty does not meet the standards clearly established by the U.S. Senate in its 95–0 vote last year on the Byrd-Hagel resolution, Senate Resolution 98. The President should not sign any treaty until that treaty complies with Senate Resolution 98 in its entirety.

The administration completely ignored the strong position of the Senate when it agreed to this treaty last December.

I led the Senate observer group delegation to Kyoto, Japan, in December. After Vice President Gore came to Kyoto and instructed our negotiators to show ''increased flexibility,'' the doors were thrown open and the objective became very clear. The objective was: Let us get a deal at any cost. The clear advice of the U.S. Senate and the economic well-being of the American people were abandoned under pressure from the U.N. bureaucrats, international environmentalists and the 134 developing countries that were not even included—not even included—in the treaty. The United States of America was the only Nation to come out of these negotiations worse than it came in. In fact, there was no negotiation in Kyoto; there was only surrender.

When the Senate voted last year on the Byrd-Hagel resolution, it was very clear as to what the resolution said.

First, it directed the President not to sign any treaty that placed legally binding obligations on the United States to limit or reduce greenhouse gas emissions unless—unless—and I quote directly from S. Res. 98 passed last year by this body 95–0—

> . . . unless the protocol or agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions [for all nations] for Developing Country Parties within the same compliance period.

Meaning simply that if this was a global problem, it required a global solution. All nations had to be bound by legally binding mandates, not just the United States and the other developed nations. The message was simple. There was no ambiguity. This was not the administration's nebulous definition of ''meaningful participation'' for developing countries. This word of the Senate was quite clear.

The Kyoto Protocol does not include a single developing nation. The Kyoto Protocol agreed to by the United States in December does not include a single developing country; 134 developing nations, including China, Mexico, India, Brazil, and South Korea, many of whom compete fiercely—fiercely—with the United States for trade opportunities, are completely exempt from any obligations or responsibilities for reducing greenhouse gas emissions.

During a recent hearing in the Foreign Relations Committee, Undersecretary of State Stuart Eizenstat, the lead U.S. negotiator in Kyoto, admitted the administration failed on this account. Secretary Eizenstat said—and I quote the Undersecretary—''You're absolutely right; we did not get binding commitments [from any] developing countries.''

The second requirement of the Byrd-Hagel resolution speaks directly to the impact this treaty would have on the American people. And it, too—it too—fell victim in Kyoto. Senate Resolution 98 stated that the President should not sign any treaty which ''. . . would result in serious harm to the economy of the United States.''

The Kyoto Protocol would legally bind the United States to reduce our greenhouse gas emissions to 7 percent below 1990 levels by the years 2008 to 2012. It even goes much further than the President's own bottom line that he personally announced last October when President Clinton pledged he would not accept a baseline below 1990 levels in greenhouse gas emissions, and he said there must be ''meaningful participation'' from all developing countries.

Numerous independent economic studies predicted serious economic harm even if the administration had held to its position that it enunciated last October. These studies found job losses in the range of over 2 million, large increases in energy costs, a 50-cent increase in gas prices per gallon, a drop in economic growth rates of more than 1 percent a year, and major American industries being driven out of business or driven out of the United States—industries like steel, aluminum, petroleum refining, chemicals, iron, paper products, and cement.

That is why American agriculture, American labor, American business and industry and many consumer groups have all united in opposition—in opposition—to this treaty. Yet, our negotiators in Kyoto—the ones who were supposed to be looking out for the American people—agreed to a treaty that would have had an even more devastating impact on the U.S. economy and on the lives of the American people.

The administration's recent anemic attempt to develop an economic analysis showing ''minimal'' harm to the U.S. economy is laughable. It is truly laughable. No models, no numbers, no percentages, no economics. It is laughable. It is based on fabrication and vapor, on a wildly optimistic assumption—as an example, China, India and Mexico agreeing to the binding commitments in this treaty. That is nonsense, Mr. President. These very nations blocked language in Kyoto, Japan, last year that would have allowed developing countries to even voluntarily—voluntarily—undertake the obligations of this treaty. They will never agree to binding commitments, and have so stated.

Even from an environmental standpoint, the Kyoto Protocol is a failure. This Wednesday is Earth Day, and some will undoubtedly attempt to hold up this treaty as an example of a significant accomplishment to help our environment. The truth is, this treaty is so flawed that it will do virtually nothing to slow the growth of manmade greenhouse gasses in the atmosphere. Even if one accepts the validity of the science on global warming, which is still uncertain and at best contradictory, this treaty would do nothing to stop any of these emissions. The Kyoto Protocol excludes the very developing nations who will be responsible for more than 60 percent of the world's manmade greenhouse gas emissions early in the next century.

China will be the world's largest emitter of manmade greenhouse gasses by the year 2015. On February 13 of this year, the Washington Post reported, ''But even if the accord is ratified and fully implemented, it would barely dent the world's output of manmade greenhouse gasses * * *.'' This treaty makes no sense. It is folly, complete folly.

Yet, the administration has made it clear that President Clinton intends to sign this treaty at some point during the period it is open for signature between now and next March. The administration has also made it very clear that it understands the treaty has no chance of ratification in the Senate and that it intends to withhold this treaty from Senate consideration. The President claims that the treaty is, in his words, ''a work in progress.'' This leaves people with the mistaken impression that the treaty remains under negotiation and that objectionable parts of the treaty can be negotiated away before it is submitted to the Senate. Mr. President, this is not the case. This is not the case. Why would anyone sign a legally binding treaty they consider a work in progress? That is complete nonsense.

This treaty cannot be amended until it goes into force, and even then, only by a three-quarters vote of all countries that have become party to the protocol. The 134 developing countries that would not even voluntarily sign on to this, which are not bound by any emissions limits, make up more than the three-quarters of the world's nations. Hence, they control any amendment to this treaty. The countries that have no obligations in this treaty are the very nations that dictate and enforce its terms. This is outrageous.

My coauthor of S. Res. 98, Senator BYRD of West Virginia, said recently on the floor of the Senate that the Kyoto Protocol did not meet either of the Senate standards laid out in the Byrd-Hagel resolution. Senator BYRD said, ''I hope that the President will not sign his name to the protocol at this point * * * I am concerned that if the President signs this protocol at this point, it will compromise his flexibility in dealing with the developing countries over the next year.''

Senator BYRD is absolutely correct. It makes no sense to sign a flawed treaty, thereby giving away our leverage and our negotiating strength. If the President believes this treaty is good enough to sign, it should be good enough, Mr. President, to submit to the Senate for an honest and open debate. The American people have a right to know exactly what obligations the United States would have under this treaty.

Members of the Senate and the House will remain actively engaged in this issue. Oversight hearings will continue. We will continue to hold hearings this year to ensure that the administration does not attempt to implement this treaty or any part of this treaty prior to Senate ratification through Executive order, budget fiat, or regulatory action.

During the Foreign Relations Committee hearing in February, I asked Secretary Eizenstat about any attempts to implement this treaty prior to Senate ratification. He replied, ''We have no intention through the back door or anything else, without Senate confirmation, of trying to impose or take any steps to impose what would be binding restrictions on our companies, on our industry, on our business, on our agriculture, on our commerce, or on our country until and unless the Senate of the United States says so.'' That is Secretary Eizenstat.

Mr. President, we will hold the Clinton administration to its word. Recent news reports, however, have brought to light a very dishonest attempt by the EPA to impose carbon emissions caps through the deregulation of the electric industry. I was glad to see that the administration dropped this nonsense from its final electric deregulation proposal. There will be no implementation of this treaty before ratification by the Senate of the United States.

The Senate's bottom line, as represented in the unanimous 95–0 vote on S. Res. 98, remains unchanged. The U.S. Senate will not support the ratification of the Kyoto treaty because it does not include binding commitments by the developing nations and does serious harm to the U.S. economy.

This has become an economic treaty, not an environmental treaty, and it is a bad treaty for America. So bad that it will not be ratified by this body.

Mr. MURKOWSKI. Mr. President, Wednesday is Earth Day—a good time to reflect on our responsibilities to preserve and protect the environment that we will pass on to our children and grandchildren.

I have six children, and, at last count, eleven grandchildren. I obviously care about the environment they will grow up in.

I am encouraged by the fact that the air we breathe and the water that flows though America's rivers are far cleaner today than they were on the first Earth Day in 1970. You might not know that is the case if you listen exclusively to the gloom and doom pronouncements of many institutional environmental groups.

Sometimes, these groups place my name on a list or issue a ''report card'' on my voting record that might lead one to believe that I do not care about the environment. This is, of course, nonsense. You cannot have eleven grand kids at the center of your life while working to shortchange the environment.

Having said that, I must join my colleagues in reporting to the Senate that Vice President GORE returned from Kyoto with a climate treaty so fatally flawed that it will never be ratified by the Senate or enter into force. Nor should it.

While the climate issue must be taken seriously, the Senate would be shirking its constitutional responsibilities if it were to ratify a treaty that is so blatantly unfair, economically burdensome, and of no benefit to the environment.

The unfairness of the treaty lies mainly in its exclusion of ''developing'' nations such as China, India, South Korea and Mexico. Emissions from these nations will exceed ours in about 15 years, and their exclusion will only encourage the shift of manufacturing (and resulting emissions) from the nations subject to controls to the nations that are not. Thus, global emissions would not decrease. Since developing nations are less energy-efficient than we are, emissions might even increase. Under the treaty there would be no global environmental gain—but America would suffer economic pain.

According to the respected economic firm Wharton Econometrics, the Kyoto Treaty would reduce Gross Domestic Product by more than $2,000 per household in 2010—and $30,000 per household between 2001–2020. Moreover, 2.5 million Americans would lose their jobs. Since the climate change problem will one day be addressed through technological innovation fostered in a healthy economic environment, the last thing we want to do is adopt a treaty that would create a national economic decline reminiscent of the oil shocks of the 1970s.

If we are truly concerned about carbon emissions, we will revitalize nuclear energy and hydropower—our only large-scale, base-load sources of carbon free electricity. Nuclear energy generates 22% of our electricity, and hydropower adds an additional 11%. Solar and wind energy, in comparison, fill one-tenth of one percent of our total energy needs. Although solar and wind energy will grow, the immutable laws of physics limit that growth to just a few percent. Presidential initiatives to place solar panels on a million roofs around the country may have symbolic value, but what is the administration doing to promote nuclear and hydropower—the carbon-free emission sources that can really make a difference?

Unfortunately, the President opposes the nuclear waste bill that has passed the Senate twice by a wide, bipartisan margin. Any failure to address the nuclear waste issue will result in the premature closure of nuclear power plants, whose capacity will be replaced with carbon-emitting, fossil-fuel plants.

Bruce Babbitt aspires to be the first Interior Secretary to tear down hydropower dams. Additionally, other dams around the country are endangered by a cumbersome regulatory process that can make it cheaper to tear down the dam and purchase fossil-fuel generated power rather than endure the ordeal of relicensing before the Federal Energy Regulatory Commission.

On the international energy front, administration policy is in opposition to China's Three Gorges hydroelectric project—the alternative to which is thirty six new carbon-belching 500 megawatt coal plants. Is this part of a consistent carbon reduction strategy? In an intellectual contortion that defies common sense, Administration energy policy is anti-nuclear and anti-hydropower while professing to be anti-carbon. To appreciate that, one only needs to read the President's Climate Initiative unveiled last October. Nuclear energy isn't even mentioned, and hydropower is explicitly discounted in the document's exclusive discussion of ''non-hydro'' renewable energy.

What is the President's answer? The President's strategy is to push the issue off to someone else's watch. The Kyoto Treaty doesn't require carbon reductions until the year 2008.

Meanwhile, by agreeing to a fatally flawed treaty in Kyoto, the Vice President revealed his own Achilles' heel—he can't say no to any environmental cause, even if it directly harms U.S. interests and jobs here at home. Kyoto has exposed that weakness, and now it is the Senate's Constitutional responsibility to ensure that a bad treaty will never be ratified.

Ninety-five Senators rarely agree on anything—but they agreed with passage of the Byrd-Hagel resolution that any climate treaty must be globally applied, without harm to our economy. In the case of the Kyoto treaty, the President failed to take our advice—so he cannot expect to receive our consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I have just returned from a very enjoyable time of traveling around Wyoming, attending town meetings, going to school classrooms, pounding a little bit on a Habitat for Humanity house.

When I left Wyoming, it was snowing. But the folks in Wyoming understand that if there hadn't been a little bit of global warming, we would be under about 300 feet of ice. So they may not be as concerned as perhaps some other places in the world, but I want to talk today a little bit about the global warming treaty as well. I went to the treaty conference in Kyoto. I went

with Senator HAGEL and a couple of other Senators. The purpose of our trip was to convey the importance of the Byrd-Hagel resolution.

We went over there to talk about a resolution that passed this Senate 95–0. That is a pretty clear message, and it was also a very simple message. The developing nations have to participate in the treaty and the treaty cannot result in serious harm to the U.S. economy. I have to say the treaty fails. It is unfair. The benefits are unclear. The costs are unknown, and the administration is unresponsive to our requests for information.

Kyoto was titled ''a global warming'' conference, but I have to say it was an economic conference disguised as an environmental conference. While we were over there, we got to meet with the Chinese delegation. The Chinese, by the year 2010, will be the world's largest polluter, unquestionably. We wanted to know what they intended to do about that. They said nothing, they are a developing nation. We asked them what their definition was of a ''developing nation'' so that we would know when they would no longer be a developing nation. They said, ''We will always be a developing nation.'' We asked them if they would do voluntary restraints on their pollution. They said no. We asked, How about voluntary restraints at some future unspecified date? I don't know how you can make any negotiation looser than that. Their answer was no.

We also got to hear from some of the island nations that are refusing to be a part of any voluntary restraints. Island nations. We are talking about nations that, if global warming is true, the polar icecap will melt and their island will be inundated with water; they will disappear as a country. They said they would not be a part of it, that they were a developing nation and they didn't need to do it. To me, that is the best evidence that there isn't global warming.

There is no consensus on global warming. Some scientists argue that the carbon dioxide in global warming is even good. The important thing is that we are already doing more than others. We are doing more without recognition. We are doing more without penalties. We are doing more because it is the right thing to do. But this was an economic conference disguised as an environmental conference. It was a conference where we lose.

I remember an incident in the Northwest, near my home up in Washington, where we got concerned about the spotted owl, that it was headed for certain extinction. We halted the Northwest logging industry. We put an entire industry and its employees out of work. Our national forests were left unmanaged, and they are now a big tinderbox; they burn whenever lightning strikes. It is not very good stewardship when we are wasting what we have. After all this, we have discovered that this timid little bird has been building nests in billboards by the highways and they are undisturbed by the passing cars and trucks.

A part of our economy moved to other countries where they don't have the environmental laws. Logging moved to Siberia. Russian loggers are tearing down 10 million acres of forest each year. In our effort to save the spotted owl, we have wiped out the Siberian tiger. We have to be careful with the consequences of what we are promoting.

The Vice President believes we can get rid of coal and use clean energy, like wind. I have to tell you, there are few places that are windier than the little belt that goes across southern Wyoming. It is up in the high plains, where the wind doesn't have any trees to block it. We have tried some wind experiments there. They built a generator, only to have the wind velocity blow the rotors off. I asked the environmentalists, what about wind energy, what is the potential for that? It only makes up one-third of 1 percent of our country's energy use at the present time. Their response was that it will kill the bald eagles; the eagles will fly into the generators and get chopped up. Not a good solution. I asked about water. Well, water changes the nature of the fish that use it, if we use it for hydraulic power. Nuclear power—we don't even have to talk about nuclear power and the problems supposed to be caused by it and the way that we haven't met our energy requirements for the storage of nuclear waste.

The biggest thing that disturbed me about the Kyoto trip was that we went there without the data we requested. Before we went to Kyoto, we made it clear that there was information which we were certain any good negotiators would be gathering to use for their case. We still haven't gotten that. When we went over there, we talked about a 1990 date and maintaining the levels that we had in 1990. Our negotiators allowed the other countries to relax the criteria they had already agreed to while we made ours more difficult. Marvelous negotiating. They never did answer the questions about the kind of administration that would be necessary, the kind of bureaucracy that we build internationally, what kind of regulations, and to whom the United States would be subject. We didn't talk about the pollution topic, and that is going to be involved.

I do remember, from some of the discussion of the Chinese, that they had a solution for penalties. There ought to be penalties for those developing nations that could not meet their criteria, and their idea was that the penalties then would be distributed to those developing nations on the basis of population. Now, there is negotiation.

Numbers. We still don't have numbers. I put in an amendment last year on the foreign operations spending bill. It asked for the numbers that the administration has been collecting on global warming: How many American jobs would be lost with the treaty? How much will it cost the taxpayers to pay for Federal programs? What Federal programs will be needed? We haven't received an answer. Apparently, none of the agencies involved can say how much they are going to spend on climate change.

This lack of accountability is a disgrace. The taxpayers should be outraged. Maybe we ought to sic some of those IRS auditors on the Office of Management and Budget until we get the numbers we asked for a year ago. Nobody knows exactly how much will be needed, where it is going, or what the purpose of it will be. Now, according to the numbers I am reading, that ought to be about a $6 billion to $10 billion violation of the Government Performance and Results Act.

Yes, we have a law that says that the Government agencies are supposed to tell us what they are doing. Here is the important part. They are supposed to tell us how we can tell if it is getting done. And then it is supposed to be reflected in their budgets so that we can see that what they said they were going to do will get done within the constraints of the money that is there. Somewhere the numbers have to be available for what global warming—no, for what the administration's proposal of anti-economic development will cost us.

It is time for the administration to tell us exactly how much, how it is going to be done, if there will be incentives or just penalties, how will it administer it and give a little bit of credit to those that are already working the problem without the international treaty. Americans have a right to know where their tax dollars are going. This last week, the American people spent their tax dollars, sent their tax dollars, will be audited on their tax dollars. It is time that we audit the Federal Government on the use of those tax dollars and hold them to the 95–0 treaty that protects American jobs, and make sure that if we say we are going to do a job, we are able to do the job. We owe it to the American people.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is great to be back from our recess and once again to convene the Senate in the work of the citizens of this country.

Mr. President, let me, first of all, recognize my colleague from Nebraska and my colleague from Wyoming and, for the record, praise them for the leadership they have demonstrated on the most critical issue that we address here on the floor this morning. Senator HAGEL has become the Senate's leader, along with Senator BYRD of West Virginia, on this issue of climate change and trying to convince the Administration, and I think some of our critics, that the course this Administration

pursues is not only unrealistic, it really is unjustified. Both Senator HAGEL and Senator ENZI, as was recognized by the Senator from Wyoming, were in Kyoto to watch as this Administration negotiated and began to work on some form of protocol.

I think we three Senators join on the floor this morning proud that during this century our Nation has developed into the strongest economic and military power ever to exist on the face of the Earth. Our democratic system of government, which ensures unparalleled freedom for its citizens, is the envy of the world. All of us in this body are entrusted with the responsibility to protect and enhance that very stature.

Because I feel so strongly about that responsibility, it is with the most chilling concern that I comment today on the President's contemplated signing of the Kyoto Protocol on Global Climate Change. Despite grave bipartisan warnings from the Congress since the conclusion of the U.N. Global Climate Summit in Kyoto, the President insists on committing our country to an agreement that I believe threatens our way of life; indeed, it threatens the heart of our Nation's power—and the American economy.

I, like many of my Senate colleagues, am confounded as to why the President is contemplating signing this agreement. I can only hope that it is not simply misguided loyalty to the Vice President, who every American knows is the main protagonist in this ill-conceived campaign to avoid what he calls ''an imminent environmental holocaust'' caused by global warming.

Let me repeat those words. Catch the flavor and the emotional ring of ''an imminent environmental holocaust.'' If anybody stood on the street corner of America and spoke with those terms, surely they would catch the attention of some. When the Vice President speaks in those terms, he catches the attention of many. There is only one problem with that kind of rhetoric. Few, if any, scientists today believe that the world is facing an environmental holocaust from global warming, much less an imminent one.

In fact, as more and more American scientists review the available data on global warming, it is becoming increasingly clear that the vast majority believe the commitments for reduction of greenhouse gas emissions made by the Administration in the Kyoto Protocol is an unnecessary response to an exaggerated threat—''to an exaggerated threat'' that the Vice President himself is caught up in making. Indeed, just today more than 15,000 scientists, two-thirds with advanced academic degrees, released a petition they signed urging the United States to reject the Kyoto Protocol. The petition, expressly states that:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

Mr. President, why must the United States be a party to an agreement that will substantially and negatively affect our economy, change our way of life, and potentially weaken our ability to maintain the world's most powerful military without sufficient scientific evidence of impending doom—sufficient scientific evidence of impending doom? I submit that this Administration has yet to adequately answer that question. The President of the United States, over anyone else in our country, must answer that question.

Even if we were to ignore the scientific evidence and assume that the world is facing an imminent environmental problem, this agreement does nothing to avoid the threat. Bert Bolin, a Swedish meteorologist and the outgoing chairman of the U.N. Intergovernmental Panel on Climate Change, recently said that ''[t]he Kyoto conference did not achieve much with regard to limiting the buildup of greenhouse gases in the atmosphere.''—The Washington Post, February 13, 1998

Therefore, I ask again: Why is the President going to sign this agreement, which, if ratified in its current form, will raise the costs for nearly everything in a typical American budget, in both the short term and long term?

The Administration has attempted to relieve our economic concerns with a superficial analysis that presents a simplistic view of how American industry can adapt to new economic challenges and includes assumptions about the success of emission trading proposals that are untested in the international arena. This so-called economic analysis is contained in a 20-page paper by Janet Yellen, the Chairman of the President's Council of Economic Advisers, submitted as testimony to the House Commerce Committee and the Senate Committee on Agriculture, Nutrition, and Forestry.

However, in testimony recently given before the Senate Agriculture Committee examining the Kyoto Agreement, Mary Novak, senior vice president of a respected economic forecasting forum —you have heard of them—called Wharton Econometrics Forecasting Associates, well-known worldwide for its expertise, stated that the Administration's economic analysis of the impact of the Kyoto Agreement is terribly flawed—not possibly flawed, not flawed in limited ways, but terribly flawed. Ms. Novak predicted that the total U.S. cost of meeting the Kyoto Agreement would be $250 billion, or a loss of 3.2 percent of gross domestic product. In addition, Ms. Novak stated that about 2.5 million jobs would be lost, and the annual expense per family would exceed $2,700 a year.

If the Senate of the United States were, at this moment, contemplating an income tax increase that would increase the average family's taxes by $2,700, and if we passed it, very few, if any, of us would withstand the public outcry, let alone the voters at the ballot box in November. Yet, this President, because he thinks he can hide it through the processes of time and the procedure of international agreement, is proposing just that. That is what the WEFA says—an annual expense per family to exceed $2,700.

Mr. President, if this administration were sincere about reducing greenhouse gas emissions, we would have seen in the President's budget proposal strong support for an array of reliable electric energy that we all know has a benign impact on the very environment that we all cherish and want to protect. Conspicuously absent from the President's Climate Change Technology Initiative was any support for nuclear or hydroelectric power. In fact, the President and the Vice President are hostile to nuclear and hydroelectric power. This very Administration has initiatives that will ultimately grind nuclear energy generation to a halt and would restrict us from any further development of hydro, let alone maintaining the status quo. Yet, both of these sources of power, as we know, do not produce one single molecule of greenhouse gas emissions into our atmosphere. Indeed, it is hard to imagine a cleaner source of power than falling water, or nuclear fission.

What about the sincerity of this Administration's commitment to our Nation's global competitiveness?

I was watching television yesterday catching the news shows and talk shows discussing the American economy. Many pundits were concerned about the aggressiveness of the stock market. Well, concerned, yet happy; but will this happiness last? We are surely concerned about the economics of the Pacific rim at this moment; and, nearly every economist on these shows were talking about the power of the current economy of the United States, how it pulls other economies with us, and that we continue to expect growth in the coming year; growth of about 2.5 percent, growth very similar to the kind we had last year. And, while we are talking about that, while we recognize that our competitiveness in the global environment drives the global market, we have an Administration that is tinkering around with the idea of restricting the ability of our country to lead economically and to help out all other nations of the world with their own economic problems.

Mr. President, our Nation's agricultural industry is one of several industries that will be adversely affected by the requirements of the Kyoto Agreement. American agriculture has evolved with the rapid adoption of new technology; it is both highly capital and energy intensive. Energy use in both direct and indirect ways, including the fuel and lubricants for machinery and vehicles, the natural gas used to dry crops and pump irrigation water, and the electricity used in a wide variety of ways, has caused the American agricultural economy to be the most competitive and the most

productive in the world. We use fertilizer and pesticides, all containing large energy components. For these reasons, our agricultural system is very sensitive to the kinds of changes the Vice President and the President are proposing. American farmers buy $166 billion worth of inputs and services, sell about $212 billion worth of products and services, and receive just about $54 billion in cash income to cover costs and provide incentives for future investment. Moreover, American agriculture is deeply integrated into the world economy and depends on more than $60 billion in export sales—the fastest growing market for our food and our fiber products.

That is just one example of an economy in this country that helps set the pace for the world.

The Kyoto Agreement would cause fertilizer prices to go up, and while the President says carbon taxes are not a part of his plan to meet the treaty's requirements, the administration intends to pressure fossil fuel prices through other ways that would have the impact of burdensome tax increases. One of the results of the Administration's approach to compliance will be higher costs for diesel fuel for trucks and tractors.

It takes no genius to understand what that means: Increased costs for farmers, which translates into increased costs for food and finished goods at the grocery store. In addition, since most products are delivered by diesel-powered trucks, nearly every item in nearly every store in America will cost more. And all of this will be done by an Administration that pursues a policy which it has no strong scientific or economic basis or logical reason to pursue.

One of the many potential tragedies of this treaty would be the higher cost of food, not just for those who can afford it but for those who cannot. And remember our Judeo-Christian ethic as a country, the hundreds of millions of dollars of food we send around the world to poor nations, to starving people. Could we afford to send more if it cost more? I doubt it. And yet that is exactly what the President proposes.

According to Data Resources, Inc., another respected economic forecasting firm, 37 percent of American households have less than $20,000 after-tax income and spend about 21.2 percent to more than 100 percent of after-tax income on food. For these families, the impact of America's compliance with the Kyoto Agreement would be severe and very negative.

Mr. President, I believe this will be the first time in the history of our country that a President has allowed foreign interests to control and to limit the growth of the American economy.

Let me repeat that for the record because I believe, after our research, that is a pretty profound statement, not just coming from me but coming from the historic records of our country, that this would be the first time in our history that an American President has allowed foreign interests to control and limit the growth of the American economy. Never before have we allowed foreign interests to dictate the amount of energy Americans can use.

The Kyoto Agreement requires Americans to cut energy use by the year 2010 to 7 percent below what it was using in 1990. That was just 8 years ago.

This weekend, I was at a special school out in Idaho, a collection of bright young kids. They are developing an electric car. They are going to race it next week in a race in north Idaho, an electric car. But guess what. You have to use nuclear hydrocarbons to generate the electricity that goes in the battery that powers the car that creates no pollution.

Get the message. No matter where you turn, whether it is fueling the cars for the great urban areas of our country that might be powered by electricity in the future, that electricity still has to be generated. And a lot of bright people are trying to accomplish that, so we can reduce that kind of impact on our environment. And yet, Mr. President, you are denying the ability to generate the energy by suggesting that we progressively reduce our ability to consume.

Mr. President, to illustrate the emissions requirement of the Agreement, Jay Hakes, head of the Energy Information Administration—a statistical arm of the Department of Energy—said in February testimony before the House Science Committee: ''A 7 percent reduction [below baseline levels under the agreement] for energy-related carbon emissions alone would require a reduction of about 550 million metric tons of carbon in 2010, or about 31 percent,'' below current projections. According to EIA data, the mark of 550 million metric tons is greater than the total carbon emissions produced by electricity generation in the United States for 1990 or 1996 which were 477 million metric tons and 517 million metric tons, respectively.

So let me say to all Senators and to the American people, tonight, walk around your house. Think about the light fixture you have just turned on, the appliance you have just turned off, the telephone device you might make a call on, or the computer you will sit down to, to communicate anywhere in the world. Many of these things you have added to your home since 1990. Look at the car you drove home from work. And to the farmer who is out there on the plains and the farmlands of America this very hour, that marvelously efficient diesel tractor that is pulling the plow and the drill to plant the crop that creates the abundant harvest that feeds not just the people of America but the people of the world. All of those tools are a product of energy. In fact, Americans today are consuming more energy as the economy continues to grow, and we will need to consume more. We will need to turn on our lights and our computers. We will need our cars. In the future, they will be better and they will be cleaner, but they still must consume energy.

The Administration knows this protocol is seriously flawed. In a news conference held in Kyoto, Japan, on December 8, 1997, Vice President AL GORE acknowledged: ''We've said from the beginning that, in order to send an agreement to the Senate, we must have meaningful participation by key developing countries.'' We now know that developing countries did not sign the agreement. Is it fair to let these countries off the hook while we Americans are subject to such stringent requirements?

Here's what Stephen L. Miller, President of the Center for Energy and Economic Development had to say about the Kyoto Treaty: ''The proposed Kyoto treaty is like a card game where the deck is stacked. American workers are being dealt a losing hand through the negotiating process. In the end, there will be no real environmental benefit and America's working families will be forced to pay higher energy and consumer costs while we export U.S. jobs to countries that are exempted from action under the Treaty.''

So let us call once again upon our President to incorporate in this agreement developing nations, growth nations like China, Mexico, and India, that have simply walked away because they cannot be a part of an agreement that would cut back on the opportunity they are trying to offer their citizens.

Mr. President, Mr. Vice President, sign something that is a winning agreement for America. Sign something that promotes our economy, that promotes the environment of the world. Sign something that all countries of the world can agree with. Please do not turn us away from the kind of economic growth and development that all of our citizens expect and demand. There is simply no compelling reason for our government at this time to force Americans to take preventive measures of uncertain competence against a problem that may or may not lie in the Earth's future.

The Administration carries a heavy burden of persuasion that the CO_2 compliance measures contained in the Kyoto Agreement are worth the sacrifice it will require of the American people. We here in the Senate must, and will, ensure that our nation's global economic competitiveness, our nation's military readiness, and our way of life, are not compromised merely to advance misguided political agendas.

It bears repeating—the Kyoto Agreement is flawed. It is based on politic science and not lab science. And it is only through sound lab science that we, working collectively together with our colleagues around the world, will produce a better world.

Once again, I thank my colleague from Nebraska for recognizing the importance of this special order this morning as we talk about global climate change and its importance to our

country and to our friends and neighbors around the world.

I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, the Senate is in morning business; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. And the minority leader has 1 hour under his control?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I ask unanimous consent to yield myself 15 minutes of the hour.

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

MERGERS IN THE BANKING INDUSTRY

Mr. DORGAN. Mr. President, I wanted to mention a couple of subjects on the floor of the Senate today. The first deals with the proposed marriages occurring in the banking industry. In recent weeks, we have seen proposals of marriage by a number of our biggest banks, totaling some $160 billion. Three of the largest merger proposals include Citicorp with Travelers—actually a very large bank with an insurance company, NationsBank and BankAmerica, and Banc One with First Chicago. I didn't even know there was any romancing going on, and then I open the papers and see that all these banks want to gather up and get married and be one.

I think the fundamental question for this country is whether these mega mergers serve our economy and our country's best interests? Is this good for our country? Will this better serve customers, or will it result in bigger profits, perhaps, for the banks that merge and higher fees for their customers?

It is clear to me that the kinds of mergers we are once again seeing in this country mean that when two large corporations become one and an even larger corporation, there is less competition in our economy. When there is less competition and, therefore, more concentration, it seems to me it clearly injures the market system which relies on competition as a regulator and, by definition, is therefore not good for consumers. Without knowing the specific details, I admit, about the individual proposals in these mergers, I hope very much that the regulators, the Federal Reserve Board and the Comptroller of the Currency as well as the Justice Department, will review all of these mergers with a fine-tooth comb and determine whether this will result in less competition that is harmful to consumers, whether it will result in ever higher banking fees for their customers, whether it will result in something that takes us a step backward rather than a step forward in improving our market system in this country.

As I indicated, I don't know much about the specifics of any of the merger proposals I have just described. It is not my intent to come and describe the deals or to pass judgment upon them. But I will say this: The judgment I have with respect to many of the largest mergers in our country, especially in this industry, is that we are left with less competition if the merger is approved.

With respect to this industry, there is one peculiar and defining characteristic. The Federal Reserve Board determines by policy that there are certain banks in this country that are so-called ''too big to fail.'' That is, they are so large in scope that their failure would cause such an economic calamity for the country that the Fed will not allow them to fail.

The Fed actually has a list of banks: ''These banks are too big to fail.'' All the other banks, the smaller banks, can fail and lose all their money. The deposits are insured so the depositors won't lose money, but the bank owners, the stockholders, can loose their money. The ''too big to fail'' banks cannot fail. They are on the list at the Federal Reserve Board as ''too big to fail.''

I asked the question, if you have a list of ''too big to fail'' banks and the big banks merge into even bigger banks, does it not mean then the American taxpayer will pay the cost of bad merger judgments if the merger goes sour?

My friend James Glassman, who writes op-ed pieces for the Washington Post, a rather interesting guy, I think, and pretty good thinker—I disagree with him on a fair number of issues from time to time—but he wrote a piece last week about this. He said that most of this is pretty good news really. Some call all these mergers the ''elephant mating system''—the best thing to do is stand back at a safe distance and watch.

But Glassman says, well, this is really fine. He says at the end of his long piece, though, after talking about the virtues of these mergers, ''Yes, there are some dangers. The mergers make institutions too big to fail. Knowing that regulators won't close them down in a crisis, bank managers could get reckless.''

That ought not be the last paragraph, I say to my friend Mr. Glassman; that ought to be the first paragraph.

The question of public policy on this issue of bank mergers, it seems to me, ought to be posed now to the Federal Reserve Board and Comptroller of the Currency and to the Justice Department. I asked them, do not any longer just be spectators on the question of mergers—suit up, be involved, get active and make judgments with respect to the question of what is best for the market system of this country, what is best for the American citizen, not what is best for the newly married two corporations that have become bigger and perhaps whose misjudgments will now be borne by the American taxpayer under a doctrine of ''too big to fail.''

DRUNK DRIVING

Mr. DORGAN. Mr. President, last week, tragically an 11-year-old boy was killed in an automobile accident in the Washington, DC, area. This young boy was killed by a man who was driving a vehicle apparently very, very drunk and hit four cars. In the last car was a small van that was driving down the road with this young 11-year-old boy listening to his favorite basketball star. He was listening to a Chicago Bulls' game, listening to Michael Jordan play basketball while seated in this family van driving down the road, when he was hit by a drunk driver and tragically killed.

I have mentioned before that my family has been visited by this tragedy on a couple of occasions, and I have a special kind of anger in these circumstances when I understand that the person who commits this kind of murder is not just the man who got drunk that day and killed an 11-year-old boy. This happens every 30 minutes in America—every half hour someone else is killed by a drunk driver.

So often, you will discover, as is the case in this particular instance, the driver has been drunk before. The first time he was drunk, about 6 or 8 months ago, he was fined $50. On March 23, which is just a few weeks ago when that young 11-year-old boy was still full of life, this driver was again picked up drunk with twice the legal limit, over .20. But then someone gave him a special license. Oh, yes, he is picked up drunk again but he got a special license to drive back and forth to work. I ask the judges who preside over these issues, where is the judgment? Where is the judgment that allows a driver like this to be on the road again with a temporary license to kill an 11-year-old boy?

I tried to get the judge's name so that I could show my colleagues and all those listening who has this kind of judgment. I have done that before, and I will again. But where is the judgment to understand that when people commit acts of drunk driving, they ought to have their privileges of using America's roadways removed?

AMERICA'S TRADE DEFICIT

Mr. DORGAN. Mr. President, I would like to make a point that since the Congress took a brief recess, once again, America's trade deficit has increased. It is now, as I predicted in previous discussions with the Senate, headed towards another record high.

Everyone talks about the tremendous progress in this Chamber and in this

Government at wrestling the budget deficit to the ground, and we have made great progress in doing that. But the trade deficit is at a record high and is continuing to set records, like a merchandise trade deficit of $199 billion last year. Now it is estimated to go to $224 billion this year. It is estimated by Standard & Poor's and by many others, incidentally, who gauge these things, that we will continue to have record trade deficits—record trade deficits.

President Clinton was in South America recently, in Chile. The South American countries were concerned because the Congress did not pass what is called fast-track trade authority. It is interesting, when you talk about this hemisphere's trading, this country is not just the biggest kid on the block; it is the better part of the block.

Eighty-two percent of this country's trading of $10 trillion is the United States of America. And to have some other country suggest to us that ''Gee, we've got a problem because you didn't pass fast track trade authority''—what on Earth are they thinking about? The fact is, we have constant, abiding and difficult trade problems. I would say to President Clinton—who I think has done a remarkable job with this country's economy and has policies that I support in many areas—we must begin to deal with this trade deficit. We cannot ignore it.

The Asian financial crisis will make that deficit worse. We cannot continue to ignore the deficit. Our trade deficit is ratcheting up with China. It continues to increase with China and Japan. We also have a significant trade deficit with Mexico, and a significant trade deficit with Canada. The issue is: Why?

Let me show you a statement, just last Thursday, talking about our trade with China. We have a nearly $50 billion trade deficit with China. We are a cash currency cow for China for their hard currency needs. It makes no sense for this country to say to China, ''Yeah, that's all right; you can ratchet up a $50 billion trade deficit with the United States.'' It hurts this country.

Here is what is happening in China. According to a Washington Post article, ''Chinese sweatshops labor for U.S. retailers. In fact, the National Labor Committee, a private New York-based whistle-blowing group, conducted an investigation into 21 garment factories, and found workers paid pennies an hour, working excessive overtime, confined to crowded dormitories, fed a thin rice gruel and denied any benefits.

Let me just add a few details. In China's southern coastal provinces, wages and benefits are being slashed to as low as 13 cents an hour, which is added to excessive overtime hours of up to 96 hours a week. Shifts of 14 hours, 7 days a week, are being imposed. They live crammed, 10 to a room, in guarded dormitories on the factory's premises, under constant surveillance.

Is this fair trade? Is this, when you talk about trade competition, what we ought to be competing with? Is this the race to the bottom that we are talking about: Produce the shoes and handbags, and pay somebody 13 cents an hour? Get a 15-year-old and put them in a plant, and work them 90 hours a week, and ship their handbag to a store in Dayton, Los Angeles or Tulsa and sell it to the consumer? Does that mean lower prices for the consumer or fatter profits for the corporation? And is it fair trade? The answer is no. Absolutely not.

This ought not to be what we compete against. So we compete against 13 cents an hour, and our trade deficit goes up—way up. That is fair trade? I do not think so. I would ask the President and others to understand that this Congress is not going to provide fast track trade authority for a President.

I know that the President went to South America and said, ''Well, fast track trade authority will happen.'' It will not happen. Fast track trade authority is dead, and will remain dead until this country decides it is going to begin to solve the nettlesome, vexing trade problems we have, country by country and free trade agreement by free trade agreement.

We have had NAFTA, we have had GATT, we have had a number of trade agreements, all of which have turned out to be sour. I can, but I will not, cite chapter and verse this morning about the avalanche of Canadian grain that is leaking across that border down into this country, undercutting our farmers' income right now, in violation, in my judgment, of all fair trade standards. But nothing is done about it. I talk about 13 cents-an-hour wages which we are expected to compete against, but nothing is done about it either.

My point is, fast track is dead, and it will remain dead until and unless the U.S. Government decides these trade problems demand a solution on behalf of our country. It ought not be embarrassing for our country to say we do have a national interest and we are going to insist on that interest in our trade relationships with other countries.

There are plenty of issues that will consume our time in this Congress between now and the middle of October when we likely will adjourn. I do hope between now and then, at some point someone will decide that this trade issue is of consequence to this country's long-term economic future.

We are blessed, truly blessed, as a country to have a strong, growing economy. I have talked before on the floor of the Senate about the fact that things are going well. There is no question about that. Much of that relates to decisions that this President has made and this Congress has made—some very tough decisions, some by a one-vote margin. The result is we have a growing economy while some other countries are not so fortunate.

We have a Federal budget deficit that has largely been wrestled to the ground. The unemployment numbers in this country are down, way down. The crime rate is down. The welfare rolls are down. A lot of good things are happening in this country. But it is not an excuse to ignore the other challenges we have. One of those challenges represents this abiding trade deficit that is getting worse, not better. We must, it seems to me, find a way to respond it to and deal with it.

I again say that we must take a look at the Asian currency collapse, at the failure of the Japanese to deal with the devaluation of its currency, with the forced-labor problems in China, and the intellectual piracy that goes on. One of the reasons for what is happening with respect to that piracy is, when we try to send a video game or a compact disc from this country into China, guess what the tariff is: 50 percent.

Here is a country that has a $50 billion trade surplus with the U.S.—in other words, they are selling us far more than they are buying from us—and when we want to ship some intellectual property over there, they impose a 50 percent tariff on us.

I was in China. I talked with the President of China. I said, ''You can't do this. You can't shut off China to the U.S. pork market and stop pork shipments. You can't shut off China to wheat shipments from our country. You can't continue to produce, on a pirated basis, the kind of production that we see coming from China in compact discs and in other areas.'' It is not something that ever ought to be countenanced, and yet we have agreements to try to shut it down, and it does not get shut down.

My only point is this: This problem is getting worse. This shows the hemorrhage of red ink on international trade with this country. It is getting worse, not better, and I ask not just this administration but this Congress to decide that this challenge is something we have a responsibility to meet.

Mr. President, this afternoon we turn to an education issue, and I intend to come back and visit a bit this afternoon on the Coverdell amendment and a range of amendments that will be offered to it dealing with the subject of education. In the meantime, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GLOBAL CLIMATE TREATY

Mr. KYL. Mr. President, I would like to say a few words this afternoon about the U.N. global climate treaty that the Clinton administration agreed to in Kyoto, Japan, this past December, and which you, as the Presiding Officer, have taken a real lead in helping your

colleagues here in the Senate to understand. In fact, I know that you helped to lead a delegation to those proceedings in Kyoto. This treaty will require the United States to drastically reduce its greenhouse-gas emissions, presumably by rationing our energy consumption and assessing taxes on energy use and production.

The reduction of pollutants, of course, is a laudable goal. I wholeheartedly support efforts that will produce a cleaner environment. But what the administration fails to adequately appreciate is that protecting the environment is a global issue, one all nations must actively take part in if global environmental protection is truly to be attained. The administration would like the American people to believe that this debate is about who is for or against the environment; but, that is not the case. This debate is about whether or not this particular treaty is in the best interests of the American people and the global environment.

The underlying hypothesis used by proponents of the treaty is that greenhouse gases, which trap the sun's infrared rays and heat the earth's atmosphere, have become so abundant in the atmosphere that a ''global warming'' effect has commenced, and that the cause of this phenomenon is manmade. On the basis of this as-yet unproven connection between human activity and the climate, delegates at the climate change conference in Kyoto reached an agreement to curb greenhouse-gas emissions. The treaty, if ratified, would legally bind the U.S. to cut its overall emissions of six gases by seven percent below 1990 levels by 2012. However, 130 developing countries, such as Mexico, China, Korea, and India, would not be held liable to these same standards.

The evidence of global warming is inconclusive, at best. For the past 20 years, precisely the same 20 years during which carbon dioxide levels have increased the most, the earth has actually cooled. This cooling flies in the face of the theory that man-made emissions are causing a global warming effect. Models cannot accurately predict what the weather will be like next week, let alone what temperatures will prevail on Earth in the next century. The only consensus that has been reached within the scientific community—that future effects of fossil-fuel use are most likely to be gradual over many decades to come—gives good reason for the U.S. government not to rush to judgement.

Committing the U.S. to these targets will have severe economic effects on American families and workers. According to the Heritage Foundation, holding emissions to 1990 levels will raise energy prices between 50 and 200 percent; average households would pay $1,620 in additional taxes a year; and the economy would contract by a total of $3.3 trillion, all by the year 2020. I note that these figures are based on reducing greenhouse-gas emissions to 1990 levels only; going seven percent below these levels, as agreed to by the Clinton administration, will result in more serious hardships for the American people. Furthermore, the AFL–CIO estimates that reducing emissions to 1990 levels will result in the loss of 1.25 to 1.5 million American jobs. And these jobs will not simply disappear; rather, industry will move overseas and reestablish itself in those countries that are not legally bound to gas-emissions targets. These combined effects would place the U.S. at a competitive disadvantage, while failing to address the global problem of soaring amounts of pollution produced by the developing nations of the world.

Meanwhile, the developing countries are projected to continue accelerating their use of fossil fuels during the next century. By 2015, China will surpass the U.S. in total carbon emissions. Without the full participation of the developing countries in any treaty of this kind, unilateral attempts by the developed nations to reduce greenhouse-gas emissions will not significantly slow the steady increase of carbon dioxide concentrations in the atmosphere.

In sum, the United States should not be party to a global climate treaty that is not supported by a scientific consensus, that puts an unfair burden on American workers and consumers, and that asks us to turn back the clock on economic growth and our standard of living. More importantly, this treaty fails to effectively address the issue because it ignores the developing countries of the world. It simply does not make sense, either environmentally or economically, to focus on the nations that are already spending billions on pollution control and making substantial progress, while ignoring developing nations—countries where emissions could be curbed by employing the same basic technologies the United States has used so successfully to reduce its levels of pollution. U.S. companies, using the best available technology, are able to eliminate the bulk of pollution from their emissions. To achieve an additional increment of pollution reduction, developed nations like the U.S. would be required to expend inordinate sums of money in pursuit of only marginal improvements. The costs associated with attempting to squeeze out the last increments of pollution will heavily outweigh any benefits in the developed nations. However, in countries where pollution-control technology is not as advanced or widespread as it is here, a dollar spent on equipment will provide far greater reductions in overall pollution. Thus, the cost/benefit ratio favors pressing developing nations to catch up with us. The Global Climate Treaty does not do this.

Faced with certain defeat on this issue, the administration has resorted to a level of fear mongering which I think has been unmatched since the 1970s, when some of the same scientists who are promoting global warming warned at that time that we were about to enter upon the next ice age. I find it hard to believe that in a mere 20 years, our climate has moved from one extreme to the other. In a December Wall Street Journal article, Arthur Robinson and Zachary Robinson of the Oregon Institute of Science and Medicine point out that ''there is not a shred of persuasive evidence that humans are responsible for increasing global temperatures.'' But the administration, in an effort to rally support, issues apocalyptic warnings that, if global warming is not headed off, we will experience floods, droughts, rising sea levels, and the spread of infectious diseases. The global warming hypothesis should not be taken as fact; Americans should not be scared into accepting unsubstantiated scenarios as the truth.

The Senate fulfilled the first half of its ''advise and consent'' role this summer by passing the Byrd-Hagel resolution 95 to 0. That bipartisan advice instructed the administration not to sign a treaty that did not include the developing countries of the world in the same emission-control requirements, or a treaty that would cause great economic harm to America. The treaty to which the administration has agreed meets neither of these guidelines. Therefore, because the administration was unwilling to consider the Senate's advice, I do not believe the Senate will give its consent—nor should it.

THE HONORABLE TERRY SANFORD

AUGUST 20, 1917–APRIL 18, 1998

Mr. HELMS. Mr. President, I was regrettably late in learning about the inevitable death of former U.S. Senator Terry Sanford this past Saturday, April 18. I say inevitable because it was. All of us, especially Terry himself, knew what was coming when last December the fatal inoperable cancer was discovered.

Terry faced up to the reality of it all with his typical courage. He told reporters at the time that he would continue to be active as long as he could, and take every day as it came. Then he plunged into a whirlwind fund-raising schedule on behalf of a project near and dear to his heart.

It was impossible not to like and admire Terry Sanford. He was never one of my supporters, nor was I ever one of his. But we were friends and there was never a hint of discord during his six years in the Senate—or before, for that matter, or since.

As Senators who were here during Senator Sanford's six years will testify, Terry was a respected colleague. For my part, I always had the feeling that he had been vastly more comfortable being Governor. He could push a button then and things happened. Not so with the Senate. We sort of canceled each other's vote in the Senate much of the time he was here but there never was an instance when we didn't work together for the betterment of North

Carolina. And there was never the slightest hostility.

In short, Mr. President, I liked Terry Sanford. He has undeniably left his mark upon the destiny of the state he loved—and certainly upon Duke University which was the multi-million dollar beneficiary of his skillful fundraising ability.

He lived life to the fullest; he was a man who loved his family and his country. If he ever wasted a moment, I am not aware of it.

Mr. President, I ask unanimous consent that The Washington Post report of Senator Sanford's death, published April 19, 1998, be printed in the RECORD.

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

[From the Washington Post, Apr. 19, 1998]

TERRY SANFORD, EX-U.S. SENATOR AND N.C. GOVERNOR, DIES

(By Martin Weil)

Terry Sanford, 80, a former governor of North Carolina and president of Duke University, whose career as a widely admired and respected Democratic political leader culminated with a term in the U.S. Senate, died of cancer yesterday at his home in Durham, N.C.

An amiable man, loyal to his party but known also for independent thinking, Gov. Sanford became known early in his career for an ability—based on both personality and principle—to achieve substantial political success in a political environment often thought uncongenial to the moderate or progressive views he espoused.

This, and his high profile leadership at Duke, attracted the interest and support of many Democrats both inside and outside his native North Carolina, who saw him as representing their party's possibilities of survival in the South, at a time when a Republican tide was sweeping through what had once been a solidly Democratic region. Ranked in a Harvard University study as one of the 20th-century's most creative governors because of his achievements in the statehouse from 1961 to 1965, Gov. Sanford made forays onto the national stage in the 1970s; in 1972 and in 1976, he sought unsuccessfully his party's presidential nomination.

Gov. Sanford's inoperable cancer was diagnosed in December. He underwent a second round of chemotherapy last week before being discharged on Wednesday from the Duke University Medical Center.

Heart valve surgery during his campaign for reelection to the Senate made his health a campaign issue at that time, and was believed to have contributed to his defeat. Indeed, his election to the Senate in 1986 was seen as a kind of last hurrah for a 69-year-old whose electoral career had seemed to peak years before.

In the Senate, he had made a mark for the forcefulness of his opposition to the Supreme Court nomination of Robert H. Bork. He was also remembered for taking a strong stand in opposition to the nation's embarking on the Persian Gulf War.

It was Gov. Sanford's reputation as a moderate among his fellow Senate Democrats that led them to choose him in 1988 to respond to a speech by President Reagan attacking the campaign against the Bork nomination.

"We are tired of having our integrity impugned," Gov. Sanford said in what was viewed as an eloquent defense of the Senate's right to withhold its consent from presidential nominations. "We are tired of having our sincerity questioned. We are tired of having our intelligence insulted."

The speech, coming from a man who could not be readily characterized as an extremist, was viewed as a landmark in the campaign that led to the rejection of the nomination.

Even after his 1992 defeat at the hands of Republican Lauch Faircloth, Gov. Sanford, a paratrooper in World War II, had continued a life of vigorous activity.

He had been president of Duke from 1969 to 1985, a tenure of unusual duration in one of the most turbulent periods for American higher education. After his defeat, he taught classes there in government and public policy, wrote books, held the rank of senior partner in a law firm, and served as a director of charitable, legal and educational organizations.

Gov. Sanford was born Aug. 20, 1917, in Laurinburg, N.C. where his father was a merchant and his mother taught in the public schools. Dishwashing helped him pay his way through the University of North Carolina in Chapel Hill, from which he graduated in 1939. He served in 1941–42 as an FBI agent.

Shortly after the United States entered World War II, he went into the Army; he became a paratrooper, and was involved in five major campaigns in Europe, including the Battle of the Bulge, rising from private to first lieutenant. He held the Combat Infantryman's Badge, the Bronze Star and the Purple Heart. A back injury that plagued him for the rest of his life stemmed from his paratrooper service.

After the war, he graduated from law school at Chapel Hill, served as assistant director of the university's Institute of Government and began the private practice of law in Fayetteville. He served in the state senate in 1953 to 1955.

During his years as governor, he focused on improving public education. He advocated legislation to raise teacher salaries and create a community college system and was known then as one of the nation's "education governors."

He financed many of his improvements with a sales tax on food that he justified in a speech as a "small measure of sacrifice . . . that would swing open the doors to our children . . . and provide the opportunities that will put this state in the front ranks of our community of states."

He was credited with starting an antiproverty program, with helping to defuse tensions over race by setting up Good Neighbor Councils and with calling for employment without regard to race, creed of color. It was Gov. Sanford who was credited with launching North Carolina's State Board of Science and Technology to help convert scientific advances into new techniques for the state's industries.

North Carolina Gov. James B. Hunt Jr. said Gov. Sanford's optimism and commitment to excellence in public education "have changed us forever."

Hunt said that in 1960 he "plugged into the campaign to elect him governor and to me he was the best one ever."

In his first month as Duke president, he showed the flexibility that enabled him to survive and harness the currents of protest that unseated many of his colleagues.

Students blocked traffic in a protest of the shootings of students at Kent State University in Ohio during a Vietnam War protest. Gov. Sanford seized a bullhorn, endorsed the students' anger, but advised: "Don't fight us. Let us all fight Washington together."

Later, the students threatened to take over the school's main administration building. "Great," he said. "Take me with you . . . I've been trying to occupy it for a month."

After stepping down in 1985 from the presidency at Duke, Gov. Sanford was elected to the U.S. Senate.

Survivors include Sanford's wife of 52 years, Margaret; his son, Terry Sanford Jr.; his daughter, Betsee; two grandchildren; and two sisters.

Mr. HELMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The distinguished Senator from Delaware, Mr. ROTH, is recognized.

Mr. ROTH. I thank the Chair.

Mr. President, I am pleased that we have entered into a unanimous consent agreement with respect to H.R. 2646, the Parent and Student Savings Account Plus Act. It is good to see us moving at last toward passage of this significant bill. The importance of giving American families the resources and means they need to educate their children must be above politics.

As I have said before, this bill empowers families—not the federal bureaucracy. It gives resources to the children, not to a monolithic establishment that has grown overbearing and antiquated on a diet of government subsidies.

This bill is a much needed change in the way Washington looks at the education of children. It returns parental involvement to where it should be—at the very foundation of their children's education. It lets them use their money to educate their children, allowing them to put their own money into their own Parent and Student Savings Accounts."

This bill acknowledges that the best thing taxpayers can do with their hard-earned money is to earmark it for the education of their children.

It allows them to increase their contributions from $500 per year to $2,000 per year. It allows for withdrawals to be used for elementary and secondary education expenses. And it covers public and private schools.

The bill also makes state-sponsored prepaid tuition programs tax-free, not tax-deferred, meaning that students will be able to withdraw on a tax-free basis the savings that accumulate in their pre-paid tuition accounts. Parents will have the incentive to put money away today and their children will have the full benefit of that money tax free tomorrow.

Toward promoting these important objectives, the federal government must lead, follow, or get out of the way. Our states and communities—our families—are embracing innovative educational programs. They realize the old way isn't working. Already, forty-four states have pre-paid tuition plans in effect, and the other six have legislation to create a state plan, or they have implemented a feasibility study.

Many cities and states are offering families the power of choice when it comes to selecting what school their children will attend. Others are embracing programs that make private schools more accessible.

These measures are having a positive impact, but there is much more to be done, and the federal government must demonstrate its leadership. Let's be bold, Mr. President. The National Center for Education Statistics states that in our children's pre-school years, parents are active in preparing them for school. Almost three-quarters of all parents read to their children regularly. A full 60 percent are active in teaching them to recognize letters and numbers.

Interestingly enough, this active parental involvement begins to fall off once the child has entered school. Perhaps this is because government has put itself in the position over the years where it has come to assume parental responsibility, and even frustrated parental participation. ''Give us your money,'' government has said. ''We'll educate your children. We'll make decisions concerning how your precious resources are spent, concerning what will be emphasized—how it will be taught, and by whom.''

This has led to a condition where—according to one of the most extensive studies ever conducted on the forces that affect youth and their performance in school—nearly one in three parents in America is seriously disengaged from his or her adolescent's education. How can it be that while three-quarters of all parents are active in preparing their pre-school children for their educations, only one-third remain active when their child enters adolescence?

The answer is simple: parents have become disenfranchised. They have been robbed of the resources they need to make the kinds of decisions that will keep them active in the educational attainments of their children.

According to Lawrence Steinberg, the educator who conducted the extensive study of more than 20,000 teenagers and their families in nine very different American communities, ''The failure of our educational policies is due to our obsession with reforming schools and classrooms, and our general disregard of the contributing forces that, while outside the boundaries of the school, are probably more influential.''

These influential forces, Mr. President, include the family. They include the educational resources families are given to provide their children with an environment for learning. They include the flexibility parents have to decide where their children will attend school and how it will be paid for.

Our policies must offer Dad and Mom the resources they need to actively re-engage in Junior's education. The Coverdell bill does this. It is a very important step in the right direction, and I urge my colleagues to support it. It's time for innovation. It's time to empower parents. It's time to prepare for the future. This is what the Coverdell bill is all about.

I will take a few minutes to walk through the various provisions of the bill. But before I get into the specifics, let me remind my colleagues that with the exception of several school construction bond provisions—which were newly added this year—all of the concepts in this bill should be very familiar.

Mr. President, these concepts should be familiar because we have already endorsed them. The base provisions in the bill—which include the increase in the maximum allowable contribution to an education IRA, the use of the IRA for elementary and secondary school expenses for public and private schools, the tax-free treatment of state sponsored prepaid tuition plans, and the extension of tax-free treatment for employer provided educational assistance—all received overwhelming bipartisan support in the Senate as part of the Taxpayer Relief Act of 1997.

Despite this Senate support, these provisions were dropped from the bill during conference negotiations. Because of opposition from the Administration, these particular elements failed to be included in the final version of the Taxpayer Relief Act of 1997.

We are here today to show our commitment to these provisions—and to enact what this body has already determined makes good sense for American families.

Mr. President, it is important to note that this tax bill is not designed to answer all of the education-related issues that face this country. Those issues are too varied and complicated to be addressed by the federal government.

They need to be solved at the state and local level—by schools, teachers, and parents working together.

Instead, this bill is designed to build on the innovative concepts that have been introduced in the last few years. Our goal is to alter the tax code so that it provides the necessary incentives to help American families help their children. These are much needed tools.

Over the past 15 years, tuition at a four year college has increased by 234%. The average student loan has increased by 367%. In contrast median household income rose only 82% during this period and the consumer price index rose only 74%.

Our students—our families—need these resources to help them meet the costs and realize the opportunities of a quality education. The Senate recognized the importance of these provisions less than one year ago, voting in favor of them. I hope that my colleagues continue to recognize just how important they remain. The American people are counting on us.

Now let me take a few minutes to describe the various provisions of this bill—to provide an overview and to highlight some reasons why these measures are so important.

As I have already mentioned, the bill increases the maximum education IRA contribution from $500 to $2,000. That increase is important on two levels. First, with the well-documented increase in education costs, it is essential that we provide American families with the resources needed to meet those costs.

I have long argued that it is essential to change the savings habits of the American people, and there are few things more important than the education of our children. Not only will saving in this way increase our investment capital, it will increase American's education capital as well. Anything that thwarts either of these objectives is short-sighted.

By using the tax code to encourage individual responsibility for paying for educational expenses, we all benefit. The expansion of the education IRA will result in greater opportunities for individuals to save for their children's education.

Besides being too low to give parents the necessary resources to pay for the costs of education, the current $500 limit fails from another practical perspective.

As we all know, any broker or bank that provides an IRA account faces assorted administrative costs for each account. To ensure that they can adequately cover their administrative costs, most brokers or banks impose a minimum account balance. In many cases, the minimum balance has been set well higher than $500. That reality of the marketplace has the effect of limiting the availability of the education IRA to American families.

Another reality is that confronted by a $500 limit, many mutual fund companies find that it is not worth their while to spend money on marketing the education IRA. It is a fact of life that regardless of what we say and do in Congress, many families will only know about the benefits of an education IRA through the marketing efforts of their local mutual fund companies and banks. These businesses have been very successful in marketing IRAs with a higher contribution limit. If we want to maximize the involvement of American families in education IRAs,

Mr. President, we need to ensure that the accounts make economic sense from the perspective of the companies offering them.

Mr. President, the next major change that this bill makes to education IRAs is that it allows withdrawals for education expenses for elementary and secondary schools and for both private and public schools.

As we recognized last year, it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education—to decide basic questions such as how the child should be educated and where the child should attend school.

Last year, for example, when Congress passed a variety of provisions targeted to higher education, we made no distinction between private and public schools.

We did not say, for instance, that an education IRA or a Hope scholarship would only be available if a student attended public school. We did not say that a student who attended the University of Maryland would receive a tax benefit and a student who attended George Washington University would receive nothing.

This bill recognizes that just as with secondary schools, we should not establish a priority system where some elementary and secondary schools are favored over others. We should not forget that it is the taxpayer who funds the education IRA—that it is the parent who puts his or her hard-earned money into the education IRA.

Mr. President, it seems a matter of common sense, therefore, that the parent should be able to choose how to spend that money.

Moreover, parents with students in elementary and secondary schools need our help to cope with the costs. It is simply not true that only rich kids attend private elementary or secondary schools. For instance, according to the National Catholic Education Association, almost 70% of the families with children in Catholic schools have incomes below $35,000 and almost 90% of those families have incomes below $50,000.

Another provision in this bill makes state-sponsored prepaid tuition plans tax-free, not simply tax-deferred. This is a significant distinction, because it allows students to withdraw the savings that accumulate in their pre-paid tuition accounts without paying any tax at all. It means that parents have the incentive to put money away today and their children have the full benefit of that money, without any tax, tomorrow.

As I have already mentioned, forty-four states have pre-paid tuition plans in effect, and the other six are in the process of implementing such plans. This means that every member of the Senate has parents and students back home who either benefit from this plan right now, or will benefit from this plan soon.

Mr. President, the Coverdell bill also extends tax-free treatment of employer provided educational assistance for graduates and undergraduates through the year 2002.

This particular program is a time-tested and widely used benefit for working students. Over one million workers across America receive tax-free employer provided education. This allows them to stay on the cutting edge of their careers. It benefits not only them, individually, but their employers and the economy as a whole. With the constant innovations and advancing technology of our society, it is vitally important that we continue this program.

The various provisions that I have just described have already been embraced by members of this body, and they were approved last year. They made sense then. They certainly continue to make sense today.

Mr. President, the Coverdell bill does even more than address the costs of attending school. In response to concerns from Members on both sides of the aisle, the Finance Committee agreed on some measures to provide targeted relief in the area of school construction.

The first provision is directed at high growth school districts. It expands the tax-exempt bond rules for public/private partnerships set up for the construction, renovation, or restoration of public school facilities in these districts.

In general, it allows states to issue tax-exempt bonds equal to $10 per state resident. Each state would be guaranteed a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to $600 million per year in new tax exempt bonds would be issued for these innovative school construction projects.

This provision is important because it retains state and local flexibility. It does not impose a new bureaucracy on the states and it does not force the federal government to micro-manage school construction.

The provision also is important because it promotes the use of public/private partnerships. Many high-growth school districts may be too poor or too overwhelmed to take on a school construction project themselves. With these bonds, those districts can partner with a private entity—and still enjoy the benefits of tax-exempt financing.

Mr. President, it is worth noting that there already is a significant federal subsidy for school construction. Under current law, states and localities can issue debt that is exempt from federal taxation. This benefit allows them to finance school construction by issuing long term bonds at a lower cost than they otherwise could.

Moreover, the evidence shows that states and localities are taking advantage of this benefit. In the first six months of 1996, voters approved $13.3 billion in school bonds, an increase of more than $4 billion over the first six months of 1995. The bottom line is that many states and localities are doing their homework, passing bonds, building and renovating schools, and enjoying favorable treatment under the existing tax code. They are doing all this without significant federal involvement.

I do not have to remind my colleagues that school construction has always been the province of state and local governments. President Clinton himself stated in 1994 that ''the construction and renovation of school facilities has traditionally been the responsibility of state and local governments financed primarily by local taxpayers.'' In that respect, I agree with the President.

Mr. President, there is a second bond provision in this bill. That provision is designed to simplify the issuance of bonds for school construction. Under current law, arbitrage profits earned on investments unrelated to the purpose of the borrowing must be rebated to the Federal government. However, there is an exception—generally referred to as the small issuer exception—which allows governments to issue up to $5 million of bonds without being subject to the arbitrage rebate requirement. We recently increased this limit to $10 million for governments that issue at least $5 million of public school bonds during the year.

The provision in the Coverdell bill increases the small issuer exception to $15 million, provided that at least $10 million of the bonds are issued to finance public schools. This measure will assist localities in meeting school construction needs by simplifying their use of tax-exempt financing. At the same time, it will not create incentives to issue such debt earlier or in larger amounts than is necessary. It is a type of targeted provision that makes sense.

It is clear, Mr. President, that the Coverdell bill contains many important provisions for the American family. As I have said already, many of these measures have already been passed by the Senate.

Anyone—students or parents—who is on the front line dealing with the costs of a quality education, must have been disappointed last year when we failed to give them all the tools that they needed. American families understand just how important these measures are. They have now been waiting for a year. Let's not disappoint them any further. Let's not keep them waiting any longer. Let's move forward. Let's pass the Coverdell bill now.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I congratulate Chairman ROTH for his statement and for once again bringing a Finance Committee bill to the floor that includes ideas supported by members on both sides. And I thank the Chairman for insisting that the appropriate place for initial consideration of the Coverdell education savings account legislation was in the Finance

Committee, not on the floor. This legislation was reported by the Committee on February 10, 1998, by a vote of 11–8.

This is one of those infrequent occasions in which the Chairman and I disagree on a policy matter. The good intentions of the proponents of expanding the availability of education individual retirement accounts are clear. However, in our view the proposed changes to the education IRA provisions, passed just last July and effective on January 1st of this year, are fraught with serious policy and technical defects. Secretaries Rubin and Riley have expressed strong opposition to the education IRA provisions in this bill, and have indicated that they will recommend that the President veto a bill that contains such provisions. In a letter to Members of the Finance Committee dated February 9, 1998, the Secretaries of the Treasury and Education stated that the education IRA provisions in this bill would disproportionately benefit the most affluent families and provide little or no benefit to lower and middle-income families. In addition, they indicated that the provisions ''would create significant compliance problems.''

Treasury Department analyses conclude that 70 percent of the tax benefits from this provision would go to the top twenty percent of all income earners. In a memorandum of March 2, 1998, the staff of the Joint Committee on Taxation estimates that 52 percent of the tax benefits of the enhanced education IRA provision would go to seven percent of taxpayers: those with dependents already enrolled in private primary or secondary schools. The Joint Committee memorandum indicates that the per tax return benefit for taxpayers with children in private schools will be five times greater than the benefit to taxpayers with children in public schools.

This bill will not result in greater opportunity for middle and lower income families to send children to private schools, as supporters contend. Instead, it will merely provide new tax breaks to families already able to afford private schools for their children. If the proponents are truly concerned about the middle class, the tax benefits should be targeted there. In order to accomplish this, the income limits would have to be lowered, and the ability to circumvent those limits would have to be prevented.

Nor will this legislation result in an increase in national savings. The expansion of the education IRA will provide further incentives for taxpayers to shift money to tax-favored accounts, and to spend funds that would otherwise be used for retirement.

Further, the additional complexity these changes would add to the Internal Revenue Code is of real concern. Taxpayers are just beginning to become aware of the hundreds of changes made in the 1997 tax bill. And now we are considering additional changes to a provision that became effective on January 1, 1998. More confusion for taxpayers; a boon for H&R Block.

Even as we hear ever louder calls to simplify and even terminate the Code, we have before us a bill that would create a maze of rules in attempting to define what constitutes a ''qualified elementary and secondary education expense.'' For example, the bill defines such expenses to include computers and related software and services, but how is the IRS to monitor whether a computer, or the use of the Internet, is used by a child for educational purposes or for entertainment, or by the child's parents for unrelated purposes?

Under this bill, the ability to contribute up to $2,000 per year in an account for elementary and secondary education expenses would sunset after 2002. However, money contributed through 2002 could still be used for such expenses. There will be different rules depending on whether contributions were made in 1998, 1999 to 2002, or post-2002. It will be up to the taxpayer to track—and the IRS to examine—when funds were contributed, the earnings on those funds, and whether they can be used for only higher education, or both elementary and secondary education and higher education. Who will understand these rules?

Mr. President, we are already spending enough on IRAs and other tax-advantaged savings vehicles. At a cost of $40 billion over 10 years, the Taxpayer Relief Act of 1997 created the Education IRA and the Roth IRA, and significantly expanded existing IRAs and the tax benefits of State-sponsored prepaid college tuition plans.

Having said all of that, I must express thanks to the Chairman, who gave priority in this package to the income exclusion for employer-provided educational assistance, which is Section 127 of the Internal Revenue Code. It is one of the most successful Federal education policies we have. A million persons per year are provided tax-free higher education by their employers; about a quarter of those are students enrolled in graduate-level education courses.

In a world of continuing education, Section 127 permits an employer to send an employee to school to learn something new, get a degree, and bring the skills back into the workplace. The employee gets more income, and the Federal treasury gets more tax revenue. This is a program that works, and it administers itself.

Last year, the Senate version of the Taxpayer Relief Act of 1997 would have made this absolutely easy; it made Section 127 permanent for both undergraduate and graduate study. For reasons I will never understand, the Senate language was dropped in conference. Members of the House have already indicated that in a conference on this measure they will move to strip the Section 127 provisions, particularly the piece for graduate students.

Finally, I appreciate the Chairman's good faith efforts in working with members on both sides to try and come up with measures designed to address the issue of school infrastructure. Last year, Senators CAROL MOSELEY-BRAUN and BOB GRAHAM brought the issue of crumbling schools to our attention, and they continue to be the leaders in the effort to address this serious problem. Most of us would prefer not to address this issue via the Tax Code, but previous attempts at more direct solutions have been opposed. I am afraid that such opposition has resulted in the nominal tax provisions we find in this bill to address a problem that is estimated to cost at least $112 billion—a figure that does not include the cost of building new schools.

Mr. President, I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. 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. D'AMATO. Mr. President, in about half an hour or 45 minutes I will have the pleasure of being able to offer an amendment to the pending bill, along with my friend and colleague, Senator MACK of Florida, that will, I believe, help reform education. I believe the most important battle that America faces is to provide an opportunity for our youngsters to get a decent education, to get the best education possible.

Reform of our education system is one of America's priorities. Indeed, our amendment will reform the evaluation of public school teachers in America and, most importantly, will reward the best teachers with additional salary.

Reforming our education system is the most important issue facing our Nation. This is a fight for America's children. When we look at reforming our public schools, one thing must always be kept foremost in our efforts: We must put our children first—not anyone's interest, but the interest of our children. Our children are the best and the brightest. They are our most precious resource. That is what our legislative proposal will be about.

This amendment is about promoting excellence in teaching, for the benefit of our children. Before I get into the details of the amendment, I want to speak a little bit about excellent teachers and how they help our children learn.

When my dad entered elementary school quite a few years ago, he didn't speak a word of English. Indeed, very few spoke English in the poor, immigrant community in which he grew up. But he had teachers who were dedicated to giving the best education to those children who came from all kinds of diverse backgrounds. After many years of hard work, summer schools included, my dad graduated. He went on

to a State teachers' college where he majored, of all things, in English. My dad was able to achieve this amazing progress because he was inspired by his public school teachers who created magic in the classroom.

That same inspiration takes place today in many classrooms throughout America. Public school teachers still make a difference for millions of our children. Truly outstanding teachers are the unsung heroes of our communities.

Unfortunately, however, this magic does not take place for every child in every classroom, and that is a tragedy.

Today, in most of our Nation's public schools, there is no financial incentive for those truly outstanding teachers. We should change that. Outstanding teachers who help our children achieve educational success should be rewarded with merit pay. That is just good common sense. It works in business. It works in other areas. And it should be part of our educational system.

Another commonsense measure is teacher competence testing. Again, most teachers are very dedicated, and most teachers are up to the job. But some are not. In some cases, you have teachers who are competent in their area of specialty who are teaching other subjects in which they lack competence. When that happens, our children are the ones who suffer. We need to know that those who teach our children are competent in the subjects they teach. We need competency testing for all teachers. Our children deserve nothing less than the best.

Our legislation will provide incentives for States and localities to adopt both of these vital measures: merit pay and competency testing. The amendment is called ''Measures to Encourage Results in Teaching.'' It is the MERIT Act.

Incentives are provided through the Eisenhower Professional Development Program. The amendment sets aside 50 percent of the funds appropriated over fiscal year 1999 levels and then distributes it to States that have established teacher testing and merit pay plans.

Last year, fiscal year 1998, Congress appropriated $335 million for this program to subsidize training for teachers, an increase of $25 million from the year before. I support this effort to train teachers. But I also believe that we have to be able to ensure that teachers are actually improving their teaching skills and children are benefiting. Teacher testing will accomplish this goal. I also want to reward teachers whose training creates magic in the classroom. Merit pay will accomplish this goal.

Under this amendment, as the Eisenhower Professional Development Program funding increases, so will each State and local Government's share. However, 50 percent of the increase will be reserved for those States that put in place merit pay and teacher testing.

Mr. President, it is time to meet the challenges of massive, fundamental reform in education. Congress has repeatedly tried to address the inadequacies in our schools by providing funding. I support more funding for education. But we also have to recognize that funding alone will not make American schools competitive in the global economy. There needs to be significant reforms—and merit pay and teacher testing should be part of those reforms.

The fight to reform our public education system is a fight for America's future. Our children are depending on us.

I urge my colleagues to support this measure, to guarantee that all students have the right to be taught by educated, confidence and qualified teachers—and to reward the truly outstanding teachers with merit pay, those teachers who do create magic in the classroom.

Let's not let the status quo diminish the dream of our parents and grandparents. The American people know the importance of this fight. The fight to reform our public schools is a fight for America's future. Our children are depending on us. And I know that if we once again give our children the best teachers and the best schools, there is no limit to what they can achieve.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. MACK. 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. KYL. Mr. President, I rise in strong support of the A+ accounts bill, and I want to commend its chief Senate sponsor, Senator PAUL COVERDELL, for his leadership in bringing this bill to the floor.

Mr. President, this legislation does several things. It would allow more people to save for education in tax-preferred education savings accounts. The savings could be used for higher education, as well as education at the elementary and secondary levels. The bill would extend the existing tax exclusion for employer-provided educational assistance through the year 2002, and it would make savings in qualified state tuition plans tax-free. It would also create a new category of tax-exempt facility bonds to assist with school construction in high-growth areas.

Mr. President, perhaps the most important part of the bill is also the most controversial: the provisions that expand the allowable uses of education savings accounts to include elementary and secondary education. These provisions would put additional resources under the control of the people who know and understand the needs of children best—their families.

Here is how it works. Families earning less than $95,000—$150,000 on a joint tax return—could put up to $2,000 in after-tax dollars into special interest-bearing accounts for each child. The funds would accumulate tax free, and could be withdrawn for any educational expense—from books and transportation to special programs and private-school tuition.

A family saving just $10 per week could accumulate about $4,000 by the time a newborn enters the first grade. Over the course of the child's education, the money could be spent on a school uniform, special tutoring, a home computer, tuition at a private or parohial school, an SAT preparation course, or any other educational expense. This is one of the rare occasions in Washington when we are talking about empowering parents—rather than government bureaucrats—to decide how best to satisfy their children's educational needs. An estimated 14 million families are expected to take advantage of these new tax-preferred savings accounts.

Defenders of the status quo will throw up a series of arguments about why parents should not be trusted with more control over their children's education. Some will suggest that this will divert resources from public schools into private schools. Let me make two points about that.

First, I think it is important to recall that we are not talking about a new subsidy for private or parochial schools. To the contrary, we are talking about allowing families to keep more of what they earn—after all, it is their money—to send their children to the elementary or secondary school of their choice.

We already go far beyond what would be allowed by this bill when we provide federal financial assistance to students at the college level, including students who attend private or religious institutions. No one argues that such choice harms public colleges or universities. In fact, it is choice and competition that has made our Nation's colleges and universities the best in the world. So I am perplexed why anyone would fear giving parents more choice and control at the elementary and secondary levels, as well. That is where the real crisis in education exists today, and it is where choice and competition will do the most good.

Second, providing families with tax incentives for education savings will not decrease federal or state funding for public schools by a single dime. The fact is, Congress is likely to approve increases in funding for education in addition to the incentives that would come with the Coverdell bill. The budget resolution that we approved two weeks ago does exactly that, adhering to the spending levels set out in the budget agreement negotiated between Congress and the President just last year.

Here is what President Clinton said about the education-spending levels in that agreement last July. These are his words:

* * * at the heart of this balanced budget [agreement] is the historic investment in

education—the most significant increase in education funding in more than 30 years.

The most significant increase in education spending in a generation—that is the level of funding that is provided under the budget we just passed, and it is in addition to the assistance provided under the Coverdell bill.

Another point: The people who stand to gain the most from this legislation are those of more modest means who might not have the same choice or opportunity without the help that the Coverdell bill would provide. Of the people currently opting for Catholic schools, for example, 68 percent have annual incomes of $35,000 or less. Wealthier people obviously have the means to send their children to the school of their choice whether they receive a tax break or not. And in any event, wealthier taxpayers will not even qualify for the relief in this bill, give the income thresholds that are set out in it.

It seems to me, Mr. President, that all of the agruments against the bill are based upon the flawed premise that public schools cannot compete successfully with other institutions. They are wrong. Many public schools have very well-regarded programs—programs that meet or exceed what is offered to students elsewhere—and it is likely that these schools would not only retain their current student body, but add to it with barriers to choice removed. And with additional enrollment would come additional funds for their budgets.

It is true that failing schools would be forced to improve or face declining enrollment. But is it really our goal to force students with few financial resources to remain in a failing environment? Should they not have the same options that others have to find a school that better meets their needs?

In Senate hearings earlier this year, low-income parents questioned why the schoolhouse door is often closed to their children—why they are kept from moving their children to schools that can better meet their children's needs. Why, these parents wanted to know, are their kids denied the chance to attend safer schools? They are right to ask questions. They deserve—their children deserve—access to a quality education.

In my opinion, the single best thing we could do to improve the quality of education in this country is give parents more choice and control over where they send their children. It is an idea with broad support among the American people. A 1997 poll conducted by the Center for Education Reform found support for school choice among the general public at 82 percent. The Joint Center for Political and Economic Studies reported support among African Americans at more than 70 percent. It is an idea whose time has come.

I hope my colleagues will join me in support of the A+ bill.

AMENDMENT NO. 2288

(Purpose: To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers)

Mr. MACK. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself and Mr. D'AMATO, proposes an amendment numbered 2288.

Mr. MACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following:

TITLE ____—MEASURES TO ENCOURAGE RESULTS IN TEACHING

SEC. ____01. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the ''Measures to Encourage Results in Teaching Act of 1998''.

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. ____02. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

''(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

''(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

''(2) has an elementary school and secondary school teacher compensation system that is based on merit.

''(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

''(1) the amount appropriated to carry out this title exceeds $600,000,000; or

''(2) each of the several States is eligible to receive an award under this section.

''(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

''(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

''(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. ____03. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Mr. MACK. Mr. President, I understand there are 15 minutes now on each side for the amendment.

The PRESIDING OFFICER. That is correct.

Mr. MACK. Thank you, Mr. President.

Today, Senator D'AMATO and I are offering an amendment that would provide incentives for States to establish teacher testing and merit pay programs. I have said many times in the discussion about education that our children deserve an education that is second to none. I have listened to educators from my home state of Florida who have talked with educators in other countries. The consensus is that competition among nations in the 21st century will not be based on natural resources or military power, but on knowledge.

I believe that they are correct, and if our children and our grandchildren—and I am proud to state that I have three grandsons, 13, 11 and 4—if they are going to have an opportunity to compete in the 21st century, and if they are going to have an opportunity to experience the opportunities that we have had, then they have to have an education that is second to none.

Good teachers are the backbone to a good education. All students deserve to be taught by well-educated, competent and qualified teachers. Teachers make all the difference in the learning process. America's classrooms are staffed with many dedicated, knowledgeable and hard-working teachers. But we need to reward teachers for their efforts.

I have traveled all around my State and, for that matter, around our Nation trying to make myself more knowledgeable about the issues related to education. I have told the story many times about an experience I had out in Los Angeles where I went to visit a school called the Marcus Garvey School and met the Administrator/Principal, Anyim Palmer. Mr. Palmer assigned a teacher to take my wife and I around the school.

I was excited, and in some ways almost overwhelmed with what I saw. These youngsters, some of whom were 2 years old, could recite the alphabet in three languages. I want to restate that—2 years old, not second grade; 2 years old. There were 3-year-old children who could do complicated addition problems and 4-year-old students who could read at the second and third grade level. A 5-year-old student stood up in front of me and was asked by the teacher to recite all the Presidents of the United States in their proper chronological order, and the little fellow did it. I must tell you, the only reason I was sure he was correct was because they gave me a piece of paper that I could follow along with to make sure that he was doing it correctly. But he was 5 years old.

I would like to also point out that Anyim Palmer challenged one of the best private schools in the Los Angeles area's sixth grade students against his third grade students in math and English. And you know who won—Anyim Palmer's Marcus Garvey School students.

Every single time I asked him how he accomplished this and what makes this possible, the answer was simple, ''It's the teacher.'' ''It's the teacher.'' ''It's the teacher that makes the difference.'' That is why, in this education reform proposal, we have placed so much emphasis on the abilities of teachers.

Let me give you a couple of statistics: 20 percent of English classes were taught by teachers who did not have at least a minor in English, literature, communications, speech, journalism, English education or reading education.

Another example: In our public schools today, 25 percent of mathematics classes were taught by teachers without at least a minor in mathematics or mathematics education; 39 percent of life science or biology classes were taught by teachers without at least a minor in biology or life sciences; 56 percent of physical science classes were taught by teachers without at least a minor in physics, chemistry, geology or Earth sciences. I could go on.

One additional point I want to make is that students in schools with the highest minority enrollments have less than a 50-percent chance of getting a science or mathematics teacher who holds a license and a degree in the field he or she teaches.

Our amendment, which is referred to as the MERIT Act, rewards States that test teachers on their subject matter knowledge and pays teachers based on merit. Here is how it works:

We will make half of any additional funding over the fiscal year 1999 level for the Eisenhower Program available to States that periodically test elementary and secondary school teachers and reward teachers based on merit and proven performance.

There will be no reduction in current funding to States under this program based on this amendment. All current money being spent on this program is unaffected by this amendment. Only additional money will be used as an incentive.

Finally, this amendment also enables States to use Federal education money to establish and administer teacher testing and merit pay programs.

Mr. President, I now yield to Senator D'AMATO.

Mr. D'AMATO. Mr. President, I want to commend my friend and colleague, Senator MACK, for his work in this area. Indeed, he just did not sit behind a desk and dream up a theory; he went out to see; he went out to see that there are programs that do work. And reforming our education system is the most important issue facing this Nation.

I think the parents and grandparents know that the public education system can do better. This is a fight for our children, and I think what we should be focusing on is putting the interests of our children first. That is the question. And we should not let the status quo diminish the dream of our parents and our grandparents. The American people know the importance of this fight.

The fight to reform our public schools is a fight for our future. And why shouldn't we say the best and the brightest teachers—those who make magic in the classroom; those who make a difference—should be rewarded with merit pay? There are some who are opposed to this. Well, I have to tell you, we cannot pay teachers enough, those great and gifted teachers. This is one way to realize and to give them that kind of recognition that they are entitled to.

Secondly, a provision of this amendment that is most important says we need teacher competency testing. Indeed, we see all too often where teachers are moved into areas that they do not have the excellence and the competence to teach. A great English teacher, for example, being moved into an area of science or mathematics may not be up to that particular job. That is why we say—and, by the way, we do not impose this; this is something that States can opt into. We do not believe in big brother Government coming in and saying, ''This is the standard that you have to use for determining a competence.'' That is up to the State and the local districts to develop the standards for competency testing.

But in all sectors of life there are levels of competence that are expected. Indeed, when it comes to the most important area, that of educating our children, should we do any less? I do not think so. In all areas of life, in terms of competition, including the business world, there is merit pay. We hear about stock options for the successful entrepreneur. In corporate America, we hear of bonuses for achieving certain levels.

Why should we not do the same? Bring those areas of the private sector into public education that work for the benefit of our children. And if we have truly outstanding and dedicated teachers, then why not reward them? Why not merit pay? Indeed, the teachers that make magic in our classrooms are sorely needed. It is about time we began to recognize their efforts. They are truly extraordinary.

I believe that when we look at many of the educational institutions today, particularly in our inner cities, we see distress, we see a system that needs the kinds of reforms that this bill will begin to bring into the system. And so while it is not a cure-all, I believe it is a powerful step forward to giving our children the opportunity they deserve.

I am pleased to cosponsor this amendment and urge my colleagues to be open minded about it. Do not permit the special interest groups to put the kind of pressure that will have them voting against the interests of our children. It is about time we put the interests of our children first.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I did not want to reply to the debate that is

going on here, the discussion going on. I ask unanimous consent that the Democratic time on the Mack-D'Amato amendment be reserved and that I be permitted to offer an amendment of my own.

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

Mr. GLENN. I thank the Chair.

AMENDMENT NO. 2017

Mr. GLENN. Mr. President, I rise today to offer an amendment to the Coverdell educational IRA bill. I ask unanimous consent that Senator LANDRIEU be added as a cosponsor.

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

Mr. GLENN. This amendment will simply delete the K–12 expenses as an authorized deduction for education IRAs. The amendment will keep the increase in the annual allowable contribution from the current $500 to the maximum $2,000 a year.

Deleting K–12 and increasing the allowable contribution returns education IRAs to their original purpose of providing incentive savings for higher education expenses. I believe we should be looking at this bill for what it is; it is tax support for private school education, pure and simple.

Also, I believe this is bad education policy and it is bad tax policy. And let me tell you why.

We go back to the days of our forefathers: our own parents and grandparents and great, great grandparents coming to this country from Europe, where many were escaping persecution. One of the big things that they wanted for their children was an education. That's because education was, pure and simple, not for everybody. Education was only for the kids from the castle, or education was for the rich, or education was for the politically connected. And there were two kinds of people in those lands in Europe that our forefathers came from: wealthy and poor, educated and uneducated.

When they landed in this country of ours and started expanding and started setting up communities, and became a United States of America, they knew that if democracy was to succeed, if they were not to return to serfdom, and ruled by a few, that education was not a choice; in a democracy it was a must or the democracy was doomed.

The freedom to be educated spread to States and communities where public schools were established for all. That idea expanded and caught fire and took root. It was the beginning of our system of public education in this country. The public, taxpayers, continue to pay for this educational system. And, out of that education of all has come research, has come commitment, has come economics, has come agriculture, has come business, has come industry, has come health, has come standards of living that are the envy of the world; we have had longer life expectancy, all of those things, and more, because of universal education, the best we can have for our people.

At the same time, if people, for religious reasons or beliefs, want education which reflects this or they want a particular kind of education—it used to be all-boys schools, all-girls schools, whatever; we supported that as long as those schools—were not supported with public money. We supported the right of people to have private schools, and support private schools as long as they paid for them. But the Government response was and is to provide not just a satisfactory educational system in this country, not just an educational system that will get us by, not just one that is OK, but what we should be shooting for is the best educational system in this world for all of our citizens in this country, through a public educational system.

Public school systems now are having some problems, that is true. It is not much wonder when we look how they are set up. We don't have a national education as such. I am not proposing here today we suddenly say all States and local communities are taken out of the picture here and we are going to go to a national school system as other nations have. As a matter of fact, every major industrialized nation in the world has a national school system.

But our school system in this country has come under some stress. It is no wonder, when we think back in the early days of this country when we had a tax for schools, it was paid for basically by the property owners. Back then we didn't have a NASDAQ, a New York stock exchange, an American stock exchange and mutual funds all over the place for people to invest in. Most of the people capable of supporting schools had their money in property, in real estate, real property. So it was natural that a property tax was put in place, and those people were the ones who wound up supporting most of our school systems.

As it developed, we had other problems because today no longer is a property tax indicative of the wealth of this country, because two-thirds of our economy is now generated from the service industries in our society. So it is no wonder the property tax has become unpopular with an awful lot of people.

Plus, we have another problem, too, in this country as far as making sure we get a good education for everyone. As Lester Thurow has been pointing out in his last couple of books, our basic K-through-12 education system in this country is run by 15,000 independent school boards all getting elected on the basis of ''We won't raise your taxes.'' That is some system. I think it is amazing that it has worked as well as it has up until now.

Our K-through-12 education gets a little over 5 percent of their funding from the Federal Government. It is not something where the Federal Government tries to run the whole school system. But that is a little bit of background on what I think is very important: that every single child in this country should be able to get the finest, the best education of any place in this world. We should not be siphoning money off of our public education system to provide vouchers for private schools.

This is my 24th year as a U.S. Senator representing the people of Ohio. In that time, I have seen many attempts to divert Federal funds from public to private schools. The approaches to accomplish this goal have been many—tuition tax credits, vouchers, school choice, and now educational IRAs for elementary and secondary education. These proposals all allow parents to select which school their children will attend and thereby competition, supposedly, with public schools. It is the presumed goal they will improve students' performance as a result of competition. There are problems coming up because public and private schools don't compete on an even basis. Private schools, unlike public schools, can refuse to accept students with disabilities or discipline problems and are not subjected to the same requirements.

Each time these proposals come before the Senate, I am proud to say I have cast my vote in opposition because I firmly believe we must have the finest public school system in the world. That is what the Government should be supporting—not putting money off into other experiments. I want parents to exercise their right and responsibility to decide the school their children will attend—public, private, parochial. Nothing wrong with choice. However, it is not the responsibility of the Federal Government to pay them to do so.

As I see it, the Coverdell IRA is a backdoor voucher that will do nothing to improve public schools, which are my main concern, for our public school children. This new IRA tax subsidy provides tax breaks for educational expenses, including tuition and fees at public, private, and religious schools.

Also, the bill does not target needy families. In fact, here is one of the facts I was very much interested in: Families in the top 20 percent of income in this country—the top 20 percent of income in this country—would receive 70 percent of the benefit. The Joint Committee on Taxation estimates that more than half the savings would go to families whose children would attend private school anyway. So the bill subsidizes the savings and spending patterns that already exist. Let me repeat that: 70 percent of the benefit would go to families already in the top 20 percent of income.

In other words, the analogy I made a little while ago regarding the land of our forefathers in Europe, where education was for the wealthy, for the privileged, for the kids from the castle, we are now taking a step back in that direction by helping mainly those who are already well enough off to send their children to private or parochial schools.

As I stated, qualified educational expense is defined in the bill to include tuition, fees, tutoring, special needs services, books, supplies and equipment, including computers. The expenses must be incurred in connection with the beneficiary's enrollment in a public, private, or parochial elementary or secondary school, and the funds may be used to pay for expenses such as room and board and uniforms and transportation.

Let me give a little bit of personal experience from Ohio. Cleveland, OH, has one of only two voucher programs in the country. The other one is in Milwaukee. In Ohio, this program permits State funds to be used to send low-income children to private schools. It is the only program that allows the children to attend religious schools with taxpayer funds. It is funded at $12.5 million over 2 years. Right now, the legality of the program is being challenged and it is before the Ohio State Supreme Court now.

Let me say this, the program has been in effect now for 2 years. In surveys made recently of how the academics are going with the children in these schools, it is not all that great. So far, they have not been able to show any real results where the kids that are going to these private schools are any better off academically than they would have been in public school. Some of the proponents of the voucher system in Ohio and Cleveland say it hasn't had long enough to take effect yet. We are close to the end of the second year of this program now and testing has not shown much difference at all.

Another problem that was unforeseen—and this may seem like a minor problem and maybe not one that will be a problem nationally, but it shows we have some unforeseen consequences sometimes when we start something like this. That is paying for taxicabs. Paying for cabs to carry children to private schools is one of the reasons the school choice program is in jeopardy in Cleveland. This is no small item. Students' taxi rides account for more than half of the $4.8 million deficit in Cleveland's 2-year-old school voucher program. More than half of the deficit goes to providing kids taxicab rides basically because the school officials had no yellow bus transportation available for the voucher students.

So sometimes there are unintended consequences. The voucher program had to turn to taxi firms and provide payments to parents in lieu of transportation services. The image of children riding taxicabs to private schools because the Cleveland public schools could not accommodate them on its yellow schoolbuses is one example of the structural deficiencies in the program and one of the main reasons why some Clevelanders are pretty much up in arms over this. I have a couple of newspaper articles that I will later have included in the RECORD.

Now, as I mentioned, there is no strong evidence so far that participation in a voucher program increases student achievement. We need to have a better understanding of what makes a school successful because we institute a program that benefits comparatively few. Instead of looking for incentives for parents to send their children to private schools, I believe it is far more important we take steps toward strengthening public education across the board in this country and not trying to find ways to take money off and put it into the private school systems.

A strong educational system must be a fundamental part of our effort to keep our country strong and keep it competitive. Only by making high-quality education available to all American children, not just a few, but all American children, will we help develop the skills they need to find meaningful, high-wage jobs while developing a capable and productive work force that is essential to the economic future of this country.

Education reform is one of the top issues in this country. That is why I continue to oppose attempts to encourage the use of Federal funds for nonpublic education, whether in the form of tuition tax credits, vouchers, or school choice. I believe that including K–12 in educational IRAs would be the first step toward establishing a permanent voucher system, one that bleeds off dollars needed in our public schools.

We have a system of public education in this country that is available to all children. We need to make it the best and the finest in the world, one that is second to none in this world if our children are going to be competitive in the future. This education system is not producing the high level of achievement this Nation now needs, and we cannot abandon them and say we are going to bring up a favorite few and send them off to other schools. Rather, we need to find ways to make improvements.

That is why I support another amendment that will be proposed, and that is the school construction amendment—an initiative that will help reduce classroom size. These will directly benefit all of our Nation's public schools by ensuring all children attend safe, modern public schools.

I clearly believe that everybody should be saving for their children's education—for their higher education. The difference between elementary and secondary education and higher education is important. Every single child in this country is entitled to a free, appropriate, tuition-free education in every State in this Nation. Higher education, on the other hand—once you get above the minimums of the high school level—is optional and is tuition-based. It is hard for parents to save for college. I believe it is appropriate to provide incentives for them to do so. I have supported the prepaid tuition plans in the State of Ohio as one of the ways students can be assured a quality education at one of Ohio's universities or colleges.

This amendment I am offering returns the educational IRAs back to its original purpose—higher education expenses only. The only change I make is to keep the annual increase in the contribution limit for education IRAs, which goes from $500 to $2,000. This increase in the contribution limit will enable parents to save more per year for higher education.

I urge my colleagues to join me in supporting this amendment. Again, I ask my colleagues to look at this bill for what it is—a tax break for private school education. I believe it is bad education policy and bad tax policy.

Mr. President, I ask unanimous consent that two articles—one from the Washington Times and one from the Washington Post—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 19, 1998]

STUDENT TAXI RIDES IMPERIL SCHOOL CHOICE IN CLEVELAND—HALF OF PROGRAMS DEFICIT COMES FROM LACK OF BUSES

(By Carol Innerst)

Paying for taxicabs to carry children to private schools may jeopardize a landmark school-choice policy in Cleveland.

Student taxi rides account for more than half of the $4.8 million deficit in Cleveland's 2-year-old school-voucher program. The deficit has sparked political criticism of Ohio Gov. George V. Voinovich, one of the program's biggest supporters.

''At a time when Ohio needs leadership to solve our education crisis, Voinovich has spent millions on a program that does nothing to help our 1.8 million public school children,'' said David J. Leland, chairman of the Ohio Democratic Party.

''The public is pretty upset,'' said Ohio researcher Sam Staley. ''The public is not very happy with this. It is a problem that should have been resolved before this.''

At least $2.7 million of the shortfall in the controversial program—one of only two voucher systems in the nation—in attributed to voucher students who ride taxicabs to private schools because the Cleveland Public Schools cannot accommodate then on its yellow school buses.

Although the governor's office projected confidence over weathering the political storm, the image of children riding taxis to school is a hard one for the public to digest, according to Mr. Staley, vice president for research of the Buckeye Institute, a market-based Ohio think tank.

''It will give people who opposed the scholarship program an opportunity to kill the program,'' he said. ''They will use this as a way to go after the program even though it goes against the views of their own constituency. The voucher program is most among minority and poor people in Cleveland.''

The $4.8 million shortfall left the governor scrambling to find money to preserve the voucher program. The legislature, now in session, signaled that it did not want to encumber the next education budget with the problem.

''We will identify a legislative or financial vehicle to make up for the funding shortfall,'' said Tom Needles, executive assistant to the governor.

''There are structural deficiencies in the program that need to be fixed, but the governor is confident this is a valuable program yielding positive results,'' Mr. Needles said. ''We've begun very intensive discussions

with various transportation officials and others to determine our options and what are the best alternatives for remedying this problem.''

The Ohio voucher program is one of only two in the nation—the other is in Milwaukee—that permit state funds to be used to send low-income children to private schools. It is the only program that allows them to attend religious schools. It was funded at $12.5 million over two years.

Ohio affiliates of the 950,000-member American Federation of Teachers and the 2.3 million-member National Education Association have challenged the legality of the program, and the case is now before the Ohio State Supreme Court, where arguments could be scheduled this spring, according to the Institute for Justice, which is defending the program. Last year the court allowed the program to continue for another academic year while its legal status is being decided.

Bert L. Holt, a former administrator for Cleveland Public Schools who was hired by the Ohio State Department of Education to administer the Scholarship and Tutoring Program, said the idea from the inception of the program ''was to try to get as many children on yellow buses as possible.''

But Cleveland public schools officials said all they could do was provide payment to parents in lieu of transportation service, she said. When schools opened in 1996, no yellow bus transportation was available for the voucher students. After talking to two private bus companies, the voucher program had to turn to two taxi firms. One bus company was too costly and the other couldn't adjust routes to do the pickups.

''I think Cleveland schools at the time didn't consider it a priority,'' Mrs. Holt said. ''The voucher program was controversial and also maybe it wasn't being taken seriously.''

In November, 1996, Cleveland public schools began providing bus service to seven of the private schools and in March 1997 they were able to provide buses for an additional eight schools, she said.

This school year, 38 yellow school buses are taking 516 kindergarten through fourth-graders to 18 private schools, she said. Another 1,077 voucher students are riding taxicabs and 1,395 are within walking distance of their schools.

There are 55 private schools participating in the voucher program, and only five don't have taxis dropping off students, she said.

The program anticipates increasing the number of participants to 4,000 students in the 1998–99 school year, according to Mrs. Holt. The maximum tuition the state will pay is $2,500 a year, with parents paying $250 of that. The average tuition runs less than that—$1,831 in the 1996–97 school year and projected at $1,939 this school year.

The Ohio Democratic Party was helping to trumpet the budget deficit in the voucher program.

''George Voinovich is giving his seal of approval on his program that has wasted nearly 5 million taxpayer dollars,'' a press release from party headquarters stated.

Voucher defenders say such criticism is unfair.

''The hue and cry is over transportation, busing,'' said Mrs. Holt. ''It's never about education and removing the caste system that has been allowed to occur with our children in urban settings who are socioeconomically deprived. Now they have access to private education and are doing well, and people in various corners have an agenda and don't want to see it happen.''

[From the Washington Post, Apr. 8, 1998]

IN CLEVELAND, VOUCHERS FAIL TO RAISE TEST SCORES

(By Rene Sanchez)

A new evaluation of one of the nation's few school voucher programs has found that students using the tuition stipends to pay for private education are not achieving better test scores than similar students who are still in public schools.

The two-year-old Cleveland program gives 3,000 needy students publicly funded scholarships worth as much as $2,250 to attend private schools. Advocates have touted the idea, which is one of the most divisive education issues in the country, as a way to give better learning opportunities to children trapped in failing public schools.

But in a new report commissioned by the state of Ohio, researchers contend that the promise of Cleveland's voucher experiment so far has not been fulfilled. They found ''no significant differences'' in achievement in either reading, math or science between students using vouchers and a comparable sample from Cleveland's public schools. Both groups of students were assessed near the end of the voucher program's first year.

And in a separate measure of the program's performance, a new audit is raising questions about how some of its funds are being spent. Students with vouchers, for example, have spent a total of about $1.4 million in state money to take taxicabs to class, rather than the school buses they would ride if they were part of Cleveland's public school system.

Opponents of vouchers said that both findings show how flawed the voucher idea is. ''It's a significant early signal that this is not a magic bullet by any means for educating poor children,'' said Sandra Feldman, president of the American Frederation of Teachers.

Only one other city, Milwaukee, allows students to use vouchers, but Republican leaders in Congress have the idea atop their education agenda. Arguing that public schools would benefit from competition and that poor parents deserve more educational choices for their children, they are proposing to use federal money to create similar voucher programs for students in the District and several dozen other cities.

President Clinton adamantly opposes that plan. He and other voucher opponents say the idea would drain money and civic support from the public schools that need it most. Critics also contend that letting students use vouchers for religious schools, as both Cleveland and Milwaukee want to do, is unconstitutional.

The new report on Cleveland's program focuses only on the question of academic achievement. Those who support vouchers cautioned against drawing too much from its conclusions. They said judging the academic work of students will take more time.

''We're still very confident that over the long term, these students will show more gains in their academic scores,'' said Tom Needle, the education adviser to Ohio Gov. George V. Voinovich (R), who pushed for the voucher plan. ''It's not surprising to see these findings at the very beginning of a program.''

Needle also said that a privately funded study of Cleveland's program conducted last year by a Harvard University professor showed that students using vouchers are making more academic strides. It also reported great enthusiasm for the program among their parents.

In the latest evaluation, researchers at Indiana University compared the achievement of 94 students using vouchers with 494 students still enrolled in Cleveland public schools. Both groups were tested before the voucher program began and near the end of its first year. Their scores in every subject tested were roughly the same. Both groups were third-graders with virtually the same backgrounds: Nearly all of them were African American or Hispanic children living in poverty and with only one parent at home.

As has been the case in every attempt to assess Milwaukee's voucher program, the methodology that researchers have used in Cleveland is provoking disputes.

But the audit, which suggested that oversight of some voucher funds has been lax, already is prompting changes. The number of taxicabs that students are using, Needle said, has been cut by more than two-thirds. Also, the next group of students who receive vouchers and lack private means of transportation will have to select private schools in walking distance from their homes, or ones that are near city bus routes.

''Their choice of schools will have to be limited somewhat,'' he said.

AMENDMENT NO. 2017

(Purpose: To delete education IRA expenditures for elementary and secondary school expenses)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2017.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003).''

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(B) Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(5)) for such taxable year''.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

''(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any

qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Section 530(d)(1) is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following new clause:

''(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year.''

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, parliamentary inquiry. As I understand it, the Senator from Ohio has just offered his amendment, so that triggers 15 minutes equally divided on both sides.

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. COVERDELL. Mr. President, I ask unanimous consent that our side be accorded time similar to that which was just utilized by the Senator from Ohio so that both sides will have had approximately the same amount of time for the amendment.

Mr. GLENN. Mr. President, I have no objection.

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. This amendment would not permit educational IRAs to be used to pay the expenses of kindergarten up through 12th grade. This proposal to limit the use of educational IRAs would dramatically—I want to emphasize ''dramatically''—reduce the benefits of an educational IRA for American families.

I believe that it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education —to decide basic questions, such as how the child should be educated and where the child should attend school. The rich should not be the only ones that too often have this choice—although there are many, many children from middle-class families who attend private schools at great personal sacrifice of their families.

What we seek here is to give a choice to all families as to where their child will attend school. We should not try to control that parental right by providing tax benefits only to those parents who make what some Members of this body consider to be the correct choice. We should all remember that last year, when the Senate passed a variety of provisions targeted towards helping American families cope with the costs of a quality education, we made no distinction between public and private schools or between higher education and secondary or elementary schools.

For example, we did not say that an educational IRA would only be available if a student attended public school or college. We did not say that a student who attended the University of Maryland would receive a tax benefit, but a student who attended George Washington University would receive nothing. We did not say that a student who attended college would receive a tax benefit, but a student who incurred costs in connection with secondary or elementary school would receive nothing.

The bottom line was that we treated all schools the same. And the reason for that treatment is that we did not consider it our business to set up a system where some schools were favored over others.

Mr. President, we should also not forget that it is the taxpayer who funds the education IRA. It is the parents—the parent who put his or her hard-earned money into the education IRA. And it seems a matter of common sense, therefore, that the parents should be able to choose how to spend that money.

To fully receive the benefits of an education IRA, parents should try to establish accounts for their schoolchildren as early as possible. If the parent can afford to make contributions early in a child's life, the benefits of the education IRA will increase dramatically through the magic of tax-free compounding within the IRA. At this early stage in a child's life, parents may not know whether they will send their children to a private or public school. Parents also may not know whether they will need the benefits of an education IRA for elementary and secondary school or for higher education.

There are many, many factors that go into these important decisions. The needs of the child may change. The family may move into a different school district. The quality of the neighborhood schools may rise or fall. It is simply unfair to make the parent look into a crystal ball and predict what type of school their child may attend or how much that school may cost. This places too great of an unnecessary burden on the parent.

The side effect of that burden of making parents look into the future is that parents may be reluctant to fully utilize the education IRA. The parents may not contribute the maximum amount of money that they can to these accounts. That, Mr. President, would be most unfortunate because it would defeat the whole purpose of the education IRA concept.

Moreover, Mr. President, the existing provisions of the bill do not favor the wealthy, as some here have argued.

First of all, there is an adjusted gross income phaseout. In other words, only parents with incomes below a certain threshold can take advantage of the tax savings in the education IRA.

Second, it simply is not true that only rich kids attend private schools. As I said earlier, many, many children from middle-class families attend private schools at great personal sacrifice on the part of their parents. For instance, according to the National Catholic Education Association, of the families with children in Catholic schools, almost 70 percent of those families have incomes below $35,000; almost 90 percent of those families have incomes below $50,000.

If we adopt this amendment, all of those families will be shut out from receiving the tax benefits in the education IRA, as would all of the roughly 38 million families who have children in either public or private elementary and secondary schools.

Mr. President, limiting the education IRA is not good policy, and it does not make sense for American families. Accordingly, I oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator's side has 26 minutes.

Mr. COVERDELL. Mr. President, will the Chair notify this Senator when 15 minutes remain?

The PRESIDING OFFICER. Very well.

Mr. COVERDELL. Mr. President, I rise in support of the Senator from Delaware, the chairman of the Finance Committee, and his message with regard to the amendment that has just been offered by the Senator from Ohio.

I would like to just reiterate several key points.

The Senator from Ohio infers that the education savings account directs public money to a private school. This is not correct. All of the money in the education savings accounts is after-tax dollars saved by families, whether their children are in public schools, or private, or home schools. These are not public dollars, they are private dollars, No. 1.

No. 2, the suggestion, to me, is egregious that if, for whatever reason, a family had chosen that their child would go to a private school, they would be disallowed from creating a savings account, as a family would that has made the decision to send their child to a public school. It is important to note that according to the Joint Tax Committee, 70 percent of the families who use these savings accounts would have children in public schools, 30 percent would have children in private schools.

Mr. President, the education savings account that we are debating here today is identical to the education savings account that the President and the Senate and House confirmed and put into law last year. It is identical. That savings account that was celebrated on the White House Lawn allowed a family to save $500 a year, and whatever interest was earned would be tax free if it was used for higher education—higher education at the University of Georgia, or higher education at Georgetown just down the street, or higher education at the University of Texas, or higher education at Southern Methodist University. All we are proposing is that the account be allowed to be larger so it would be meaningful to save up to $2,000 and have the same criteria, which means that most of these benefits and most of these savings will flow to people who make less than $75,000 a year.

But, again, I want to reiterate, the very criterion, the very instrument, which the House and Senate passed, the President signed, and we all celebrated, is identical to this savings account except that this savings account could be larger, more meaningful, and this savings account would apply to kindergarten through high school, not just college. It is the only difference.

So I find it interesting that the Senator from Ohio would want to deny a family who has a child in kindergarten through high school from going to a private school but it is OK if they go to a private college, or to be worried about the income of the family that is going to take advantage of it when he wasn't worried about it when we were talking about a family that might send their children to college. Why are we suddenly setting a different set of criteria for families with children at kindergarten through high school? It is just perplexing.

I want to reiterate that this savings account, on which the chairman is so knowledgeable on the concept of IRAs, is identical in who can use it, who can't, how it can be used, and how it can't be used as the House and Senate passed last year, signed by the President, and celebrated by everybody. The only thing we have done is to represent that it allow people to save more and allow them to use it not just for college but for kindergarten through high school. They can use it for college, too, if they want. They can use it, if they have a disabled student, after college. But it is the same as the one that was adopted. So these arguments are suspicious. It sounds to me as if this amendment is designed to defend the status quo.

Now, the Senator from Ohio said, in effect, that we have some problems in kindergarten through high school, that some of the data, a lot of the data, are suggesting that we have people coming out of these schools who have trouble reading and writing and adding and subtracting. And so giving families tools that might help them deal with that, whether the child is in a public or private school, whether the child needs a tutor or a home computer, there is no American child whose family has made a decision about where they can best get that education, that we should strap or put an anvil around their leg over some philosophic exercise up here in defense of the National Education Association.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand that the amendment of the Senator from Ohio is pending. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. As I also understand, having been recognized, I can also speak on the bill itself. Am I correct?

The PRESIDING OFFICER. It would take unanimous consent to speak on the bill. We are now on the amendment.

Mr. KENNEDY. As I understand, I can temporarily set aside the pending amendment.

The PRESIDING OFFICER. By unanimous consent.

Mr. KENNEDY. I ask unanimous consent to temporarily set it aside.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I object.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I ask that the amendment that is pending be temporarily set aside.

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

AMENDMENT NO. 2289

(Purpose: To provide an additional 100,000, well-qualified elementary and secondary school teachers annually to the national pool of such teachers during the 10-year period beginning with 1999 through a new student loan forgiveness program)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2289.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 101, and insert the following:

SEC. 101. LOAN FORGIVENESS FOR TEACHERS.

(a) FINDINGS.—Congress makes the following findings:

(1) Our Nation is witnessing a 10-year rise in the elementary and secondary school age population. Between the fall of 1996 and the fall of 2006, total elementary and secondary school enrollment will rise from a record 51,700,000 to 54,600,000, a rise of approximately 3,000,000 children. Elementary school enrollment is projected to grow by 2 percent, from 37,300,000 to 38,100,000, while secondary school enrollment is expected to rise by 15 percent, from 14,400,000 to 16,500,000.

(2) In addition to the enrollment increases, many of the Nation's elementary and secondary school teachers working in 1998 will begin to reach retirement age. According to the National Center for Education Statistics data, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. Qualified, experienced elementary and secondary school teachers will be leaving the profession at a time when the demand for the teachers is at the highest level in our Nation's history.

(3) There is a lack of qualified elementary and secondary school teachers in specific geographic and content areas. More than one-

half, 56 percent, of secondary school students taking physical science courses are taught by teachers who have no background in physical science. Twenty-seven percent of secondary school students taking any level mathematics course are taught by teachers with no mathematics background. Students in inner-city schools have only a 50 percent chance of being taught by a qualified mathematics or science teacher. States that have large percentages of classes taught by teachers without a background in a particular subject area, such as Tennessee (26.5 percent), Florida (26.4 percent), Louisiana (26.2 percent), and Maryland (25.6 percent), demonstrate the need for increased numbers of elementary and secondary school teachers with the necessary qualifications.

(4) Our Nation must address the need described in paragraph (3) to ensure a qualified elementary and secondary school teacher for every child in every elementary and secondary school course.

(b) PURPOSE.—The purpose of this section is to create a Federal student loan forgiveness program to attract individuals to careers as elementary and secondary school teachers.

(c) LOAN FORGIVENESS FOR TEACHERS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (20 U.S.C. 1078-10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR TEACHERS.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to carry out a program of assuming the obligation to repay a loan made, insured, or guaranteed under this title (excluding loans made under section 428A for any new borrower after July 1, 1998, who is employed as a full-time elementary school or secondary school teacher—

''(1) in a school served by a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

''(2) who teaches mathematics, science, foreign language, bilingual education, or any other area that the State educational agency determines to be an area for which there is a shortage of qualified elementary school or secondary school teachers.

''(b) LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

''(A) 15 percent of the total amount of loans incurred by the borrower under this title, not to exceed $1,200 per year, for each of the first two years the borrower meets the employment requirement described in subsection (a);

''(B) 20 percent of such total amount, not to exceed $1,600 per year, for each of the third and fourth years the borrower meets such requirement; and

''(C) 30 percent of such total amount, not to exceed $2,400, for the fifth year the borrower meets such requirement.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan under this title.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

''(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

''(d) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(e) DEFINITIONS.—For the purpose of this section the term ''eligible lender'' has the meaning given the term in section 435(d).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,600,000 for each of the fiscal years 1999 and 2000.''.

Mr. KENNEDY. Mr. President, as I understand it, now there is 15 minutes for the proponents of the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. I yield myself 10 minutes. I ask unanimous consent Connie Garner, a legislative fellow in my office, be granted floor privileges during debate on the Coverdell tax bill.

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

Mr. KENNEDY. Mr. President, the amendment, which hopefully we will have more of an opportunity to debate later this week, deals with meeting the demand for qualified teachers in this country. We are seeing an expansion of the number of students in our elementary-secondary education. This amendment would provide for an increase of 100,000 schoolteachers a year for the next 10 years. It would effectively meet half of the Nation's requirements to do so.

There are very compelling reasons to support this amendment if we are going to be serious about ensuring the adequacy of the academic achievement and accomplishment for those students who are attending our public schools. We have devised a way of doing this through a loan forgiveness program that is taking the concept, for example, of the National Health Service Corps—which is a resounding success. Doctors serve in underserved areas and see a diminution of their debt with the years of service in the Health Service Corps. Given the need that we have for teachers to serve in our schools, this would provide an incentive for those who have indebtedness and would like to work as schoolteachers but are unable to do so because they are required to go to other jobs that may have more financial reward although they would prefer to work in the schools. This provides the means for them to do so. I plan to speak of that at greater length tomorrow or the next day and will take the opportunity to do so at that time, when the leadership works out the scheduling of the particular amendments.

Mr. President, given the shortage of time, I just want to come back to some rather fundamental and basic issues that are involved in this debate. When all is said and done and when all the explanations are made, I think it is appropriate that we find out who are going to be the winners and who are going to be the losers. It is always interesting to listen to our colleagues explain what they hope might be achieved by the amendment, and then also examine what, in fact, will be achieved by this amendment and who will benefit from this particular amendment.

As we had seen during our earlier debate and discussion on the Coverdell amendment, there are some very important winners and important losers. But the fact remains that, according to the Joint Tax Committee—which is neither a Republican committee nor a Democratic committee, but serves to provide technical information on the impact of a tax proposal to the membership, that the bill gives the benefit to those going to the private schools. At the present time, nationwide, 93 percent of American families send their children to the public schools, 7 percent to the private schools. We certainly know the important role private schools have in our society. But with scarce resources we have to ask the question whether we want to use scarce resources to add to the private schools or to the public schools. I do not believe we should abandon the public school system in this country. I think we have a responsibility to the public schools. If we have scarce resources, we ought to find ways of targeting scarce resources in ways that can be academically important and enhance the ability of our children to make progress in the public schools.

So, with the analysis that was done by the Joint Tax Committee, they indicated where the money would go. Mr. President, 48 percent of the tax benefit would go to families that send their children to the public schools and 52 percent would go to families that send them to the private schools. Then, if you see that only 7 percent of Americans go to private schools, you see that a majority of the benefit of this proposal will go to a relatively small number of families who are sending their children to the private schools.

That is not what the Senator from Massachusetts is saying; that is what the Joint Tax Committee tells us. We have a certain amount of resources that will be collected through the tax system. When they are collected, they will be disposed of—at least according to the Joint Tax Committee estimate—in this way. There are better ways to spend public tax dollars. An after-school program, could benefit the 5 million children who left school just about a half-hour ago, and will go home without any supervision. Maybe we should have the kinds of programs that we have seen that are effective, which provide some opportunity for those children to go to after-school programs, where they are able to work with their homework and get that

homework done so when they finally go back home to their parents, one or two of whom may be working, that they can have quality time with their parents rather than having the parents telling them you better go upstairs and get your homework done.

This is really a basic, fundamental issue, whether we have sufficient funds that are available to the Congress where we want to try to provide this kind of benefit to a relatively small group of parents. I do not think that we do.

I have heard a lot from our colleagues on the other side talking about entitlements. There was a great debate about entitlements here on the floor of the U.S. Senate over the last 3 or 4 years. This basically is a new entitlement. This is a new entitlement by our Republican friends. We heard the criticisms of so many entitlements over the past. Now we have the creation of a new entitlement. Once this is passed and goes into the Internal Revenue Code, it will be out there available to anyone who would be able to develop this kind of an IRA. That effectively is an entitlement. But it is an entitlement that is going to benefit a relatively small group of families who are going to be using those resources primarily in the private schools.

There may be those who feel that is the way we ought to go. But I think you will find here on our side, on the Democratic side, a range of different proposals that say we will not abandon our public schools in this country. We think they need modernization, they need some help and assistance in the construction program. We are very creative. An important, significant amendment will be offered by the Senator from Illinois, CAROL MOSELEY-BRAUN. There will be programs that will say we ought to have smaller class sizes. That has been demonstrated to improve academics for children. That amendment will be offered by Senator MURRAY. We ought to support public schools.

The benefit of those programs go to all of those parents whose children are going to the public schools. That is a very important, basic difference. It is targeted programs that can really make a difference in enhancing academic achievement and accomplishment.

We will have an opportunity, as well, to debate concepts such as that proposed by the Senator from the State of Washington, Senator GORTON, that block grants education programs, undermining targeting of scarce resources, and undermining accountability. We will have a chance to debate those.

The PRESIDING OFFICER. The 10 minutes have elapsed.

Mr. KENNEDY. I yield myself 1 more minute. We will have a chance as well to debate whether we will uphold the civil right of children with disabilities. That is going to be a very important debate.

But I hope, as we are starting off on this Monday, and as we are going through this debate over the period of the next 4 or 5 days, to understand what is really the issue. With the amount of funds that are going to be made available under this program, which is effectively a new entitlement program, $1.6 billion, are we going to say we should use that in such a way that it is going to benefit a small number of families who are going to primarily use these funds for private schools? Or are we going to say, with scarce resources, we ought to use that money in order to benefit the large number of children who are going to the public school systems and we ought to use that in an effective and creative way, to make sure that children who are going to our public school systems are going to get a good education in safe, modern schools?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time is remaining on the other side?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes 45 seconds.

Mr. COVERDELL. Mr. President, again, I am puzzled by the vociferous opposition of the Senator from Massachusetts to an education savings account. I repeat what I said a moment ago when I was responding to the Senator from Ohio.

The education savings account that we are proposing and talking about today is nothing more than an expansion of the savings account that has already been adopted by the Senate and House and signed by the President last year. Last year, we created an education savings account that allowed a family to save $500 a year, and the interest that was earned would not be taxed if the account was used for the cost of higher education.

We have taken the same account—it applies to the same earning level, who can use it and who can't; it is directed to the middle class—the same criteria. There is no change whatsoever. Identical. That savings account can be used by a family to go to Georgetown down the street here or to the University of Georgia.

We have said to those same families in America that we all celebrated because they have this $500 savings account for higher education, we are going to say instead of $500, let's allow a family to save up to $2,000 so they can really build up the kitty. We said, why limit it to college when there is so much trouble in kindergarten through high school? Let's let the family use it whenever they need it. They may need it when the child is in sixth grade because of dyslexia or a learning disability. They may need it in freshman high school because of a math deficiency. They may need it because the child cannot compete because of not having a home computer.

We have taken the very instrument that was so celebrated on the White House lawn, a $500 savings account, and said let's let it be up to $2,000, and instead of just limiting it to college, although it could be used for college, let's let them use it whenever they need it—kindergarten through high school or college. No change. Same group of families. Same criteria. Use it in the same way. It is just bigger if they want to make it bigger, and it covers all the school years, not just some of them.

Whatever all these concerns are that the Senator just alluded to would have applied to what we did last year. It would have had the same discrimination; it would have favored the same kind of families as his chart alludes to in that account.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. COVERDELL. I will be glad to yield.

Mr. KENNEDY. Doesn't the Senator draw a distinction between the mandatory requirements that we have for the public school system for our 55 million children and those who are going to higher education, which is basically not a mandated requirement? That is an optional requirement and, therefore, historically higher education has always been treated differently.

Mr. COVERDELL. Let me respond to the Senator. I recognize there is a distinction with the public-private issue, but the Senator spent a good bit of his time trying to suggest that certain kinds of families would benefit; that the dollars are skewed, there was some formula here that was working against the public interest.

My point to the Senator from Massachusetts is, it is identical to the formula that was used when we created the higher education savings account. Identical. It is just that folks can save more now for kindergarten through high school or they can save it for college. They have a chance to save more, and they have a chance to use it more frequently.

The Joint Tax Committee has said that in this education savings account, 14 million families will probably use it; 20 million kids, that is half the school population almost.

Here is the point that I would like to make to the Senator: What is amazing to me about this education savings account is that it takes such a little incentive to make Americans do huge things. The tax relief to these 14 million families over the next 5 years is just a pittance over $500 million—over 5 years. What do the 14 million families do because of that? They save over $5 billion—$5 billion. That puts 5 billion volunteer dollars—these are not tax dollars; no school board has to levy a new property tax; no State government has to raise their income tax; the Federal Government doesn't have to raise taxes—the people on their own, because of the nature of the savings account, save $5 billion. Seventy percent of

those families will have children in public schools, and 30 percent will have children in private schools. About half the money will end up helping children in public schools, and about half the money will help children in private schools.

Everybody is a winner here. There are no losers. A lot of times we do things in Washington and somebody gains and somebody loses. But in this case, everybody wins. The public school system wins; the private school system wins. People with kids in public schools can use the savings account; people with kids in private schools can use the savings account.

I see I have just been joined by the distinguished Senator from Indiana, so I am going to yield to him.

But everybody wins. These are not public dollars. These are volunteer dollars to help children wherever they are going to school.

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

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

Mr. COATS. Mr. President, I rise in opposition to the amendment that is currently before us. Although Senator KENNEDY may be using the opportunity to talk about the broader bill, it is the amendment that we will have to vote on unless that amendment is withdrawn. I want to briefly state reasons why I think Members should vote against that particular amendment.

A primary reason is that it is unnecessary. The Labor Committee on which both the Senator from Massachusetts and I serve has, as part of the Higher Education Act, just unanimously voted out of the committee a loan forgiveness program for teachers, which I believe is far more effective than what is being offered by the Senator from Massachusetts.

That teacher loan forgiveness program provides loan forgiveness to teachers who have loans that are eligible for the interest subsidy, ensuring that those who qualify would be most in need of help of repaying the loans.

The second condition is that the teacher be employed for 3 years; third, that they teach in a public or private school whose school district has 30 percent or more of its students eligible for title I assistance; that they have an academic major in the subject area in which they teach if they are a high school teacher, and have demonstrated knowledge and teaching skills in reading, writing, and mathematics if they are elementary schoolteachers.

The reason these conditions were imposed and, by the way, again, unanimously accepted by the Labor Committee, is because we wanted to target loan forgiveness to the most qualified teachers. We did not want a broad, all-encompassing loan forgiveness program, which I believe the amendment of the Senator from Massachusetts covers about 90 percent of the teachers in this country—all those employed within the title I schools, which equals about 90 percent. The issue is not just more teachers; the issue is better qualified teachers.

Statistics show, and studies show, that the real shortage is not the number of teachers—I could go into some detail on that, but I do not have time to do it—but the issue and the need is for qualified teachers. So we have structured this loan forgiveness program to support and emphasize teachers who meet these particular qualifications.

The second reason I believe Members should not support this particular amendment is that the average debt for teachers is considerably more than what the Senator's amendment offers in terms of forgiveness. Ours allows provisions for up to $10,000 of loan forgiveness, which more closely meets the debt problems that teachers currently face, rather than the $8,000 which the Senator's amendment provides.

Finally, the amendment is directed toward schools in general, the loan forgiveness program, whereas the Labor Committee amendment is basically directed toward the poorest schools, teachers that meet the qualifications as outlined in the Labor Committee's language, which is designed specifically for the purpose of trying to address the most critical need in this country, and that is getting qualified teachers who have the credentials to teach and are teaching in the Nation's poorest schools. I outlined those criteria earlier.

But that was the basis for the Labor Committee's drafting of the language to address the most critical need, and that is where we ought to be putting our resources. It is not the schools in some of the more affluent suburbs that are having problems attracting teachers, particularly qualified teachers; it is the schools in the poorest districts, the schools in the low-income districts, the schools in the minority districts, that are having trouble attracting qualified teachers to teach their students. Those are the teachers that we want to encourage through this loan forgiveness program.

So for those reasons, I urge our colleagues to oppose the amendment being offered by the Senator from Massachusetts, primarily because it is not needed, it has been addressed, it has been supported unanimously by the Labor Committee. It is directed toward the areas that need it the most; it is directed towards supporting qualified teachers. For those reasons, I urge a no vote on the amendment.

The PRESIDING OFFICER. The 5 minutes have expired.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself a minute just in response to the Senator from Indiana.

This is a basic substitute to the Coverdell amendment. We have an opportunity to say it is more beneficial to the children that are going to our public schools to support our amendment that is going to increase the number of qualified teachers than to support the Coverdell amendment which is primarily going to benefit the parents who are sending their children to private schools, No. 1.

Secondly, I hope that my friend and colleague would read my amendment more carefully, because it does target the teachers into the underserved areas, and also it targets teachers into the areas where the State finds that there are critical shortages in terms of the type of specialty needs—for example, in subject matters, for example, in math and science, and others, and does it, I think, more creatively than we have done in the higher ed bill.

I yield myself another minute.

It is clearly responding to what our Human Resources Committee has had hours of hearings on, and that is the importance of having high-quality teachers for our expanded school-age population. I am a strong supporter of what we have done in the higher ed bill, but it is not going to be enough to be able to meet the needs of the Nation. And every study we have done has pointed this out. If you want to try and benefit public schools and teachers, my amendment is the way to do it. If you want to abandon public schools and move towards the support of families that are sending their children to private schools, then the Coverdell bill is the way to do it.

I withhold the balance of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. COVERDELL. I yield 1 minute to the Senator from Indiana.

Mr. COATS. Mr. President, the Labor Committee, of which the Senator from Massachusetts is the ranking member—the Senator joined his colleagues on the Democrat side and joined all Republicans in passing out of the Labor Committee language unanimously. He did not offer his amendment there, so I just wonder what has changed. Obviously, what has changed is that the amendment is designed to gut the underlying Coverdell bill.

Secondly, the language of the Senator's amendment is not targeted. It says title I eligibility. Title I covers 96 percent of all schools. That is not targeted. Targeted is designed to address a specific problem. A specific problem is the minority students, poor students, students in poor districts who are not getting the qualified teachers and the education they need.

This Labor Committee product targets it towards those teachers. The Senator's language does not target; it says, where there is a shortage of qualified elementary and secondary school teachers under the title I programs. That is 96 percent. I do not call that being targeted.

So for those reasons, I believe we should oppose the amendment.

Mr. COVERDELL. Mr. President, I move to table the pending amendment of the Senator from Massachusetts and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. The motion to table is premature until the time has expired for the proponents. And they have 1 minute 43 seconds remaining.

Mr. KENNEDY. Mr. President, I ask the Senator to reread the amendment. If he looks at the loan forgiveness for the teachers, on line 8 it talks about the title I programs which are targeted to the poorest schools. At paragraph (2), line 12, it makes reference to teachers who teach math, science, foreign languages, and that the State educational agency determines it.

So I do realize that we have supported a good program that is coming out of our Human Resources Committee. But the Budget Committee put hands down, thumbs down, on a very similar program that was advanced by the President of the United States. We have real money here on the floor of the U.S. Senate. And this is an opportunity that if you want to do something about increasing the number of qualified teachers, our amendment does it. If you do not want to do that, and you want to benefit the private schools, you will vote against this.

I urge the Senate to oppose the anti-education Republican tax bill. Improving education can and must be a top priority for Congress and the nation. But this Republican bill flunks the test. They call it their ''A+'' bill. But, it's anti-education, and it deserves an ''F.'' This Republican bill and its proposed Republican amendments are bad tax policy, bad education policy, and bad disability policy, and it clearly deserves the veto that President Clinton has pledged to give it.

It is the nation's public schools that need help. So what do our Republican friends to? They proposed legislation that aid private schools. That makes no sense at all. Our goal is to strengthen public schools, not abandon them. Our goal is to help all children get a good eduction—not just the ones with wealthy parents.

It is clear that our Republican friends are no friends of public schools. They have an anti-education agenda. They want tax breaks for the wealthy who send their children to private schools. They want to cut the budget for public schools. They want to dismantle the federal role in education. They want to eliminate civil rights protections for children with disabilities. The Republicans have put the cards on the table—and it's a losing hand for education.

Over the course of the limited debate on this bill, we will discuss good ideas that will help improve public schools such as rebuilding the nation's schools, reducing class size, forgiving student loans for college graduates who teach in high-need areas, and increasing funding for children with disabilities. I urge my colleagues to support these very important Democratic amendments. I also urge my colleagues to oppose Republican amendments to that undermine public education, and make a bad bill worse.

I understand that we will be voting on a new version of a block grant for education, sponsored by Senator GORTON. It is clear that this amendment will undermine the federal commitment to improve the nation's schools. There have been no hearings on this proposal and no committee review of the proposal. It would be irresponsible for the Senate to support this proposal to revamp the federal role in education after a total of only 30 minutes of debate.

The proposed Gorton amendment hurts students and goes against the nation's commitment to helping poor and educationally disadvantaged students who need our strong support. It also undermines the partnerships that have been created by federal, state, and local education agencies to improve all schools for all children.

We all agree that education is a local responsibility. But the states and the federal government are important partners in helping to improve education for all children. We all need to work together to improve the nation's public schools.

This amendment rejects that basic principle. It destroys carefully crafted and widely supported federal programs. And it undermines accountability for improving the achievement of all students.

Currently, federal funds are offering a helping hand to local school districts in meeting high priority responsibilities important to the nation as a whole. The funds help schools and school districts improve reading and math skills of disadvantaged students, help teachers get the extra skills they need to teach all children to higher standards, help communities create safe and drug-free schools, and help communities modernize their schools.

This amendment creates a ''General Education Block Grant'' by combining funds from 20 targeted programs. Then it limits the use of those funds to only 8 activities. It denies local communities the funds to make schools safe and drug-free. It denies local communities the funds to improve skills of math and science teachers. It denies local communities the funds to continue their efforts to set high academic standards for all children.

In addition, in response to growing needs of schools in communities across the country to address problems such as low student performance, rising enrollments, and lack of adequate modern technology, the amendment would cap spending at 2.3 percent per year for the next five years. These limits are far below the necessary increases we made over the last two years of 15 percent and 12 percent. It would be irresponsible for Congress to do so little to help communities address their growing and pressing educational needs.

Contrary to arguments made by proponents of the amendment, federal education laws are more flexible and school-friendly than ever before. States and local education agencies are working in closer and more effective cooperation. The result is that schools are doing a better job of helping all children meet higher standards of achievement.

The federal-state-local partnership in education isn't broken, and this amendment can't fix it. Congress should be doing all it can to strengthen that partnership, not destroy it.

As a nation, we have made a commitment to help all students have the opportunity to get a good education. We have a responsibility to make sure that public tax dollars are well spent. This amendment provides no accountability for how these dollars are spent. Reforming the federal role in education does not mean abdicating that role.

This amendment is the wrong direction for the nation's children and the wrong direction for education. It is not an attempt to offer a helping hand to local schools. It is simply a thinly-veiled attempt to dismantle the federal role in education.

We should support efforts to improve education for all students, not undermine them. I urge my colleagues to oppose the Gorton block grant amendment.

Another problematic amendment that I understand will be introduced later in the debate is the Gregg amendment to allow states and school districts to strip civil rights protections for students with disabilities.

The proposed Gregg amendment would repeal the critical civil rights protections included in the Individuals with Disabilities Education Act that ensures that children with disabilities are not denied educational services. Prior to the enactment of IDEA, over half the children with disabilities in this country were receiving an inadequate education or no education at all. Under the proposal, children with disabilities could be unilaterally thrown out of school, even if the child was being ''disciplined'' for a behavior caused by the child's disability.

This proposal is not in the interest of children with disabilities and it is not in the interest of the nation. In fact, a similar amendment was rejected on the Senate floor last year during consideration of the reauthorization of IDEA. The Senate did not support the proposed policy last year, and we should not support it now.

Proponents of the bill claim that under current law, schools cannot discipline children with disabilities when they break the rules. That is simply not true.

IDEA allows school officials to discipline a child with a disability when discipline is warranted. IDEA already allows immediate action against a child with a disability who brings a weapon to school, who knowingly possesses, uses, or sells illegal drugs or controlled substances, or whose behavior is substantially likely to result in injury to the child or others. In addition, if the behavior resulting in the disciplinary action is not the result of

a child's disability, IDEA allows the school to apply any relevant disciplinary procedures that they would apply to a child without a disability.

Police, prosecutors, and groups representing school officials and children with disabilities all support pursuing policies that ensure that our schools are safe and conducive to learning, and to help all children, including children with disabilities, learn personal responsibility. But, discipline should never be used as an excuse to exclude, segregate, or deny services to children with disabilities.

The goal of public education is to give all children the opportunity to pursue their dreams. We must be committed to every child—even the ones who aren't so easy to teach. This amendment would undermine that goal and put children with disabilities on the street. It's bad policy and we should overwhelmingly reject it.

These amendments simply make the bad underlying bill even worse. The underlying bill uses tax breaks to subsidize parents who send their children to private schools, and it is a serious mistake. It diverts scarce resources away from public schools that have the greatest need.

The regressive Republican tax bill does nothing to improve public schools.

It does nothing to address the serious need of public schools to build new facilities and repair their crumbling existing facilities.

It does nothing to reduce class sizes in schools.

It does nothing to provide qualified teachers in more classrooms across the nation.

It does nothing to help children reach high academic standards.

It does nothing to provide after-school activities to keep kids off the street, away from drugs, and out of trouble.

It does nothing to improve the quality of education for children in public schools. Tax breaks for private schools are not the answer to the serious problems facing the nation's public schools.

This bill would spend $1.5 billion of public tax dollars over the next 10 years on subsidies to help wealthy people pay private school tuition and other private school expenses.

According to the Joint Tax Committee, the bill will cost $1.5 billion over the next 10 years, and half the benefits will go to the 7 percent of families that have children in private schools. That's unacceptable, when public schools are desperate for additional help.

The Joint Tax Committee also estimates that while 83 percent of private school families will use this tax break, only 30 percent of public school families will use it.

The bill disproportionately benefits private school families, and it disproportionately benefits the wealthy. The majority of the tax benefits will go to families in the highest income brackets, who can already afford to send their children to private school.

Working families do not have enough assets and savings to participate in this scheme. This regressive bill does not help families struggling to pay day-to-day expenses during their children's school years.

This so-called education bill does nothing for education. It simply provides a tax shelter for the rich.

Congress should be building new schools—not building new tax shelters for the wealthy.

Congress should be reducing class size—not reducing aid to public schools.

We know what it takes to achieve genuine education reform. The place to start is by resoundingly rejecting this defective bill, and then amending it in ways that will genuinely help the nation's schools.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation.

We must continue to support efforts to raise academic standards.

We must test students early, so that we know where they need help in time to make that help effective.

We must provide better training for current and new teachers, so that they are well-prepared to teach to high standards.

We must reduce class size, to help students obtain the individual attention they need.

We must provide after-school programs to make constructive alternatives available to students.

We must provide greater resources to modernize and expand the nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

We cannot stand by and let this regressive tax policy pass to help private schools at the expense of public schools.

Parents across the country want real solutions—not token gestures in the name of education. We should not waste $1.5 billion of public tax dollars on a do-nothing tax break program.

I hope that my colleagues will join me today in opposing this bill. We should be doing all we can to help public schools—not abandon them.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, if I might ask the Senator from Massachusetts, it would be my intent to ask unanimous consent that this vote occur tomorrow at a time selected by the majority and minority leaders and 2 minutes be afforded each side at the time of the vote. If that is agreeable, I am going to proceed with a motion to table and ask for the yeas and nays.

Mr. KENNEDY. As described by the Senator?

Mr. COVERDELL. Yes.

Mr. KENNEDY. With that understanding, I yield back all time.

The PRESIDING OFFICER. All time has been yielded back. The Senator may proceed.

Mr. COVERDELL. Mr. President, I ask unanimous consent the vote which I will make in a moment on the motion to table this amendment occur on Tuesday at a time to be determined by the majority leader and minority leader, and that the time remaining on both sides be reserved respectively.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I move to table the pending amendment of the Senator from Massachusetts and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to set aside the pending amendments so I might speak for 15 minutes on the legislation itself.

Mr. ROTH. I say to the distinguished Senator from North Dakota, we would have no objection to your taking 15 minutes. But we do hope it will be the understanding tomorrow that we will proceed from amendment to amendment. But with that admonition, we agree to your request.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I'm assuming the Senator would not object if this side, in keeping the balance, if we ask unanimous consent, even though we are on pending amendments, for 15 minutes to respond.

Mr. DORGAN. If I might respond to the Senator from Georgia, I certainly would have no objection to some parity in time. My understanding is that more time has been consumed on that side during this day. I assume you would also want parity. My expectation is we have a unanimous consent request by which we will dispose of this bill.

My intent and my hope was to be able to speak for 15 minutes inasmuch as this amendment was disposed of and another amendment is not now offered.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from North Dakota asked for unanimous consent for 15 minutes on the bill.

Without objection, it is so ordered.

Mr. DORGAN. I have listened with interest not only to this debate but to much debate prior to this on this legislation.

Since the year 1647, when the colonists in Massachusetts created tax-supported public education, we have had a long and proud tradition in this country of public schools. By far, the majority—in fact, well over 90 percent—of the students who attend elementary and secondary schools in our country will attend public schools as part of our public education system.

We have substantial tax incentives that already exist in this country in our Tax Code to support education. I am holding a list of 16 such tax incentives. They provide over $78 billion in tax reductions over a 5-year period for various kinds of expenditures and activities dealing with education. One of them, $19.6 billion, is the deduction for charitable contributions to educational institutions. That is a method by which some make contributions to private schools and get tax deductions for that.

All of these provisions dealing with tax incentives are important. This Congress has generally supported them and increased them substantially last year with HOPE and lifetime learning credits, deductibility for interest on student loans and various other devices.

The question now is on a proposal offered by the Senator from Georgia. I have indicated to him previously that I am not attempting to trash the proposal itself. I think this kind of discussion begs the question, what is the priority of need? What are the rankings of need that exist with respect to education in our country?

The Senator from Georgia comes up with a proposal that says the need is that we should provide other tax incentives that allow people to put away savings to be used for public and private elementary and secondary education.

The Secretaries of Treasury and Education, in a letter dated February 9, says that this proposal, the way it is constructed, ''disproportionately benefits the most affluent families.'' This is the Secretary of the Treasury and the Secretary of Education. This proposal ''disproportionately benefits the most affluent families.'' Further, they say, this will not generate much additional savings in any event.

If one were going to do this, it seems to me one would want to do it the right way. The question that I come to the floor to ask is, what is the ranking of need that exists in education? What are the priorities? What represents the approach that is most in need of public investment? I want to take this down to the specifics. I know some will say this is just anecdotal and doesn't matter.

Education is one child at a time in this country. It is not some theory. It is one child at a time. I want to tell you about a young woman that I met last Wednesday morning named Rosie Two Bears. Rosie is a little second grader, bright-eyed. She has a wonderful little smile, and she goes to school in Cannon Ball, ND, a school that I visited last Wednesday, among many other schools. The Cannon Ball, ND, school is on the Standing Rock Indian Reservation, but it is a public school in a public school district with very little tax base.

I want to tell you about the school, because Rosie Two Bears, when I entered her second grade class, asked me, ''Senator, will you buy us a new school?'' Well, I didn't have the answer for Rosie last Wednesday, but I want to tell you why Rosie Two Bears asks if we can buy her a new school. And I tell you this by virtue of saying this represents the need, the priority of need, not just in Cannon Ball, ND, but all across this country.

This school is, in its oldest part, some 90 years old. It sits in a desperately poor school district. It has been condemned with respect to the older part of the school as a fire hazard, among other things. It has 145 students and 40 other staff and maintenance workers. For the 145 students in K through 6th grade there are two bathrooms and one water fountain. Let me say that again: 145 kids, two bathrooms and one water fountain.

Now, one of the classes is held in what is called the choir room. It used to be the janitor closet. But they can't always hold class there because sewer gas comes backing up and you can't have a classroom when sewer gas creates such a stench that little kids will be made sick if they sit in that room. So what do they do when the sewer gas backs up and fills that old janitor's closet, which is now used as a room in which they sing and practice choir? They move those kids out of that room to some other hallway in the school.

There is a little gymnasium, very old, but there are no locker rooms, so the fourth and fifth grade basketball players must change in the bathrooms—two bathrooms in the entire school. But there is not enough room in the bathrooms, so little fourth graders are changing out in the hallway. You wonder what is it like for a fourth grade basketball player to change into his basketball clothes in the hallway because there are no locker rooms and the toilets are full, with people trying to change for the same basketball game.

You might say, what does this mean? It means, in our country, right in this country, we have schools that are in desperate condition, and we have bright-eyed, wonderful little children walking through the school door, going into a classroom where the desks are not a half inch apart—the desks are touching in every circumstance because the classroom is 8 feet by 12 feet and they have so many kids in there there is no room for even an inch between the desks. Next year, twice as many kids are supposed to be in that classroom, but they can't do that so they will break up the class. When they break up the class, one teacher handles two classes and spends 15 minutes talking to this group and then says, ''All right, now I will be talking to this class for 15 minutes,'' in the same room and will go back 15 minutes later, in a crowded room with two classes because that represents the overflow from other classes.

I ask the question, how many of us would like our kids to walk through that school door and would say to our second grader, say to Rosie's classmate, ''Yes this is a good education. Our country is proud of the education it gives to you.'' We cannot afford to put another bathroom in that school, we cannot afford to add classrooms that are of adequate size. We cannot afford to fix a school that has sewer gas seeping up through the choir room. We can't afford it. We don't have the money.

That is why I ask this question today about need. We see today a proposal coming to the Senate that says let's spend $1.6 billion on education in a manner that the Secretary of the Treasury says will ''disproportionately benefit the most affluent families.'' I ask the question, is that expenditure something that was determined to be more important than the Cannon Ball school? Because the Cannon Ball school is not about theory. The Cannon Ball school, on Wednesday when I visited, was about real needs for real little kids that are in the public school system hoping to catch up and keep up with every other kid that enters a classroom door in this country.

What is the ranking of need? What do we decide is important? It is unfair for me to talk just about Cannon Ball. Down the road 40 miles, I met with a school board there on Wednesday, the Standing Rock High School, run by the BIA—in effect, this Congress. It is a wonderful school. Those boys just won the State class B basketball championship. That Indian school on the Standing Rock Indian Reservation is enormously proud of those young boys. Against all odds, no one expected them to win the State high school basketball championship, but they did.

You know what is wrong with their school? They have classrooms in the gymnasium for 2 months. Their school has lighting fixtures that are leaking PCBs. It would be funny to see the national press go down and take a look at PCBs leaking from lighting fixtures or visit Rosie Two Bears in Cannon Ball. But somehow that is not sexy. Those kids aren't in classrooms, because the lights are leaking a carcinogen, so we have to clear the building out.

Is that a priority? It is our responsibility. That school belongs to the BIA. The funds for that come from this Congress. Is that a priority? Is it less of a priority than providing a tax break, the bulk of which will disproportionately benefit the most affluent families. That is the question I ask.

I am not suggesting this is wholly unworthy, or that it is an idea that has no merit. That is not what I come to suggest. I say if the U.S. Senate is prepared to say we have $1.6 billion with which to invest in the education of young Americans, then I say the Cannon Ball school ought to have some claim to that. Rosie Two Bears and her second-grade class, sitting in a building where sewer gas forces them out of their choir room, ought to have some claim to part of that at least. We at least ought to have the opportunity to have that debate here on the floor of the Senate.

When you have unlimited wants, virtually unlimited wants and limited resources, then there is a responsibility, I think, to prioritize them. What represents our most important investment? We have a range of amendments that will be offered. There is an amendment, for example, that talks about exactly what I am discussing—school construction, the need to respond to crumbling schools, the need to be fair to Rosie Two Bears and her classmates in that second grade class. School construction. Can we help repair crumbling schools? That amendment is going to have 15 minutes of debate on each side. What an awful, awful thing for us to have done.

I hope that however we dispose of these issues, that some day, some way, on the floor of this Senate we will truly have the capability of deciding what represents our priorities in education. This may represent the priority of the Senator from Georgia; it is not mine. My priority is to decide that we have enormous challenges in public education in this country.

I am proud of our public education system. We have not come to this point in our history by accident. I mentioned when I started that, in 1647, the colonists in this country decided to begin a tax-supported system of public education. What an enormously important element in our country's future and our country's history, to have decided that every young American can become everything that his or her natural talents will allow, because we are going to create a public education system that allows every single one of them that opportunity. That has been our tradition and must be our future.

When we talk about $1.6 billion, the question is, if that $1.6 billion is available, what do we use it for? What do we use it for? Do we use it to fix those schools that are falling down on these kids? Or do we add a teacher to a class that is twice the size it ought to be? Or do we provide another tax credit in which over half of the benefit will go to 7 percent of the students in private schools?

I say to the Senator from Georgia, I have great respect for him as a legislator; I just disagree with the priority. Based on a ranking of needs, there is no question as to what the answer is. The answer is that we ought to, as a country, decide that our investment in the public education of this country is paramount. And when we have problems that local school districts can't correct, where they don't have the tax base and the resources to make investments on behalf of those kids, then we are going to try to help them some way or another. If $1.6 billion is what we have today, then I say that is the way we ought to use that money. That is the debate we must have.

We have a good number of amendments pending or to be offered of legislation. I know that the Senator from Georgia has always maintained there has been a filibuster on this legislation. In fact, I maintain that there has been a lockout and has always been a lockout. The reason people have had a problem getting this to the floor is, they wanted to bring it to the floor by saying: This is our idea, and if you have another one, we may allow you to debate it, but only minimally. We are not going to allow the Senate to do its regular order, because we are not going to allow an amendment and allow you to debate the amendment for 3 or 4 hours.

We were involved in that for a long while. Now we are back on the issue and we are stuck in a situation where, I guess, in order to have this bill considered and to have our amendments in order, we had to agree to 15 minutes of debate on each side on an amendment that addresses the central issue I have been talking about—investment in school construction.

Mr. COVERDELL. If the Senator will yield for 10 seconds. The amendment to which the Senator spoke for most of his remarks has an hour for debate.

Mr. DORGAN. Well, that makes my point. That is 30 minutes on each side to talk about the central issue in education, about the need for investment in infrastructure in education. You just can't expect these little kids to walk through a school door and say, ''By the way, we know this school is in disrepair, falling down around you.'' The Cannon Ball school I mentioned, they have a heater, but they don't have an automatic switch for it. And this school can't hook-up to the Internet because the wiring is so old. But back to the heater, they turn the heater on by climbing up a scaffold to the ceiling of the gymnasium and turning a manual switch.

My point is that a half hour on each side is not enough. That is twice as much as I suggested, because that amendment gets a little more than others. But a half hour on each side is not nearly enough to debate the central problems of how much we should invest and how we invest in the needs of public education. That is my problem with the legislation the Senator from Georgia has offered. There are better amendments. I hope one will be approved as we move along, and I hope we will have a longer period of debate on education sometime later in this Congress.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2288

Mr. BUMPERS. Mr. President, I call for the regular order regarding the Mack amendment.

The PRESIDING OFFICER. The amendment of the Senator from Florida, Senator MACK, is now pending.

Who yields time?

Mr. BUMPERS. Mr. President, I yield myself such time as I may use in opposition to the amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is my understanding that, by unanimous consent, their side has 15 minutes on this amendment. I assume that is what the Senator is using.

Mr. BUMPERS. The Senator is correct.

The PRESIDING OFFICER. The Senator is recognized for up to 15 minutes.

Mr. BUMPERS. Mr. President, I rise in opposition to the Coverdell bill. Let me start by saying that I served on the school board of Charleston, AR, population 1,200, for 12 years before I ran for Governor of my State. I have often said—not entirely facetiously—that I ran for Governor to get off the school board because that is the worst job I ever had. It was a poor school district. When we asked the people of that district, though, for millage increases to build new facilities, not one single time, in my memory—not just the 12 years I served on the school board—did the people ever defeat a millage increase to improve the plight of our students. That situation still exists. The reason it was so difficult is because salaries were pitifully low.

When I got out of law school, I didn't know what I was going to do, but I knew I wasn't going to make very much money practicing law. Betty went to work teaching third grade in the Charleston Elementary School at the princely sum of $125 a month. That is what we lived on. Things were very tough. In a relative sense, things are not all that much better right now. Incidentally, Charleston was the first school in the South to integrate schools after the Brown decision in 1954. Yes, my little hometown was the first school south of the Mason-Dixon Line to integrate its schools following the Brown decision. We are proud of that.

I am a great champion, as a result of my experience on that school board, of public education. I have nothing against private schools. When I was elected Governor, because I was apprehensive about the safety of a couple of my children, I sent them to private schools. I was concerned about their safety not because of the schools, but because their father was Governor. The second reason I sent them, of course, is that I had the money to do it.

Under the Coverdell bill, if we are going to spend $1.6 billion over 10 years, that equates to the princely sum of $160 million a year. Do you know what that does for education in this country? Nothing. That is not a drop in the bucket compared to the educational needs of this Nation.

Senator MOSELEY-BRAUN has an amendment to rebuild the crumbling infrastructure of the school buildings in this country. I think it is $5 billion over a 5-year period. That doesn't even begin to address the problem when you consider the fact that 93 percent of the money under this bill goes to the wealthiest people in America, goes to

those people who go to private schools, and 7 percent goes to the other 85 percent of the people in America who go to public schools. I repeat—this is a Treasury Department figure—93 percent of the dollars that would go for education under this bill goes to the families who send their children to private schools. That is 12 percent. Seven percent of the money goes to the other 85 percent. That tells you all you need to know about what this bill is all about. It doesn't address the problems of education in the country. It simply extends those IRAs to the first 12 grades. That in itself is nonsense.

If all of this money is going for private schools, then there is not very much of it—$37 a year—for a family who sends their children to a private school. Who is going to send their kid to a private school for $37 a year? But more importantly, the people who send their children to public schools get the princely sum of $7 a year.

So you have to ask, what is going on here? What do we think we are going to do for somebody for $7 a year, or even the wealthy people for $37 a year?

Mr. President, that tells you one thing. The reason I am so stridently opposed to this bill is that it is a nose under the tent of crooks to aid private schools, even though it be very small and it is a diminution of public education. I can tell you where you are headed. You are headed toward the abandonment of public education in this country, and you are headed for one of the biggest disasters of the Nation when you go to vouchers. I am adamantly, and always have been, opposed to vouchers. But I can tell you that will ultimately be the end result of this bill.

Our educational system is not perfect—never has been, never will be. But the reason we had a tough time in Charleston, the reason we have a tough time in America in public education is we are not committing the resources to it. We have a $50-billion surplus this year. Think about it. Six years ago we were looking at a $300-billion deficit. Today, we are looking at a $50-billion surplus.

I am not voting for tax cuts. I am not going to vote to spend that $50 billion for tax cuts when we have 40 million people with no health insurance. We have an educational system that is 13th among 17 developed nations of the world. We have environmental problems that are going to cost billions and billions to solve.

I will tell you what I would like to do if I were king. I can tell you Bill Clinton agrees with this. I would start a GI bill to make sure that every child in America got a college education. They would get a Pell grant—not loans. They would get grants. Every kid in America—86 percent of the people in this country—would go to college if they had the money. If it had not been for the GI bill waiting for me when I got out of the Marine Corps in 1946, I wouldn't be standing here. There are about seven other Members of the Senate who would not be here either if it had not been for the GI bill. If you want to spend that $50-billion surplus, give the children of America a college education and make sure they get it.

Mr. President, I will close by saying, if I had my way, in addition to giving every child a college education, I would also reeducate the teachers of America. I can remember when the Carnegie Foundation started the program to allow teachers of this country—a limited number of them—to improve their skills by going to summer seminars about 10 or 12 years ago. The first one was at the University of Texas which had a summer seminar dealing with Virgil's Aeneas and Homer's Ulysses, comparing them, and 4,400 schoolteachers applied for 250 spots. That shows teachers want to improve their education if they had the money.

Since that time we have done a little bit in the National Endowment for the Humanities. If I had my way about it, every schoolteacher in this country would be making a minimum of $50,000. How do you expect teachers to spend all of this time going to college and then standing out there and getting killed, as one in my State did 3 weeks ago in Jonesboro, AR? And we pay them $25,000 or $30,000 a year. They can go to law school and start at $75,000 to $100,000 a year. Why would anybody want to teach school when it is a dangerous profession among other things? The pay is miserable. Those are the reasons our educational system is lacking.

Mr. President, I will not belabor it any longer but to simply say this is precisely the wrong thing to be doing if you are trying to improve education in this country. Improve the teacher quality, improve the buildings they go to school in, improve the safety of the teachers, and improve the discipline in the classroom. This is a nose-under-the-tent approach.

I cannot state it strongly enough. I thank God Bill Clinton is in the White House. He will veto this thing the minute it hits his desk. I will praise him for it.

I yield such time as may be remaining in opposition to the MACK amendment.

Mr. COVERDELL. 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. COVERDELL. 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. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 2 minutes 10 seconds.

Mr. COVERDELL. Mr. President, there is no time remaining on the other side?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Mr. President, let me just quickly say that the Senator from Arkansas was speaking to the Mack-D'Amato amendment, and he implored the Senate to be conscious of the fact that we should be very concerned about the condition and quality of teachers. The purpose of the amendment to which he was speaking, and I read, is "to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary schoolteachers."

When Senators MACK and D'AMATO were here speaking for the amendment, they characterized what is important in a classroom in America is a teacher, is a teacher, is a teacher, which is the purpose of the amendment to which the Senator from Arkansas rose in opposition.

I yield back our remaining time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 2290 TO AMENDMENT NO. 2288

(Purpose: To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers)

Mr. COVERDELL. Mr. President, I send an amendment to the desk on behalf of Senator D'AMATO.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. D'AMATO and Mr. MACK, proposes an amendment numbered 2290 to amendment No. 2288.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word, and insert the following:

____. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) SHORT TITLE.—This section may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that

teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this section are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

(d) STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.—

(1) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(A) by redesignating part D as part E;

(B) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(C) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

''(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

''(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

''(2) has an elementary school and secondary school teacher compensation system that is based on merit.

''(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

''(1) the amount appropriated to carry out this title exceeds $600,000,000; or

''(2) each of the several States is eligible to receive an award under this section.

''(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

''(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

''(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 2, 1999.

(e) TEACHER TESTING AND MERIT PAY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(A) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(B) to establish a merit pay program for the teachers.

(2) DEFINITIONS.—In this subsection, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Mr. COVERDELL. Mr. President, I ask unanimous consent to lay aside all pending amendments.

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

AMENDMENT NO. 2291

(Purpose: To amend section 6301(b) of the Elementary and Secondary Education Act of 1965 regarding same gender schools)

Mr. COVERDELL. Mr. President, on behalf of Senator KAY BAILEY HUTCHISON, of Texas, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mrs. HUTCHISON, proposes an amendment numbered 2291.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following:

TITLE —EQUAL EDUCATIONAL OPPORTUNITY

SEC.—01. EQUAL EDUCATIONAL OPPORTUNITY.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (7), by striking ''and'' after the semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.''.

Mr. COVERDELL. Mr. President, I ask unanimous consent that all amendments be laid aside and that I be given up to 15 minutes, as we discussed earlier, to respond to the remarks of the Senator from North Dakota.

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

Mr. COVERDELL. First, I want to come back, as I probably will have to do all week long, to respond to the characterization of the nature of the education savings account that is a title—one piece—of the bill that is before the Senate. The Senator from Massachusetts, the Senator from North Dakota, and the Senator from Arkansas have characterized the distribution of these moneys. I do not know where they are getting their figures. I think the Senator from Arkansas indicated that some 90 percent of the proceeds of the education savings account would end up in support of students in private schools. That is just absolutely and totally incorrect.

Let me run it down one more time.

This education savings account is identical, the same—I underline ''the same''—as the education savings account embraced by the President, that he was applauding, passed with a majority of their votes, Senate and House, and signed on the White House lawn in a huge celebration. We were celebrating the fact that we had created an education savings account that would help middle-income people pay for the cost of higher education. That savings account that we celebrated, that the President signed and took pride in authorship, although there were a lot of authors, allowed a family, a middle-class family, to save $500 a year and the interest buildup would not be taxed if they used it for the cost of higher education.

That is what we passed, that is what he signed, and that is what we celebrated.

This education savings account is identical and for the same people who are middle class just like the others. The only differences are these. We have said you should be able to save more than $500. Let's let people save up to $2,000. If we are going to help people pay college bills, we better make it substantive enough that they will really do it. The second change is that we said, if you need it before then, you can use it. If you need it for kindergarten or first grade or third or fourth or fifth or sixth or middle school or junior high or high school, if the problem occurs there, you can use it, or you can keep it for college, or, if the student is disabled, even up to age 30. So we just took the idea for middle-income taxpayers and said we are going to make it bigger so it can be used in different ways.

That is the only difference. And yet we have a parade of people down here saying this account is for rich people. It is the same people, identical, that they designated. It is for college. It is for 1st grade through 12th. Then they say, well, this is all going to go to a family that is sending their child to a private school.

The first thing to remember is that it is the family's money. This is not tax money or public money. This is money that they reached in their pocket to put in the savings account. So it sort of stands to reason they maybe ought to have some say about where it goes since it is theirs. But if we are concerned about the distribution of public and private, it is important to note that 70 percent of the families who use the savings accounts will have children in public schools and 30 percent will have children in private schools—70 in public schools, 30 in private. The amount of money is equally divided, not 90 percent to private schools but equally divided. It is about 50–50.

You could ask yourself, well, if 70 percent of the families have children in public schools, why doesn't 70 percent of the money go there? It is because the families with children in private schools know they have a higher hurdle to get over and they are going to tend to save more. They are going to spend more. But it is still about 50–50.

They talk about the expenditure. This one is a little unique. But they seem to feel that if you leave a person's money they earned in their checking account and do not tax it, you have done them a favor. That argues that the Government owns all the money and decides what little pieces to give back to you. This is the people's money. The tax that will be saved by 14 million American families is $520-some-odd million for 5 years in a $1.6 trillion operation. We would leave $500 million over 5 years in their savings accounts.

What is stunning to me is what it makes those American families do. They go out and save $5 billion. This is $5 billion that no school, no student will be able to take advantage of if we do not do this. It will never appear. So, by using this modest tax incentive, Americans do huge things. They save big dollars and every school system in America will benefit. Run down the litany—14 million families, over 20 million children, over $5 billion being volunteered to come in to back up education needs, without any local school district having to raise a dime of taxes; volunteer dollars, families stepping forward trying to help their children.

You heard this is not a priority, just forget the 14 million families. They try to make the juxtaposition that this is either/or, it is a savings account or school construction. The other side needs to review and be mindful of several things. First of all, this is a bipartisan effort. The principal cosponsor of this bill sits right over there. His name is Senator TORRICELLI, from New Jersey. Another key one is right up here, and that is Senator LIEBERMAN, from Connecticut. And right over there is Senator BREAUX from Louisiana. Midway over there is Senator GRAHAM of Florida. These are authors of this proposal too.

It is not just an Education Savings Account we are debating. We have heard a lot about school construction here. They need to review the proposal as offered by their side, Senator GRAHAM of Florida, which expands the ability of local school districts to finance school construction. That is right here. If school construction is important, it is part of the proposal. We have education savings accounts. We encourage States for early prepaid tuition. This encourages employers to pay for continuing education costs for their employees. One million employees will be positively affected by this.

As I said, school construction will be a part of the proposal, and helping the National Health Corps scholarships. All of these are what the bill is. Education savings accounts, I think, are a very important piece, but they are just a piece. And, I might add, in terms of the—they call it costs—in terms of leaving the amount of money in the individual checking accounts, it is a minor cost as compared to the total. It is about 15 percent of this total proposal that is involved in the education savings account. So, once again, it helps families create savings accounts to help kids, a lot of them—20 million. It helps States create prepaid tuition. We heard a lot here about, ''Let's get people into college,'' from the Senator from Arkansas. That is exactly what this bill does. It also helps employers continue to educate people. It helps build schools. All of this is in this proposal.

Having said that, since we have heard the Senator from North Dakota talk about the quality of a school—we want quality buildings. That is principally a State responsibility. We want to be careful we do not reward people who have not been getting the job done. There have been a lot of States building a lot of schools. If some haven't seen to that, it is not our job. You want to make sure everybody is being treated fairly here.

The last thing I say on that is, my dad was educated in a one-room schoolhouse. They had all the grades in one room. He learned how to read; he learned how to write; he learned how to add and subtract. In that one room, they gave him the tools he needed to be a full-fledged American citizen. And that is the problem here. We have hundreds of thousands of children coming out of grades K–12 who cannot read right, and they can't add, and they can't write. And the numbers are astounding. In city schools, only 4 in 10 can pass a basic exam; put all the schools together, only 6. An uneducated mind is denied full citizenship and the privileges and opportunities of that citizenship in the United States, and we have too many kids coming out where we are stunting their citizenship, their participation. We have to stop it.

There needs to be change. These are not all the ideas; they are some of them. Just to sit and defend the status quo is unconscionable.

Mr. President, I yield whatever of the 15 minutes was left, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, I ask unanimous consent to discuss briefly a Senate resolution relating to the Pulitzer Prize just won by a major newspaper in my State.

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

RECOGNIZING THE GRAND FORKS HERALD

Mr. CONRAD. Mr. President, Senator DORGAN and I have prepared a resolution recognizing the remarkable work of the Grand Forks Herald in covering the disasters that beset that city last year.

The Chair will recall that we faced a circumstance of the worst winter in our history, followed by the most powerful winter storm in 50 years, followed by the worst flooding in 500 years, then followed by fires that destroyed much of downtown Grand Forks. The Grand Forks Herald, through it all, kept putting out the daily newspaper. It didn't matter that their own building was flooded or burned out. They kept producing that newspaper day after day after day.

More than producing a newspaper, they produced a remarkable document that told the story. They have been recognized broadly for their remarkable performance. I can tell you, Mr. President, in the community that newspaper is revered, because they were there at a time of maximum danger and threat to the community and they helped hold that community together.

Today I will be offering a resolution on behalf of myself and Senator DORGAN in recognition of the Pulitzer Prize that has now been extended to that newspaper for their remarkable public service. We are incredibly proud that the Grand Forks Herald has been so recognized. They are richly deserving. I hope my colleagues today on both sides will clear this resolution so that we can have the respect extended to that newspaper that they so richly deserve.

I thank the Chair. I especially thank my colleague, the leader, from South Dakota for his indulgence in permitting me to discuss this resolution. We, again, are seeking support on both sides so that this resolution can be adopted today and entered into the RECORD. I also thank my colleague from Georgia, Senator COVERDELL, for permitting me to talk about this resolution, albeit briefly.

Mr. DORGAN. Mr. President, I rise to speak today about the honor bestowed upon the Grand Forks Herald last week. That newspaper received the Pulitzer Prize for Public Service news coverage, for its heroic efforts throughout the flood and fire that ravaged Grand Forks, North Dakota in April 1997.

The actions of the Grand Forks Herald during the flood set a new standard for performance under pressure. Let me make clear that while the award they have deservedly won is a journalism award, their service to the community goes far beyond the borders of journalism. The fact of the matter is that while this community was being inundated by water and fire, the Grand Forks Herald helped to hold it together by providing information that reassured and reunited families. The Herald

gave people the information they needed to assess the situation and make decisions based on facts and not rumors. I can't tell you how important it is to have facts at a time like this, when your world is being turned upside down, and anything, regardless of how outrageous it may sound, could be true.

When the history books are written about the Grand Forks fire and flood of 1997, there will be many heroes. This was, in fact, a season of heroes in North Dakota; from the individuals who acted heroically to save lives and property, to all the men and women of the media who faced and passed similar tests.

Of all the heroes, however, none will shine brighter than the Grand Forks Herald, which never missed an edition during the disaster. From the parent company right on through to the local management, administrative staff, news, production and delivery staff; all played a key role in holding the community together. All worked, despite enormous odds and tremendous obstacles, to be sure that as their world turned on its head, one thing would not change: North Dakotans could still pick up the Grand Forks Herald every morning and read the facts.

The Grand Forks Herald has been honored with the most prestigious award in journalism and it is a well-deserved honor. I am immensely proud of what they did and as a North Dakotan, I am also grateful for the service they provided to Grand Forks and our state at their most trying hour.

Mr. DASCHLE. Mr. President, if the distinguished Senator from North Dakota will yield for just a moment, I would like to be added as a cosponsor. I commend both Senators from North Dakota for the resolution and will certainly want to work with them to see that it will be adopted unanimously.

As he has noted, the Grand Forks journalistic community stood proud. Grand Forks, I think, perhaps more than anybody else, felt the full force of the natural disasters last year. For this paper to be so recognized, for it to have the opportunity to receive international recognition as a result of their effort is certainly appropriate and ought to be applauded. While many other newspapers did not win the Pulitzer Prize, I think it goes without saying that there are other newspaper efforts that were made last year that also deserve recognition for the tremendous work they did under very, very difficult circumstances.

Again, I commend the Senator from North Dakota for his effort. I hope we adopt the resolution. I certainly congratulate the newspaper.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask the Senator from North Dakota if he will add my name as a cosponsor. I am a journalism graduate. I was fascinated with this Pulitzer award. I am pleased he is recognizing them in this manner.

Mr. CONRAD. I thank my colleagues.

Mr. President, I ask unanimous consent to add Senator DASCHLE and Senator COVERDELL as original cosponsors of the resolution.

The PRESIDING OFFICER. The Chair also requests that the junior Senator from Nebraska be added to that august list.

Mr. CONRAD. I ask unanimous consent to add the junior Senator from Nebraska as well, Senator HAGEL, as an original cosponsor.

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

Mr. CONRAD. We will leave it open for other Senators that might also wish to cosponsor it.

Let me just say that the publisher, Mike Maidenberg, and the editor, Mike Jacobs, did truly a remarkable job in having this newspaper produced every single day even though their building was destroyed by flood and fire, and to produce a remarkable product that has won this prestigious Pulitzer Prize. We are very, very proud of what they have done, of what they have done to help hold that community together, and we are especially proud that it bring home this remarkable honor that I think all of us would say is absolutely justified.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. DASCHLE. I ask unanimous consent that the pending amendments be set aside and I be permitted to speak on the bill.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I look forward to the opportunity that we now have today and tomorrow to debate one of the most important issues facing our country. I applaud all of those involved, Senator COVERDELL, and others on our side, who have dedicated themselves to finding solutions.

I must say that while we offer solutions and while we mutually recognize the importance of the issue, I do not really know of an issue that probably divides us more philosophically at this point than does education.

Our Republican colleagues, in large measure, believe there is not a role at the Federal level for educational priorities, that it really is an issue that ought to be left to the local level, to public school districts, and to others.

Democrats, on the other hand, believe that there ought to be a role for every level of government, that the people of the United States have an interest and a need to ensure that our educational priorities and our educational challenges are met with every tool available to us in order to be able to compete effectively in the information age.

So that difference in philosophical approach brings us to the point where we are today, with two very different proposals on how we might best address education. One provides what I would describe as a minimal tax reduction—$7 per tax return if your children are in public school and about $37 if your children are in private school—to the parents of children attending school today, a $1.6 billion plan that does not go very far when you simply spread it out over the many, many families in America who have children in public and private elementary and secondary school today. The other is our approach which allows a more targeted investment in some of the very specific needs that we have in education today.

I do not think there is much difference of opinion with regard to the recognition that a strong public education system is key to America's future. I would even argue that most of our Republican colleagues would share that view even though they are more likely to be more supportive, it appears, of private educational approaches than public.

Economic prosperity, our position as a world leader, our very democracy all depend on providing educational opportunity to children. We know that. We also know that in a new global information economy, knowledge and work force skills have become an extremely important factor in economic growth.

So at the dawn of the global information economy, it is appropriate to give opportunities to communities facing conflicting pressures from rising enrollments and aging infrastructure and demands by taxpayers for State and local relief. It is appropriate to find ways in which to provide communities with new tools to manage these conflicting pressures. We recognize that managing these pressures better would be good for society, good for the economy, and good for national security.

We have heard a lot about what is wrong with public education. For example, our 12th graders are behind the rest of the world in math and science. We all agree that is unacceptable. But there are some signs of progress. Our fourth graders are well above the average in mathematics and near the top in science.

Innovative programs are being implemented around the country today. Chicago has implemented a broad, districtwide reform program that ends social promotions, that raises standards, and that provides extra help through weekend and summer school programs. Parents and other individuals and communities all over the country are more involved in many aspects of schools than they have ever been before. So there are some good signs. Schools in low-income neighborhoods in New York

and other places are implementing programs like Success for All and are getting some dramatic results.

The bottom line is that, with all of the effort underway at the local level, do we abandon our public schools? Do we abandon the partnership that the people of the United States have had in ensuring, from a national perspective, that our public schools have the opportunities to meet the challenges of the information age? Do we all agree that it should be a fundamental right that all children have the opportunity to develop their God-given talents, that our country's future depends on it? I hope we can.

We all know the reality. The reality is that student enrollment is at a record level and expected to grow dramatically over the next decade. The second reality is that the teacher core is aging; we may not be able to keep up in recruiting what needs there will be in every classroom in the country—a qualified teacher—to keep student-teacher ratios somewhere close to where they are today. The reality is that schools will need to hire more than 2 million new teachers over the next decade.

The reality is that school buildings are aging. The reality is that the General Accounting Office has now reported to the U.S. Senate and to the American people that there is a $112 billion backlog in construction funding needed to address deteriorating buildings—$112 billion. And this does not include funds to provide additional classrooms for enrollment growth, reduce class sizes, or put more technology in classrooms. This just says, given where we are right now, given the current enrollment—let us not talk about increases in enrollment, let us not talk about what it is going to take to put technology in classes—given current enrollment, we have a $112 billion backlog in construction.

We talk about infrastructure backlogs. We talk about the deficits we have—our trade deficit, our infrastructure deficit in highways and bridges and roads, the deficit that we have had for so long with regard to our budget—now fortunately resolved, at least for now—but could there be a more important deficit for which this country needs to be concerned than the deficit we have in our schools and in the educational system that directly affects the quality of education our students get?

Addressing these problems demands a cooperative and concerted effort at every level of government. I have too many communities in rural South Dakota that recognize everything I have said. But they say to me directly, ''We simply can't acquire the resources necessary to meet the challenges that we know are out there. And, frankly, we don't know what we're going to do.'' They tell us that this is a national concern and ought to be addressed as a national issue. If it is addressed as a national issue, the people of the United States have to be concerted in their effort to find ways to deal with these problems more effectively.

The American people want action. You name the poll, conservative or liberal—the polls will tell us that education is one of the highest priorities in our country today. Only 1 percent of the Federal budget is spent on primary and secondary education, and that includes special education—1 percent.

So, Madam President, it isn't that we are breaking the budget with what we spend. It isn't that we simply have taken money away from other things to put in education. When you have a $112 billion deficit on just infrastructure for education, and are only spending 1 percent of the budget, the question is, what should we do? What opportunities can be afforded to address this in a more balanced and more prudent way?

As we contended with that question over some period of time and with virtual unanimity, Democratic Senators have introduced S. 1708, the bill we call the RESULTS Act, to show what we think should be done to improve public education. Our bill does a number of things, and I want to outline them very briefly.

First, it reduces the class size in the early grades and helps communities hire 100,000 qualified teachers. We have already seen what hiring more cops does in neighborhoods. I was just in South Dakota for virtually 2 weeks, and I was amazed at the reports that I am getting, at the tremendous effect community police have had. We have added new community police to the work force in so many communities in my State. If it is so good for preventing crime and dealing with crime in neighborhoods, what could be better than to say we have also got to do it in education? We have to find a way to ensure that this dramatic shortage we are going to have with teachers all over the country can be addressed in an effective way.

Let's hire 100,000 qualified teachers over the next couple of years. Once we have hired those teachers, the second thing we do is to say let's build and modernize 5,000 public schools. We have a series of charts, that I will get to in a minute, that help us address these things. But let's modernize some schools, 5,000 of them; set that as our goal.

Let's provide after-school care for half a million children. Let's provide more computers for classrooms across the country and training for teachers who were just hired. Let's establish an educational opportunity grant program for high poverty urban and rural areas that are serious about bringing about real reform.

I was never so pleased as when I saw this morning in the Washington Post where a school in Fairfax County has decided to use the multimillion-dollar investment they have, 12 months a year, to improve education in ways they are not doing today. The article went on to say that there are about 2,700 schools around the country that are doing the same thing. I say it is about time.

Unfortunately, our Republican colleagues have chosen not to address those issues. They don't deal with these problems. The Republican budget resolution states explicitly that no funding for any of the President's education initiatives shall be authorized—that s explicitly in the budget. It provides $2 billion less than what the President has proposed for education and training in next year's budget. It actually denies help to reduce class sizes and hire the 100,000 teachers I mentioned a moment ago. It actually denies help to communities to build or modernize public schools. It denies additional after-school care to help children learn more and reduce juvenile crime. It denies the incentive to help high poverty communities adopt serious comprehensive reform.

Instead, unfortunately, my colleagues continue to insist that vouchers to private schools and block grant proposals that absolutely remove any opportunity for the entire country to be engaged in a national investment in education be provided. In short, they do virtually nothing, to improve public education today.

I reiterate, you can make the case that all this ought to be done at the local level. You can make the case that somehow Rochford and Ipswich and Rosholt and Warner and Buffalo and Faith and Wall, SD, don't need any help from the people of the United States as they try to figure out ways in which to address the incredible array of problems that they have. But we are not willing to admit that. We believe strongly that we have to have a comprehensive agenda in education. We have to address this terrible problem we have in infrastructure. We have to recognize that this teacher shortage is real. We have to find ways with which to acknowledge the information age and access better technical innovation. We can do that. We can pass the RESULTS Act. I hope we will do that.

Of all the things I hope we can talk about in some detail, I want to focus on one of those today, with the hope that maybe we can come back and address some of the others at another time. I want to talk briefly about this matter of infrastructure, because I do believe that when it comes to the array of priorities we have, perhaps the biggest concern I have right now, as we look at the challenges we face, is infrastructure.

We are proposing in our legislation—and we will offer an amendment tomorrow—to provide interest-free school modernization bonds to improve public education across the country. It is a new, cost-effective financing option for communities. And I emphasize ''option.'' There are no mandates. Schools don't have to use this. But as they contemplate whether or not they can afford a new school, a new facility, modernization, they will now have the

knowledge, if this legislation passes, that we will assist them, we will reduce their tax load, we will reduce the amount of exposure they have as they make their commitments. We will do that with them. So this is really a tax reduction effort of a different kind.

The way we do it is pretty simple. We simply say, if you make a commitment to new infrastructure, we are going to help you make it more cost effective. We will make it more cost efficient, more palatable from a cost point of view, by paying the interest. You pay the principal; we will pay the interest. The interest is sometimes up to half of the overall cost.

The overall bonding authority is about $22 billion. To take a typical scenario where you have conventional bond financing, a $15 million project would require an additional $7.5 million of interest. In this typical project, we would be paying $7.5 million, or about one-third, as a national commitment and the local communities would pay $15 million. So the interest-free school modernization effort would have a profound effect on a local decision.

Now, as most people know, local decisions involving bond issues sometimes require a 60 percent vote, and in many cases even a 67 percent vote, or two-thirds, is required. I can't tell you how many times bond issues in South Dakota have failed on the basis of 1 percent or 2 percent. An overwhelming majority have passed them, but they have fallen short of the 60 or 67 percent required in order to meet the local legal requirements. I am convinced this would put us over the top in many of those cases.

Why do we even worry about it? Why should we be concerned about whether the bond issues go over the top? This chart lays it out fairly well: 74 percent of the Nation's public schools today are more than 25 years old; nearly a third are more than 50 years old.

We have modern businesses, modern Senate office buildings, and we have schools in which our children are expected to learn that are today more than 50 years old. Now, they don't have the resources we have in the U.S. Capitol, a building that is 200 years old. If they did, I would not be concerned. It isn't the age of the buildings, if they are well built, but what kind of buildings are they? Well, this second line answers that question:

Fourteen million kids today are in schools needing major renovation or replacement—14 million; 12 million children are in schools with leaking roofs and/or ineffective or defective plumbing; 10 million kids are in schools with inadequate lighting; 7 million kids are in schools with safety code violations, such as the presence of asbestos, lead paint, and an array of other environmental problems.

We want our kids to learn and we say that education is a priority. We say we are willing to make the investment. We say that there can't be anything more important than our children. But then we tell our children that we want you to learn in a building that is out of date, that needs renovation, that may have toxic chemicals in the classroom, that has poor lighting and, God forbid, poor plumbing. But we want you to learn because you are important to us.

The real problem is that, in the future, this is going to be exacerbated dramatically. Public school enrollment will increase by 13 percent in the next 10 years. And 6,000 new schools are going to need to be built at an estimated cost of $73 billion just to maintain current class size, just to say that if we are going to keep the 25-to-1 student-teacher ratio, we have to build 6,000 new schools. The question comes, if we need a 60 or 67 percent vote at a local level and we say it is all your responsibility, we don't care whether you have the resources or not, this just isn't going to happen, Madam President. Forty-five percent of the school districts are already using 3,621 trailers and makeshift classrooms. If you have not been in one of those classrooms when it is 85 degrees outside, I invite you to participate. It is as dramatic a lesson in the extraordinary problems our teachers and students are facing as they try to learn as anything I have seen.

The enrollment here is pretty clear. All of the blue we see on this map shows where we see dramatic increases in enrollment. It doesn't take a rocket scientist to figure out that in every one of those States we have some very serious educational infrastructure problems that we have to address.

Madam President, it really comes down to this. State and local taxes as a share of income have already risen 10 percent in the past two decades. The estimated $112 billion backlog and the $73 billion cost of new schools will place an increasing burden on State and local taxpayers, even though these taxes have gone up. By dramatically cutting the cost of school repairs and construction to communities, interest-free bonds will provide badly needed property and sales tax relief to working families.

This isn't just an education proposal, this is a tax relief proposal. If you think property taxes are too high, if you think local taxes are too high, then you are going to want to support this amendment because this is a way to reduce local property taxes, local taxes to fund the educational demands that we are going to have in virtually every State in the country.

The State courts are already mandating new infrastructure. They are requiring that we remedy the financing inequities. Courts in 11 States have ruled that the school financing systems are unconstitutional. In nearly every case, States have complied by raising property or sales taxes to finance school improvements.

What does that tell you if the courts are already mandating what we are trying to do voluntarily? They are saying that you have to find a better way to finance schools because what you have is not working. Litigation is pending in 16 other States already.

Madam President, it is pretty simple. Americans have looked at this proposal. Three-fourths of the voters in this country—75 percent—favor Federal aid to communities for school repair and modernization. Fifty percent of the voters consider overcrowded schools a major problem. Almost 80 percent believe public school renovation and modernization is a higher Federal priority than highway construction. I supported the highway bill, and I continue to do so. I think it was a good piece of legislation. But if we are going to make a commitment to highway infrastructure and transportation infrastructure in this country, where is the same enthusiasm for ensuring that we have the educational infrastructure?

Madam President, 73 percent of Republicans and 65 percent of independents strongly support a Federal commitment, a commitment by the people of the United States, to education and infrastructure modernization. We will have an opportunity to have more debate and further discussion and consideration of these Democratic proposals. I do hope that, as these votes are presented to our body tomorrow, we will see the wisdom of making these investments, and that we will put our money where our mouth is when we make the commitment and tell our children that we are going to help you be educated, that you are our highest priority, that you truly deserve to have the kind of opportunities to learn in an environment that is conducive to learning. That is what this is about. I just hope our colleagues will weigh it carefully and support these Democratic amendments as they are offered during this debate.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, it is my understanding that there are no more amendments that are ready for offering this evening. So, very shortly, we will move to closure.

I did want to take a minute or two to reiterate that the proposal currently before the body that is authored by myself on this side of the aisle, and Senator TORRICELLI on their side of the aisle, is a bipartisan effort to bring about substantial change in education.

The minority leader and I have a different view on the data coming out of our elementary schools. He suggested that we are doing pretty well in math among fourth graders, and near the top in science. I just haven't seen any data that suggests that. The data I am seeing suggests that only 4 out of 10 students in our big city schools are able to pass a basic exam. If you lump them all together, it only gets up to 6 out of 10, which is hardly something that America can count on to get ready for the new century.

The Senator from South Dakota spent considerable time talking about the school construction proposal. I want to point out that there is a school construction proposal offered by Senator GRAHAM of Florida that is in the proposal that is on the floor. It loosens, or makes more easy, the opportunity to finance school construction. It is not nearly as expensive as the proposal being talked about here.

Just to take a moment or two, the proposal that was just outlined by the minority leader does raise some questions. I know in my State—I don't know about the State of the chair—billions of dollars are already being spent to build schools, to modernize schools, and that is because it is a State responsibility.

As I was listening to the presentation, it was sort of running through my mind, well, are we headed toward a situation where those States that accepted their responsibility and built their schools and kept them modern are now going to have to subsidize States that have not? It is a curious question. As we have time to debate their proposal, I am sure it will clarify itself somewhat. But it certainly raises a question in my mind. I would not want a situation to occur where Georgia had fulfilled its responsibilities and some other State didn't, so now we are going to step in with a new proposal to make right something that perhaps is not.

I think you have to remember that construction has traditionally been a State responsibility. However, Senator GRAHAM's proposal does broaden the ability and make it more accessible for States to construct in this case immediately some 500 schools across the Nation.

Madam President, I want to clarify one statement just before we yield for the unanimous consent requests.

The minority leader said that our side of the aisle did nothing for public education. That is a pretty far-reaching statement considering that the proposal in front of us would help 14 million families finance education, 10 million of which are in public education, that would accumulate in the first 5 years $5 billion of new resources, $2.5 billion of which would go to support public schools. It would help 21 States plus 17 additional States that are considering prepaid tuition. It would help employers in the continuing education of 1 million employees. It would help 250,000 graduate students and would provide up to $3 billion in school construction over the next 5 years—public school construction.

I not only consider that something; I consider that a lot, an enormous beginning in making the Federal Government a good partner in terms of improving education in our country—public, private, home, wherever it is occurring.

Tomorrow we will have an opportunity to debate an amendment offered by the Senator from Washington that removes the Federal constriction, or constraints, or oversight on about $15 billion, that would allow local school districts to hire teachers, build schools, provide buses, or whatever the Governors of those States and local communities thought necessary. It wouldn't have the Federal mantra over it that says you only get these benefits if you do these things the way we say. That will be an interesting debate that we will get into tomorrow.

AMENDMENT NO. 2290

Mr. COVERDELL. Madam President, I ask unanimous consent that the second-degree amendment No. 2290 be agreed to and the motion to reconsider be laid upon the table.

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

The Amendment (No. 2290) was agreed to.

Mr. COVERDELL. Madam President, I ask unanimous consent that immediately following the 10 a.m. vote on Tuesday relating to the international shipping bill, there be 4 minutes equally divided in the usual form prior to a vote on the motion to table the Kennedy amendment No. 2289 to House Resolution 2646, the Coverdell A+ education bill.

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

Mr. COVERDELL. Madam President, I further ask unanimous consent that at 2:15 p.m. on Tuesday the Senate proceed to a vote on or in relation to the Glenn amendment No. 2017, to be followed by a vote on or in relation to the Mack-D'Amato amendment No. 2288, as amended.

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

Mr. COVERDELL. I further ask unanimous consent that no amendments be in order to the above amendments; and, finally, that prior to each of those scheduled at 2:15 there be 2 minutes of debate equally divided in the usual form.

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

MORNING BUSINESS

Mr. COVERDELL. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

PROTECTING PUBLIC SAFETY BY PREVENTING EXCAVATION DAMAGE

Mr. LOTT. Madam President, recently, the National Transportation Safety Board (NTSB) held a public meeting in Washington, D.C. to discuss the findings of a comprehensive study it conducted to assess the safety initiatives undertaken by industry and government and private organizations to prevent excavation damage to underground pipelines. As a result of the study, the NTSB adopted twenty-seven safety recommendations to reduce the risks posed by excavation damage. I want to take this opportunity to commend the NTSB for its proactive stance on this important safety issue.

Excavation damage poses serious safety risks to our Nation's critical infrastructure. This infrastructure, among other things, transports natural gas, petroleum, and other chemical products through pipelines and enables telephone and Internet access through a vast network of fiber optic cables and communication lines. Damage to this infrastructure not only exposes people and the environment to safety risks, but impedes economic development.

The NTSB agrees. In a press release issued on the study, the NTSB states ''a single pipeline accident has the potential to cause a catastrophic disaster that can injure hundreds of persons, affect thousands more, and cost millions of dollars in terms of property damage, loss of work opportunity, community disruption, ecological damage, and insurance liability. Excavation and construction activities are the largest single cause of accidents to pipelines.'' The Safety Board goes on to say that in ''addition to being expensive and inconvenient, disruption of the telecommunications network can have significant safety implication, such as impact on traffic control systems, health services, and emergency response activities.''

The NTSB further found that ''damage from outside force is the leading cause of leaks and ruptures to pipeline systems, accounting for more than 40 percent of the reported failures.'' Excavation damage, the NTSB determined, ''is also the single largest cause of interruptions to fiber cable service.''

Mr. LAUTENBERG. Madam President, I would like to stand with the Majority Leader not only in affirming the importance of pipelines to our national transportation infrastructure, but also as a personal witness to the damage that a pipeline accident can have on victims of pipeline eruptions, and particularly to the community.

Four years ago, around midnight, on March 24, 1994, a major natural gas pipeline ruptured in Edison, New Jersey, a densely populated, urban environment. This rupture caused a deafening boom, awakening residents of the Durham Woods apartment complex. Seconds later, a plume of fire and gas shot hundreds of feet above the ground. Thankfully, the more than one thousand residents fled their homes, all leaving before the explosion leveled the Durham Woods apartment complex. I visited the site after the blast. I saw how the explosion incinerated cars, playground equipment and trees. Over one hundred people suffered injuries from the fire. One woman died from a heart attack. It was a miracle that nobody else died from that disaster. Four years later, the victims still suffer emotionally and physically. Some are

still awaiting settlements. They escaped with their lives but their lives are not the same. A state grand jury determined that the disaster probably was tied to damage caused earlier by unauthorized excavation which weakened the pipe, causing it to explode.

Mr. LOTT. Madam President, I remember that disaster to which the Senator from New Jersey refers. That, along with other devastating excavation damage acts, such as those in Puerto Rico and Minnesota, led to the NTSB's decision to issue new strong safety recommendations to the Research and Special Programs Administration (RSPA), the Federal Highway Administration (FHWA), states, and other industry groups including trade associations.

But today, I want to focus on two recommendations in particular. As a result of the study I mentioned above, the Safety Board issued a recommendation strongly urging states to adopt comprehensive one-call statewide excavation programs. They believe that one-call programs are proven to prevent damage due to excavation, thereby reducing the likelihood of pipeline disasters.

Mr. LAUTENBERG. Madam President, the Safety Board is right. Following the disaster, the State of New Jersey adopted a comprehensive one-call program that mandates participation throughout the state. It has been a resounding success. Every year since its adoption, accidental hits have decreased. In 1995 —the first year of the program, there were 4,624 hits of underground lines in 1.7 million excavations. In 1996, there were 3,974 hits in 2.1 million excavations. And last year, there were 3,796 hits in 2.5 million excavations—a success rate of 98.8 percent.

One call programs work. We in New Jersey have seen the devastation caused by pipeline eruptions. We in New Jersey have seen what a one-call program can do.

Mr. LOTT. The Safety Board issued another recommendation. It also determined, as a result of the study, that our nation's railroads should involve themselves in statewide excavation damage prevention programs. The recommendations state that the associations should urge their members ''to fully participate in statewide excavation damage prevention programs, including one-call notification centers.'' The recommendations were issued to the Association of American Railroads (AAR) and the American Short Line Railroad Association.

Why has the Safety Board taken such a position? Perhaps it is because some railroads apparently oppose participating in excavation damage prevention programs, including one-call notification centers. Some one-call notification center participants indicate that the railroads are often no-shows when it comes to underground damage prevention.

Currently, railroads are required to participate in state one-call notification systems in ten states. I want to repeat that again, only ten states. Yet AAR opposed the Lott-Daschle one-call notification bill which passed by the Senate by unanimous consent last year because we would not include provisions preempting state laws and exempting railroads from participation in state one-call notification systems in the remaining forty states.

I understand the railroad industry is taking the same position in the House. I am told AAR is vigorously opposing the Lott-Daschle one-call notification legislation unless the House mandates that railroads are exempt from state's one-call notification systems. So much for industry opposition to Federal mandates.

Instead of advancing the cause of safety and underground damage prevention, AAR is trying to use my bill to reduce safety through a federal exemption in the states where one-call participation is required. This stance is exactly opposite from the position being urged by the Safety Board.

Do the railroads pose a safety risk to underground facilities? Yes, they do. Ameritech recently released a survey of major telecommunication facility outages which found that 17 percent of the major outages in the United States were caused by railroads. This survey, as well as the NTSB study, demonstrates that there is a clear benefit to the public if railroads participate in one-call notification systems.

Mr. LAUTENBERG. Madam President, I cannot agree more. States need the full participation of every stakeholder in order for a one-call program to be successful. A comprehensive national one-call initiative is far from comprehensive, far from national, if a major industry that has a significant role in the location of pipelines along their rights of way chooses to take a walk on an initiative that is important in protecting our communities and the environment against the damage incurred by pipeline accidents.

As the Majority Leader noted, the Senate adopted the Lott-Daschle one-call bill as part of ISTEA reauthorization. This is not without precedent. The Administration included a one-call provision in its NEXTEA bill. A one-call bill, sponsored by my colleague from New Jersey, Congressman FRANK PALLONE, and Congressman RICHARD BAKER of Louisiana, is moving through the House of Representatives. The support lies in the Senate, in the Administration, and in key areas in the House. All we need is to break that logjam and sign a comprehensive one-call bill into law. All that is standing in its way is that the railroads' adamant opposition to the bill—opposition that is preventing the bill from moving ahead. It would be a shame if we missed out on this opportunity to pass this safety initiative only because of the railroad industry.

Mr. LOTT. The Safety Board has long been our Nation's premier safety agency and the Congress has turned to it on many occasions for its advice on ways to improve transportation safety. Moreover, Safety Board recommendations have served as the foundation for many transportation safety bills and laws.

Rather than launch a campaign for exemptions, the railroad industry might better serve transportation safety if it works with Congress to implement the reasonable recommendations of the National Transportation Safety Board.

Let me stress to my fellow Senators that I remain a big supporter of the nation's railroads. Railroads are, as they like to say, ''the engine that drives America.'' I agree railroads are a huge engine, an important engine in America's economy.

Mr. LAUTENBERG. I too support our nation's railroads. Railroads play a critical role in my state in particular. Ships arrive in the intermodal hub that is the Port of New York and New Jersey, unload containers directly onto railroad cars, and send them into the heartland of the United States. Railroad lines exist throughout the state. That is exactly why I care about this issue and urge the railroads to join us in this effort to enact a comprensive bill into law.

Madam President, I want to commend the Majority Leader for his involvement and diligence on this issue. Safety must be paramount. And that is what this issue is all about.

Mr. LOTT. I hope the railroad industry rethinks its position on one-call notification legislation. I urge them to join us on the side of safety.

TRIBUTE TO BOB CRANDALL

Mr. DASCHLE. Madam President, last week an American giant announced his plans to retire. Obviously, that description has more than one connotation. Bob Crandall is a giant in his industry and a remarkable pioneer. Few, if any, leaders in aviation can match his impressive record of achievement.

The American airlines he joined is vastly different than the one he will soon leave. In a time of great economic turbulence in aviation industry, Mr. Crandall navigated his company and the industry itself to new heights and vastly new horizons. As a result, we are all beneficiaries.

We know this man as an innovator. A person who understood that competition was not only good, it was essential. As a frequent flyer, I and millions of other Americans have benefited from the program he conceived to bring down costs and encourage loyal customers.

We know him, too, as a financial manager of incomparable depth. American has been a consistent leader in profits and fiscal management. His stockholders have benefited from an array of innovations including code-sharing and the hub and spoke system in routing that has now been adopted

by virtually every airline in the business.

My wife, Linda, and I have known Bob for some time now. We have no doubt that this man of many interests and so much energy is far from retiring. There will be new challenges and most likely, more pioneering.

Whatever future he may now be planning, we wish him well. We congratulate and thank him for what he has been and how much he has done.

Bob Crandall is an American original.

I ask unanimous consent that an editorial from the New York Times of April 16th regarding Mr. Crandall's retirement be printed in the RECORD.

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

[From the New York Times, Apr. 16, 1998]

AN AVIATION INNOVATOR DEPARTS

Robert Crandall of American Airlines, who is expected to retire next month, always believed he knew exactly what was right for the airline industry and never hesitated to challenge anyone who disagreed. But he also recognized, to the great benefit of his shareholders, when to junk nostrums that circumstances proved false.

Mr. Crandall knew that deregulation would be disastrous for his industry. But after the Carter Administration withdrew the regulatory safety blanket, he brilliantly constructed a complex hub-and-spoke system that brought passengers the steeply lower fares and vastly better flight schedules economists had predicted. Mr. Crandall also knew that sophisticated mathematics could maximize profit by tailoring different prices to different types of passengers. But when that approach grew too complicated, he adopted a simplified system and challenged his competitors to go along with his good idea. When they refused, setting off a destructive price war, he quickly let it drop and returned to a complex fare schedule.

Mr. Crandall demonstrated that competition was good for consumers. But when upstart airlines grabbed his customers, he devised frequent-flier miles, an ingenious strategy that tied travelers to large airlines like American even when rivals were offering lower fares. Mr. Crandall knew that code sharing—the practice by which two airlines would sell tickets on each other's connecting flights under the name of a single carrier—was misleading because it fooled customers into believing they had booked a seamless flight. Yet when Mr. Crandall looked around and saw his competitors pairing up, he pounced, proposing a vast code-sharing arrangement with British Airways. If approved, it will lock in American's dominant position at London's coveted Heathrow Airport.

With his background in finance, Mr. Crandall taught his colleagues about the vulnerability of an industry saddled with mammoth fixed costs—an unoccupied seat represents unrecoverable revenue but no reduction in costs—to pilot strikes and other business holdups. When he announced his retirement yesterday, his airline also boasted of record high profits and a management team ready to take over that would be the envy of other airlines. It was a precisely timed departure from a smart, combative leader and a nimble learner who left his mark on a turbulent sector of the American economy.

HONORING LOUISVILLE PIONEER JAMES GUTHRIE

Mr. FORD. Madam President, on April 22nd, Louisville will honor one of its foremost, but often forgotten leaders, James Guthrie. Guthrie, was one of Louisville's most prominent citizens in the 19th Century, described as the city's ''first and foremost mover and shaker.''

During his distinguished business and political career, he served as President of the Louisville and Nashville Railroad and the University of Louisville. As a member of the Kentucky House of Representatives, he successfully ushered through Kentucky's first city charter elevating Louisville from a town to a city. He was instrumental in the founding of Cave Hill Cemetery, lighting the streets with gas lights, building the first bridge across the Ohio River, and founding what would become the University of Louisville's medical college.

Mr. Guthrie left his mark on the national level as well. Under President Franklin Pierce he served as Secretary to the U.S. Treasury and in 1865 he was elected to the U.S. Senate.

A 19th Century railroad tycoon, Guthrie was a product of the frontier. Born in Bardstown, Kentucky, he rose from modest means to a position of great prominence, including building a reputation as an outstanding lawyer. And while he may have failed in his efforts to see Louisville named the state capital, there is little else at which he didn't succeed once setting his mind to it.

One of his most noted accomplishments was improving transportation, including development of railroad transportation from Louisville to Frankfort, Nashville, Indianapolis, and Cincinnati, even when it meant playing hardball to reach his goal.

Despite his long list of contributions to Louisville, the Commonwealth of Kentucky and the nation as a whole, there is relatively little in the way of historical markers to remind people of his tremendous influence. To remedy that situation, an historic marker will be dedicated at the intersection of Fourth and Guthrie Streets.

Madam President, it certainly seems fitting that we take time to assure someone who contributed so much is remembered by future generations. And I know I join all Kentuckians in lending my support to the City of Louisville's efforts at memorializing a man so committed to Kentucky and the nation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, last week we passed Tax Day 1998. All across the nation, the IRS reported millions of taxpayers suffered confusion and animosity over filing their 1997 taxes. While no confusion exists—in fact, the financial amount is too clear—every man, woman and child should feel animosity at the more than $20,000 bill issued them to pay off the federal debt.

In the same vein, Mr. President, May 10th will be Tax Freedom Day 1998. While the name speaks for itself, Tax Freedom Day was not always such a landmark day because the federal debt was neither so monstrous nor so cumbersome. Tax Freedom Day comes one day later than last year.

It is fortunate that so many reminders that the federal debt will continue to escalate unless and until Congress restrains its desire to spend, spend, spend. Hopefully one day Congress will wake up.

Madam President, with this in mind, let's begin where we left off:

At the close of business Friday, April 17, 1998, the federal debt stood at $5,512,826,076,386.32 (Five trillion, five hundred twelve billion, eight hundred twenty-six million, seventy-six thousand, three hundred eighty-six dollars and thirty-two cents).

One year ago, April 17, 1997, the federal debt stood at $5,350,647,000,000 (Five trillion, three hundred fifty billion, six hundred forty-seven million).

Twenty-five years ago, April 17, 1973, the federal debt stood at $455,209,000,000 (Four hundred fifty-five billion, two hundred nine million) which reflects a debt increase of more than $5 trillion—$5,057,617,076,386.32 (Five trillion, fifty-seven billion, six hundred seventeen million, seventy-six thousand, three hundred eighty-six dollars and thirty-two cents) during the past 25 years.

14th ANNUAL TUFTONIA'S WEEK CELEBRATION AT TUFTS UNIVERSITY

Mr. KENNEDY. Madam President, this week marks the fourteenth annual observance of ''Tuftonia's Week'' in Massachusetts. During this remarkable week, Tufts University alumni from around the world return to Medford to honor their alma mater and call attention to the leadership of so many Tufts graduates in contributing to public service in their own communities.

In fact, the theme of Tuftonia's Week is community service. The university will honor the large number of Tufts graduates across the country who are volunteering in their communities and helping to improve the lives of others in their neighborhoods through the TuftServe program. Since 1995, Tufts alumni have contributed over 300,000 volunteer hours to make their communities better places.

78,000 students have graduated from Tufts since the college was founded in 1852. Today, the university enrolls 8,500 students from all 50 states and 90 foreign countries.

Tufts deserves great credit for its leadership among the nation's universities in emphasizing service-learning and in providing opportunities for students to combine community service with their academic curriculum. Every American should have the opportunity

to participate in projects that help others and improve their community, and I congratulate Tufts for giving its students such an opportunity. I commend Tufts' President, John DiBiaggio, and the rest of the Tufts community for their impressive leadership in both education and community service.

HONORING THE GILLMINGS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

Pastor and Mrs. Gillming's dedication to one another has spilled over into the lives of many. For forty years, they have served together at the Cherry Street Baptist Church in Springfield, Missouri. Norma and Ken have led their congregation by example through their commitment to one another, as well as their commitment to the community.

For these important reasons, I rise today to honor Norma and Ken Gillming of Springfield, Missouri, who on May 21, 1998, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Gillming's commitment to the principles and values of their marriage deserves to be saluted and recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The text of Senate Concurrent Resolution 86, the Congressional Budget for the United States Government for Fiscal Years 1999, 2000, 2001, 2002, and 2003, as agreed to by the Senate on April 2, 1998, reads as follows:

Resolved by the Senate (the House of Representatives concurring)

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1999 including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 as required by section 301 of the Congressional Budget Act of 1974 and revising the budgetary levels for fiscal year 1998 set forth in the concurrent resolution on the budget for fiscal year 1998 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1999.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Tax cut reserve fund.
Sec. 202. Tobacco reserve fund.
Sec. 203. Separate environmental allocation.
Sec. 204. Dedication of offsets to transportation.
Sec. 205. Adjustments for line item veto litigation.
Sec. 206. Extension of Violent Crime Reduction Trust Fund.
Sec. 207. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate regarding passage of the Senate Finance Committee's IRS restructuring bill.
Sec. 302. Sense of Congress regarding the sunset of the Internal Revenue Code of 1986.
Sec. 303. Sense of Congress on the tax treatment of home mortgage interest and charitable giving.
Sec. 304. Sense of the Senate on preservation of Social Security for the future.
Sec. 305. Sense of the Senate on annual statement of accrued liability of Social Security and Medicare.
Sec. 306. Sense of the Senate on full funding for IDEA.
Sec. 307. Sense of the Senate on Social Security.
Sec. 308. Sense of the Senate on School-to-Work programs.
Sec. 309. Sense of the Senate regarding taxpayer rights.
Sec. 310. Sense of the Senate on National Guard funding.
Sec. 311. Sense of the Senate on Medicare payment.
Sec. 312. Sense of the Senate on long-term care.
Sec. 313. Sense of the Senate on climate change research and other funding.
Sec. 314. Sense of the Senate on increased funding for the Child Care and Development Block Grant.
Sec. 315. Sense of the Senate on the formula change for Federal Family Education Loan.
Sec. 316. Sense of the Senate regarding the deductibility of health insurance premiums of the self-employed.
Sec. 317. Sense of the Senate on objection to Kyoto Protocol implementation prior to Senate ratification.
Sec. 318. Sense of the Senate on price increase on tobacco products of $1.50 per pack.
Sec. 319. Findings; sense of Congress.
Sec. 320. Sense of the Senate concerning immunity.
Sec. 321. Sense of Senate regarding agricultural trade programs.
Sec. 322. Sense of the Senate supporting long-term entitlement reforms.
Sec. 323. Sense of Congress regarding freedom of health care choice for Medicare seniors.
Sec. 324. Sense of the Senate regarding repair and construction needs of Indian schools.
Sec. 325. Sense of the Senate on Social Security personal retirement accounts and the budget surplus.
Sec. 326. Sense of the Senate regarding the elimination of the marriage penalty.
Sec. 327. Findings and sense of Ccongress regarding affordable, high-quality health care for seniors.
Sec. 328. Sense of Congress regarding permanent extension of income averaging for farmers.
Sec. 329. Sense of the Senate to maintain full funding for the Section 202 Elderly Housing program.
Sec. 330. Sense of the Senate regarding outlay estimates of the Department of Defense budget.
Sec. 331. Sense of the Senate regarding outlay estimates for the budgets of Federal agencies other than the Department of Defense.
Sec. 332. Sense of the Senate regarding an evaluation of the outcome of welfare reform.
Sec. 333. Sense of the Senate regarding the establishment of a national background check system for long-term care workers.
Sec. 334. Sense of the Senate on expanding Medicare benefits.
Sec. 335. Sense of the Senate on battlefield preservation.
Sec. 336. A resolution regarding the Senate's support for Federal, State and local law enforcement.
Sec. 337. Sense of the Senate on analysis of civilian science and technology programs in the Federal budget.
Sec. 338. Sense of the Senate on civilian science and technology programs in the Federal budget.
Sec. 339. Sense of the Senate on long-term budgeting and repayment of the public debt.
Sec. 340. Sense of the Senate regarding President's budget.
Sec. 341. Sense of the Senate regarding the value of the Social Security system for future retirees.
Sec. 342. Sense of the Senate on the Land and Water Conservation Fund.
Sec. 343. Sense of the Senate on education goals.
Sec. 344. Findings and sense of the Senate.
Sec. 345. Sense of the Senate on INS circuit riders in the former Soviet Union.
Sec. 346. Sense of the Senate regarding funding for the airport improvement program.
Sec. 347. Sense of the Senate that the One Hundred Fifth Congress, Second Session should reauthorize funds for the farmland protection program.
Sec. 348. Sense of the Senate on health care quality.
Sec. 349. Sense of the Senate regarding wasteful spending in Defense Department acquisition practices.
Sec. 350. Sense of the Senate regarding the United States response to the changing nature of terrorism.
Sec. 351. Sense of the Senate on economic growth, Social Security, and Government efficiency.
Sec. 352. Sense of the Senate regarding a supermajority requirement for raising taxes.
Sec. 353. Sense of the Senate on health care quality.
Sec. 354. Sense of the Senate on the use of budget surplus for tax relief or debt reduction.
Sec. 355. Use of budget surplus to reform Social Security.
Sec. 356. Sense of the Senate on Colombian drug war helicopters.
Sec. 357. Sense of the Senate on funding for medical care for veterans.
Sec. 358. Sense of the Senate on objection to the use of the sale of public lands to fund certain programs.

Sec. 359. Sense of the Senate regarding a multinational alliance against drug trafficking.
Sec. 360. Sense of the Senate regarding legislation that increases complexity of tax returns.
Sec. 361. General prohibition on the use of marijuana for medicinal purposes.
Sec. 362. Sense of the Senate regarding Amtrak funding.
Sec. 363. Sense of the Senate regarding market access program.
Sec. 364. Sense of the Senate regarding the National Institutes of Health.
Sec. 365. Sense of the Senate regarding display of Ten Commandments.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, 2002 and 2003.

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,262,400,000,000.
Fiscal year 1999: $1,300,200,000,000.
Fiscal year 2000: $1,325,800,000,000.
Fiscal year 2001: $1,369,400,000,000.
Fiscal year 2002: $1,431,900,000,000.
Fiscal year 2003: $1,486,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $0.
Fiscal year 1999: $0.
Fiscal year 2000: $0.
Fiscal year 2001: $0.
Fiscal year 2002: $0.
Fiscal year 2003: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1998: $117,700,000,000.
Fiscal year 1999: $123,900,000,000.
Fiscal year 2000: $129,700,000,000.
Fiscal year 2001: $135,300,000,000.
Fiscal year 2002: $141,400,000,000.
Fiscal year 2003: $148,100,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,374,700,000,000.
Fiscal year 1999: $1,425,300,000,000.
Fiscal year 2000: $1,471,100,000,000.
Fiscal year 2001: $1,513,200,000,000.
Fiscal year 2002: $1,547,200,000,000.
Fiscal year 2003: $1,615,800,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,358,000,000,000.
Fiscal year 1999: $1,408,400,000,000.
Fiscal year 2000: $1,450,100,000,000.
Fiscal year 2001: $1,490,000,000,000.
Fiscal year 2002: $1,507,000,000,000.
Fiscal year 2003: $1,579,200,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: −$95,600,000,000.
Fiscal year 1999: −$108,200,000,000.
Fiscal year 2000: −$124,300,000,000.
Fiscal year 2001: −$120,600,000,000.
Fiscal year 2002: −$75,100,000,000.
Fiscal year 2003: −$92,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,482,000,000,000.
Fiscal year 1999: $5,668,300,000,000.
Fiscal year 2000: $5,868,700,000,000.
Fiscal year 2001: $6,064,400,000,000.
Fiscal year 2002: $6,220,000,000,000.
Fiscal year 2003: $6,392,700,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $417,300,000,000.
Fiscal year 1999: $438,200,000,000.
Fiscal year 2000: $457,800,000,000.
Fiscal year 2001: $477,100,000,000.
Fiscal year 2002: $497,900,000,000.
Fiscal year 2003: $520,700,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $313,300,000,000.
Fiscal year 1999: $212,600,000,000.
Fiscal year 2000: $331,600,000,000.
Fiscal year 2001: $344,100,000,000.
Fiscal year 2002: $355,700,000,000.
Fiscal year 2003: $369,400,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2003 for each major functional category are:

(1) National Defense (050):
Fiscal year 1998:
(A) New budget authority, $267,700,000,000.
(B) Outlays, $268,100,000,000.
Fiscal year 1999:
(A) New budget authority, $270,500,000,000.
(B) Outlays, $265,500,000,000.
Fiscal year 2000:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $268,000,000,000.
Fiscal year 2001:
(A) New budget authority, $280,800,000,000.
(B) Outlays, $269,700,000,000.
Fiscal year 2002:
(A) New budget authority, $288,600,000,000.
(B) Outlays, $272,100,000,000.
Fiscal year 2003:
(A) New budget authority, $296,800,000,000.
(B) Outlays, $279,800,000,000.

(2) International Affairs (150):
Fiscal year 1998:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,100,000,000.
Fiscal year 1999:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $14,200,000,000.
Fiscal year 2000:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2001:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2002:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2003:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,400,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1998:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $17,700,000,000.
Fiscal year 1999:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2000:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2001:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $17,600,000,000.
Fiscal year 2002:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,400,000,000.
Fiscal year 2003:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,000,000,000.

(4) Energy (270):
Fiscal year 1998:
(A) New budget authority, $500,000,000.
(B) Outlays, $1,000,000,000.
Fiscal year 1999:
(A) New budget authority, $600,000,000.
(B) Outlays, $300,000,000.
Fiscal year 2000:
(A) New budget authority, $600,000,000.
(B) Outlays, $0.
Fiscal year 2001:
(A) New budget authority, $500,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2002:
(A) New budget authority, $400,000,000.
(B) Outlays, −$400,000,000.
Fiscal year 2003:
(A) New budget authority, $400,000,000.
(B) Outlays, −$400,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 1998:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $23,000,000,000.
Fiscal year 1999:
(A) New budget authority, $23,400,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2000:
(A) New budget authority, $23,300,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2001:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2002:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $23,000,000,000.
Fiscal year 2003:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $22,900,000,000.

(6) Agriculture (350):
Fiscal year 1998:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 1999:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $10,500,000,000.
Fiscal year 2000:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $8,700,000,000.
Fiscal year 2002:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $10,400,000,000.
(B) Outlays, $8,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1998:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $700,000,000.
Fiscal year 1999:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2000:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2001:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,800,000,000.
Fiscal year 2003:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $11,700,000,000.

(8) Transportation (400):
Fiscal year 1998:
(A) New budget authority, $46,000,000,000.
(B) Outlays, $42,500,000,000.

Fiscal year 1999:
(A) New budget authority, $51,500,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2000:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $44,700,000,000.
Fiscal year 2001:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $45,700,000,000.
Fiscal year 2002:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $45,800,000,000.
Fiscal year 2003:
(A) New budget authority, $52,000,000,000.
(B) Outlays, $46,900,000,000.
(9) Community and Regional Development (450):
Fiscal year 1998:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $11,200,000,000.
Fiscal year 1999:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2000:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2001:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,900,000,000.
Fiscal year 2002:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,100,000,000.
Fiscal year 2003:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,100,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1998:
(A) New budget authority, $61,300,000,000.
(B) Outlays, $56,100,000,000.
Fiscal year 1999:
(A) New budget authority, $63,050,000,000.
(B) Outlays, $61,006,000,000.
Fiscal year 2000:
(A) New budget authority, $63,350,000,000.
(B) Outlays, $62,740,000,000.
Fiscal year 2001:
(A) New budget authority, $64,550,000,000.
(B) Outlays, $63,849,000,000.
Fiscal year 2002:
(A) New budget authority, $64,950,000,000.
(B) Outlays, $63,750,000,000.
Fiscal year 2003:
(A) New budget authority, $68,450,000,000.
(B) Outlays, $67,150,000,000.
(11) Health (550):
Fiscal year 1998:
(A) New budget authority, $136,200,000,000.
(B) Outlays, $132,000,000,000.
Fiscal year 1999:
(A) New budget authority, $145,800,000,000.
(B) Outlays, $143,700,000,000.
Fiscal year 2000:
(A) New budget authority, $152,600,000,000.
(B) Outlays, $151,600,000,000.
Fiscal year 2001:
(A) New budget authority, $161,500,000,000.
(B) Outlays, $160,400,000,000.
Fiscal year 2002:
(A) New budget authority, $170,100,000,000.
(B) Outlays, $169,900,000,000.
Fiscal year 2003:
(A) New budget authority, $181,200,000,000.
(B) Outlays, $181,100,000,000.
(12) Medicare (570):
Fiscal year 1998:
(A) New budget authority, $199,200,000,000.
(B) Outlays, $199,700,000,000.
Fiscal year 1999:
(A) New budget authority, $210,300,000,000.
(B) Outlays, $210,900,000,000.
Fiscal year 2000:
(A) New budget authority, $221,800,000,000.
(B) Outlays, $221,100,000,000.
Fiscal year 2001:
(A) New budget authority, $239,400,000,000.
(B) Outlays, $242,300,000,000.
Fiscal year 2002:
(A) New budget authority, $251,200,000,000.
(B) Outlays, $248,800,000,000.
Fiscal year 2003:
(A) New budget authority, $273,400,000,000.
(B) Outlays, $273,600,000,000.
(13) Income Security (600):
Fiscal year 1998:
(A) New budget authority, $229,500,000,000.
(B) Outlays, $234,700,000,000.
Fiscal year 1999:
(A) New budget authority, $243,300,000,000.
(B) Outlays, $248,100,000,000.
Fiscal year 2000:
(A) New budget authority, $257,300,000,000.
(B) Outlays, $259,400,000,000.
Fiscal year 2001:
(A) New budget authority, $268,500,000,000.
(B) Outlays, $266,700,000,000.
Fiscal year 2002:
(A) New budget authority, $279,200,000,000.
(B) Outlays, $274,200,000,000.
Fiscal year 2003:
(A) New budget authority, $289,800,000,000.
(B) Outlays, $282,400,000,000.
(14) Social Security (650):
Fiscal year 1998:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,200,000,000.
Fiscal year 1999:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2000:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,100,000,000.
Fiscal year 2001:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,500,000,000.
Fiscal year 2002:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2003:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $15,300,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 1998:
(A) New budget authority, $42,600,000,000.
(B) Outlays, $42,500,000,000.
Fiscal year 1999:
(A) New budget authority, $42,800,000,000.
(B) Outlays, $43,300,000,000.
Fiscal year 2000:
(A) New budget authority, $43,400,000,000.
(B) Outlays, $44,000,000,000.
Fiscal year 2001:
(A) New budget authority, $44,800,000,000.
(B) Outlays, $45,200,000,000.
Fiscal year 2002:
(A) New budget authority, $46,200,000,000.
(B) Outlays, $46,600,000,000.
Fiscal year 2003:
(A) New budget authority, $48,200,000,000.
(B) Outlays, $48,600,000,000.
(16) Administration of Justice (750):
Fiscal year 1998:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $22,500,000,000.
Fiscal year 1999:
(A) New budget authority, $25,800,000,000.
(B) Outlays, $24,600,000,000.
Fiscal year 2000:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2001:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $24,800,000,000.
Fiscal year 2002:
(A) New budget authority, $24,700,000,000.
(B) Outlays, $24,300,000,000.
Fiscal year 2003:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $24,200,000,000.
(17) General Government (800):
Fiscal year 1998:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 1999:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $13,400,000,000.
Fiscal year 2000:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2001:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2002:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,600,000,000.
Fiscal year 2003:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,500,000,000.
(18) Net Interest (900):
Fiscal year 1998:
(A) New budget authority, $291,600,000,000.
(B) Outlays, $291,600,000,000.
Fiscal year 1999:
(A) New budget authority, $300,100,000,000.
(B) Outlays, $300,100,000,000.
Fiscal year 2000:
(A) New budget authority, $301,700,000,000.
(B) Outlays, $301,700,000,000.
Fiscal year 2001:
(A) New budget authority, $302,100,000,000.
(B) Outlays, $302,100,000,000.
Fiscal year 2002:
(A) New budget authority, $302,600,000,000.
(B) Outlays, $302,600,000,000.
Fiscal year 2003:
(A) New budget authority, $304,900,000,000.
(B) Outlays, $304,900,000,000.
(19) Allowances (920):
Fiscal year 1998:
(A) New budget authority, −$0.
(B) Outlays, −$0.
Fiscal year 1999:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$1,900,000,000.
Fiscal year 2000:
(A) New budget authority, −$1,200,000,000.
(B) Outlays, −$4,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$2,700,000,000.
(B) Outlays, −$3,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$3,800,000,000.
(B) Outlays, −$7,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$5,400,000,000.
(B) Outlays, −$5,000,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1998:
(A) New budget authority, −$36,700,000,000.
(B) Outlays, −$36,700,000,000.
Fiscal year 1999:
(A) New budget authority, −$36,300,000,000.
(B) Outlays, −$36,300,000,000.
Fiscal year 2000:
(A) New budget authority, −$36,000,000,000.
(B) Outlays, −$36,000,000,000.
Fiscal year 2001:
(A) New budget authority, −$37,900,000,000.
(B) Outlays, −$37,900,000,000.
Fiscal year 2002:
(A) New budget authority, −$45,000,000,000.
(B) Outlays, −$45,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$35,700,000,000.
(B) Outlays, −$35,700,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. TAX CUT RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may only be reduced and allocations may be reduced only for legislation that reduces revenues by providing family tax relief (including relief from the ''marriage penalty'' and support for child care expenses incurred by all parents), and incentives to stimulate savings, investment, job creation, and economic growth (including community renewal initiatives) if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;
(2) the period of fiscal years 1999–2003; or
(3) the period of fiscal years 2004–2008.

(b) REVISED ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue aggregates may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medicare Hospital Insurance Trust Fund.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account.

SEC. 203. SEPARATE ENVIRONMENTAL ALLOCATION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased only for legislation that reauthorizes and reforms the Superfund program to facilitate the cleanup of hazardous waste sites if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999–2003; or

(3) the period of fiscal years 2004–2008.

(b) REVISED AGGREGATES.—In the Senate, after the Committee on Environment and Public Works reports a bill (or after the submission of a conference report thereon) to reform the Superfund program to facilitate the cleanup of hazardous waste sites that does not exceed—

(1) $200,000,000 in budget authority and outlays for fiscal year 1999; and

(2) $1,000,000,000 in budget authority and outlays for the period of fiscal years 1999 through 2003;

the chairman of the Committee on the Budget of the Senate may increase the appropriate aggregates and the appropriate allocations of budget authority in this resolution by the amounts provided in that bill for that purpose and the outlays flowing in all years from such budget authority. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

SEC. 204. DEDICATION OF OFFSETS TO TRANSPORTATION.

(a) SPENDING RESERVE.—In accordance with section 312(a) of the Congressional Budget Act of 1974 and for the purposes of title III of that Act, the Chairman of the Committee on the Budget may reserve the estimated reductions in new budget authority and outlays resulting from changes in legislation affecting the programs specified in subsection (b), if contained in the Department of Transportation and Related Agencies Appropriations Act, for the purpose of offsetting—

(1) additional outlays not to exceed $1,300,000,000 in fiscal year 1999 and $18,500,000,000 for fiscal years 1999 through 2003 for discretionary highway programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998; and

(2) additional budget authority not to exceed $1,000,000,000 in fiscal year 1999 and $5,000,000,000 for fiscal years 1999 through 2003 for discretionary transit programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998.

(b) OFFSETS.—The following reductions in mandatory spending are reserved in function 920, Allowances, for purposes of subsection (a):

(1) For reductions in programs in function 350, Agriculture: For fiscal year 1999, $107,000,000 in budget authority and $107,000,000 in outlays; For fiscal years 1999–2003, $603,000,000 in budget authority and $598,000,000 in outlays.

(2) For reductions in programs in function 370, Commerce and Housing Credit: For fiscal year 1999, $242,000,000 in budget authority and $242,000,000 in outlays; For fiscal years 1999–2003, $1,195,000,000 in budget authority and $1,195,000,000 in outlays.

(3) For reductions in programs in function 500, Education, Training, Employment, and Social Services: For fiscal year 1999, $471,000,000 in budget authority and $424,000,000 in outlays; For fiscal years 1999–2003, $3,182,000,000 in budget authority and $3,079,000,000 in outlays.

(4) For reductions in programs in function 550, Health: For fiscal year 1999, $250,000,000 in budget authority and $250,000,000 in outlays; For fiscal years 1999–2003, $1,900,000,000 in budget authority and $1,900,000,000 in outlays.

(5) For reductions in programs in function 600, Income Security: For fiscal year 1999, $260,000,000 in budget authority and $260,000,000 in outlays; For fiscal years 1999–2003, $1,700,000,000 in budget authority and $1,700,000,000 in outlays.

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; For fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(c) SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.—

(1) FINDINGS.—The Senate finds that—

(A) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs (referred to as the ''VA'') is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(B) Congress has never acted on this entitlement expansion;

(C) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 over 5 years and $45,000,000,000 over 10 years in additional mandatory costs to the VA;

(D) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review;

(E) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that ''It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.''; and

(F) Secretary Brown's comment was recently reaffirmend by Acting Secretary of Veterans Affairs Togo West, who stated ''It has been the position of the Department and of my predecessor that the decision to use tobacco by service members is a personal decision and is not a requirement for military service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government.''.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(A) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA.

(B) The study and report required by subparagraph (C) will be completed.

(C) The Secretary of the Department of Veterans Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to—

(i) jointly study (referred to in this section as the ''study'') the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(ii) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(D) The study should include—

(i) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(ii) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(iii) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(E) The study shall be completed no later than July 1, 1999.

(F) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

SEC. 205. ADJUSTMENTS FOR LINE ITEM VETO LITIGATION.

If the Supreme Court rules that the Line Item Veto Act is unconstitutional, the Chairman of the Committee on the Budget may make appropriate adjustments to the allocations and aggregates in this resolution to reflect the effects of the President's cancellations becoming null and void.

SEC. 206. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term ''discretionary spending limit'' means—

(1) with respect to fiscal year 1999—

(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

(2) with respect to fiscal year 2000—

(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

(3) with respect to fiscal year 2001—

(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

(4) with respect to fiscal year 2002—

(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 207. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE'S IRS RESTRUCTURING BILL.

(a) FINDINGS.—The Senate finds that—

(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on Internal Revenue Service restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20–0 to report an Internal Revenue Service restructuring package that contains more oversight over the Internal Revenue Service, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill—

(A) removal of the statutory impediments to the Commissioner of Internal Revenue's efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization,

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse,

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability,

(D) real, meaningful relief for innocent spouses,

(E) provisions which abate penalties and interest after 1 year so that the Internal Revenue Service does not profit from its own delay,

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the Internal Revenue Service can pursue a lien, levy, or seizure,

(G) provisions which forbid the Internal Revenue Service from coercing taxpayers to extend the 10-year statute of limitations for collection,

(H) provisions which require the Internal Revenue Service to terminate employees who abuse taxpayers or other Internal Revenue Service employees,

(I) provisions which make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an Internal Revenue Service restructuring bill which provides the most taxpayer protections, the greatest degree of Internal Revenue Service employee accountability, and enhanced oversight.

SEC. 302. SENSE OF CONGRESS REGARDING THE SUNSET OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

SEC. 303. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) sunsetting the entire income tax code without describing a replacement threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement tax system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of nonprofit institutions.

SEC. 304. SENSE OF THE SENATE ON PRESERVATION OF SOCIAL SECURITY FOR THE FUTURE.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is one of the Nation's most important income security programs;

(2) the preservation of Social Security both for those now retired and for future generations of working Americans is a vital national priority;

(3) the Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that—

(A) the retirement of the baby boom generation will cause Social Security expenditures to accelerate rapidly beginning around 2010;

(B) Social Security expenditures will exceed Social Security revenues after 2012 and the trust funds will be depleted of reserves in 2029; and

(C) after 2029, tax revenues will be sufficient to cover only three-fourths of the benefits promised under current law, and, by the end of the 75 year projection period, the annual deficit in the trust funds will reach 2.1 percent of the GDP;

(4) Alan Greenspan, Chairman of the Federal Reserve Board, has testified before Congress that Social Security's unfunded liability stands at around $3,000,000,000,000 and advised Congress to move expeditiously to reform the program so that current workers will have sufficient time to adjust to any changes in the program;

(5) the $124,000,000,000 in new domestic spending programs in the President's budget undermines Social Security by diverting resources from budget surpluses to a bigger government and more spending; and

(6) the Medicare Hospital Insurance program is projected to become insolvent in 2010 and a study by the National Center on Addiction and Substance Abuse at Columbia University estimated that 14 percent of Medicare spending in 1995 was for tobacco-related illnesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) Congress should use unified budget surpluses to reform Social Security for future generations; and

(2) Congress should reserve the Federal proceeds from any tobacco settlement for saving Medicare until legislation is enacted to make Medicare actuarially sound.

SEC. 305. SENSE OF THE SENATE ON ANNUAL STATEMENT OF ACCRUED LIABILITY OF SOCIAL SECURITY AND MEDICARE.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) the concurrent resolution on the budget should include a statement of the current accrued liability of the Federal Government for future payments under the Social Security and Medicare programs; and

(2) the President's budget should include for fiscal years beginning with 1999 a statement of the current accrued liability of the Federal Government for future payments under the Social Security and Medicare programs.

SEC. 306. SENSE OF THE SENATE ON FULL FUNDING FOR IDEA.

It is the sense of the Senate that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1411 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

SEC. 307. SENSE OF THE SENATE ON SOCIAL SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security program, created in 1935 to provide old-age survivors, and disability insurance benefits, has been one of the most successful government programs ever;

(2) in the Omnibus Budget Reconciliation Act of 1990, Congress created section 13301 of the Congressional Budget Act, which removed Social Security spending and revenues from all Federal budget calculations;

(3) under current budget law, the Federal budget is still in deficit; and

(4) in his State of the Union message on January 27, 1998, President Clinton called on Congress to ''save Social Security first'' and to ''reserve one hundred percent of the surplus, that is any penny of the surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume—

(1) Congress and the President should continue to rid our country of debt and work to balance the budget without counting Social Security trust fund surpluses; and

(2) Congress and the President should work in a bipartisan way on specific legislation to reform the Social Security system, to ensure that it is financially sound over the long term and will be available for all future generations.

SEC. 308. SENSE OF THE SENATE ON SCHOOL-TO-WORK PROGRAMS.

It is the sense of the Senate that the budget totals and levels in this resolution assume the President's policy with respect to the School-to-Work program under the Education Reform Account and any such savings as a result should be applied to local initiatives focusing on early childhood development.

SEC. 309. SENSE OF THE SENATE REGARDING TAXPAYER RIGHTS.

It is the sense of the Senate that of revenues designated under section 201 for tax relief, a portion be set aside for—

(1) improvement of taxpayer rights, including protections for taxpayers in cases involving seizure of property by the Internal Revenue Service; and

(2) reform of the penalty rules under the Internal Revenue Code of 1986.

SEC. 310. SENSE OF THE SENATE ON NATIONAL GUARD FUNDING.

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

(1) The Army National Guard represents 34 percent of total Army forces, including 55 percent of combat divisions and brigades, 46 percent of combat support, and 25 percent of combat service support.

(2) The Army National Guard receives just 9.5 percent of Army funds.

(3) A recent military study estimates the average cost to train and equip an active duty soldier is $73,000 per year, while the average cost to train and equip a National Guard soldier is just $17,000 per year.

(4) The Constitution of the United States provides for a specific role for the National Guard in our national defense.

(5) The National Guard will play an increasing role in a variety of ongoing worldwide operations by relieving active units and reducing the operational and personnel burdens of the Army's frequent and lengthy deployments.

(6) The home land defense is a mission of growing importance for our military forces and the National Guard forces will play an increasingly key role in that mission.

(7) Congress created the National Defense Panel to recommend ways in which to transform United States defense and national security policy for the 21st century and it reached the following recommendations:

(A) Some portion of the Army National Guard's divisional combat units (including combat support) should become part of active divisions and brigades.

(B) The National Guard's enhanced brigades should report to an active Army command.

(C) The Guard should develop selected early-deploying units that would join the active component.

(D) Some additional reserve or Guard units may be needed to reduce pressure on the active Army.

(E) The Guard should assume the entire U.S. Army South (USARSO) mission, the Army component of the United States Southern Command (Southcom) based in Panama.

(F) The National Guard should continue to provide general purpose forces to give prompt military support to civil authorities.

(G) The National Guard should provide forces organized and equipped for training of civil agencies and the immediate reinforcement of first-response efforts in domestic emergencies.

(H) New homeland defense missions develop (e.g., National Missile Defense and information warfare), the Guard should be used in lieu of active forces wherever possible.

(8) The National Guard estimates it was underfunded by $743,000,000 in fiscal year 1998 and by $634,000,000 in fiscal year 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in the budget resolution assume that the Department of Defense will give the highest priority to moving toward fully funding the National Guard.

SEC. 311. SENSE OF THE SENATE ON MEDICARE PAYMENT.

(a) FINDINGS.—The Senate finds that—

(1) one of the goals of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the new Medicare+Choice program; and

(2) the new Medicare payment formula in the Balanced Budget Act of 1997 was intended to make these choices available to all Americans, but because of the low update and specific budget neutrality provisions of the Balanced Budget Act of 1997, the blending of rates to create greater equity for rural and other lower payment areas was not implemented in 1998 or 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that funding the blending of local and national payment rates pursuant to the Balanced Budget Act of 1997 should be a priority for the Senate Finance Committee this year within the budget as established by this Committee.

SEC. 312. SENSE OF THE SENATE ON LONG-TERM CARE.

(a) FINDINGS.—The Senate finds that—

(1) our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

SEC. 313. SENSE OF THE SENATE ON CLIMATE CHANGE RESEARCH AND OTHER FUNDING.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume the following:

(1) To the extent that funding is made available through grants or other Federal expenditures to reduce emissions of carbon dioxide or other greenhouse gases or to increase sequestration of carbon to offset such emissions, such funding shall be made available through competitive, merit-based awards designed to select cost-effective methods for reducing, sequestering, or mitigating such emissions. Such awards shall consider all technologies, methods, and research for reducing, sequestering, or mitigating emissions, including sustainable agricultural practices and forest management and conservation strategies. Funding criteria shall be comprehensive in scope, not limited to specific technologies or industries, awarded on a nondiscriminatory basis, and target cost-effectiveness in reducing, sequestering, or mitigating carbon dioxide and other greenhouse gases through natural resource management programs or products. In considering the cost-effectiveness of various reduction, sequestration, or mitigation technologies, other environmental benefits should be considered.

(2) To the extent any tax credits or other tax incentives are created to stimulate the adoption of technologies or practices that reduce, sequester, or mitigate emissions of carbon dioxide and other greenhouse gases (''emissions tax incentives''), such emission tax incentives shall also be available to any person that employs an alternative technology or practice that reduces, sequesters, or mitigates emissions of carbon dioxide or other greenhouse gases as effectively as those technologies or practices for which a tax credit or other incentive is provided. Only payments for technologies or in support of practices not legally required when payment is made shall qualify for tax incentives.

SEC. 314. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT.

(a) FINDINGS.—The Senate finds that—

(1) 54 percent of women in the labor force have children under 13 and are either single parents or have husbands who earn less than $30,000 per year;

(2) in 1995, 62 percent of women with children younger than age 6, and 77 percent of women with children ages 6–17 were in the labor force, and 59 percent of women with children younger than 3 were in the labor force;

(3) a 1997 General Accounting Office study found that the increased work participation requirements of the welfare reform law will cause the need for child care to exceed the known supply;

(4) a 1995 study by the Urban Institute of child care prices in 6 cities found that the average cost of care for a 2-year-old in a child care center ranged from $3,100 to $8,100;

(5) for an entry-level worker, the family's child care costs at the average price of care for an infant in a child care center would be at least 50 percent of family income in 5 of the 6 cities examined;

(6) 40 percent of children under the age of 5 are taken care of at home by 1 parent;

(7) a large number of low- and middle-income families sacrifice a second full-time income so that a parent may be at home with the child;

(8) the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;

(9) the recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is ''what is happening at home and in families''; and

(10) increased tax relief directed at making child care more affordable, and increased funding for the Child Care and Development Block Grant, would take significant steps toward bringing quality child care within the reach of many parents, and would increase the options available to parents in deciding how best to care for their children.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume—

(1) that tax relief should be directed at parents who are struggling to afford quality child care, including those who wish to stay at home to care for a child, and should be included in any tax cut package; and

(2) doubling funding for the Child Care and Development Block Grant will significantly increase the States' ability to deliver quality child care to low-income working families.

SEC. 315. SENSE OF THE SENATE ON THE FORMULA CHANGE FOR FEDERAL FAMILY EDUCATION LOAN.

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

(1) Postsecondary students receive critical access to a higher education through student loans made available by lenders in the Federal Family Education Loan (FFEL) program.

(2) Guaranteed student loan borrowers currently pay an interest rate on their FFEL loans equal to the 91-day Treasury bill rate plus 2.5 percent while the borrower attends school, and the 91-day Treasury bill rate plus 3.1 percent during repayment. In addition, the maximum FFEL student loan rate is capped at 8.25 percent.

(3) As a result of the Omnibus Budget Reconciliation Act of 1993, the new formula for FFEL student loans, effective July 1, 1998, will be equal to the 10-year Treasury bond rate plus 1 percent. In addition, the same 8.25 percent rate cap would apply to these new loans.

(4) Lenders in the FFEL program have alerted Congress that the scheduled formula change will make these loans unprofitable. As a result, lenders may withdraw from the FFEL program or significantly reduce their participation in the program after July 1, 1998.

(5) A July 25, 1997 report by the Congressional Research Service stated that the scheduled formula change ''can result in a greater likelihood that the program will become unprofitable at certain points in the business cycle,'' and ''the result could be a shutdown of the guaranteed delivery system.''.

(6) In a report by the Treasury Department on February 26, 1998, the Clinton Administration concluded that the new formula will provide a rate of return on student loans that is below the target rate of return of for-profit bank lenders in the guaranteed student loan program. Furthermore, the Administration concluded that there are inefficiencies associated with the proposed formula, and joint benefits could be realized to students and lenders from moving back to a short-term index.

(7) At the time that the proposed formula change was adopted in 1993, the rate of return to lenders would have been higher under the proposed formula than under the existing formula.

(8) The withdrawal of lenders from the FFEL program, who now account for approximately 70 percent of all student loans, would be devastating to students because, as the Administration has acknowledged, the Federal direct loan program would be unable to absorb the demand for student loans that would arise from the absence of guaranteed lenders.

(9) A variety of proposals have been put forward to resolve this pending crisis in the FFEL program by modifying the scheduled formula change.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the documented problems that will rise from the scheduled formula change for the Federal Family Education Loan program should be resolved in a manner that ensures that students are not harmed by the withdrawal of lenders from this program.

SEC. 316. SENSE OF THE SENATE REGARDING THE DEDUCTIBILITY OF HEALTH INSURANCE PREMIUMS OF THE SELF-EMPLOYED.

(a) FINDINGS.—The Senate finds that—

(1) under current law, the self-employed do not enjoy parity with their corporate competitors with respect to the deductibility of their health insurance premiums;

(2) at present, the self-employed can deduct only 45 percent of their health insurance premiums;

(3) scheduled changes in the deductible amount of health insurance premiums will rise slowly, to only 60 percent by 2002;

(4) only by 2007 will the self-employed enjoy equitable treatment with their corporate competitors with respect to the deductibility of their health insurance premiums;

(5) the limited deductibility available to the self-employed greatly reduces the affordability of their health insurance;

(6) these disadvantages faced by the self-employed are exacerbated by the fact that the self-employed generally pay higher premium rates because they do not have access to group insurance plans;

(7) these disadvantages are reflected in the higher rate of lack of insurance among self-employed individuals that stands at 23.6 percent compared with 17.4 percent for all other wage and salaried workers, for self-employed living at or below the poverty level the rate of uninsured is over 57 percent, for self-employed living at 100–150 percent poverty the rate of uninsured is 47 percent, and for self-employed living at 150–199 percent the rate of uninsured is 40 percent;

(8) for some self-employed, such as farmers who face significant occupational safety hazards, this lack of health insurance affordability has even greater ramifications; and

(9) this lack of full deductibility is adversely affecting the growing number of women who own small businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation implementing this concurrent resolution on the budget should include accelerated movement toward parity between the self-employed and corporations with respect to the tax treatment of health insurance premiums, while maintaining deficit neutrality.

SEC. 317. SENSE OF THE SENATE ON OBJECTION TO KYOTO PROTOCOL IMPLEMENTATION PRIOR TO SENATE RATIFICATION.

(a) FINDINGS.—Congress finds the following:

(1) The agreement reached by the Administration in Kyoto, Japan, regarding legally binding commitments on greenhouse gas reductions is inconsistent with the provisions of S. Res. 98, The Byrd-Hagel Resolution, that passed the United States Senate unanimously.

(2) The Administration has pledged to Congress that it would not implement any portion of the Kyoto Protocol prior to its ratification in the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funds should not be provided to put in effect the Kyoto Protocol prior to the Senate ratification in compliance with the requirements of the Byrd-Hagel Resolution and consistent with Administration assurances to Congress.

SEC. 318. SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS OF $1.50 PER PACK.

(a) FINDINGS.—The Senate finds that—

(1) smoking rates among children and teenagers have reached epidemic proportions;

(2) of the 3,000 children and teenagers who begin smoking every day, 1,000 will eventually die of smoking-related disease; and

(3) public health experts and economists agree that the most effective and efficient way to achieve major reduction in youth smoking rates is to raise the price of tobacco products by at least $1.50 per pack.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that comprehensive tobacco legislation should increase the price of each pack of cigarettes sold by at least $1.50 through a per-pack fee or other mechanism that will guarantee a price increase of $1.50 per pack within 3 years, not including existing scheduled Federal, State, and local tax increases, with equivalent price increases on other tobacco products, and should index these price increases by an appropriate measure of inflation.

SEC. 319. FINDINGS; SENSE OF CONGRESS.

(a) Congress finds that—

(1) studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

(2) as most parents meet and exceed the criteria described in paragraph (1), circumstances allowing, parental care is the best form of child care;

(3) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is ''what is happening at home and in families'';

(4) as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

(5) nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

(6) a large number of low- and middle-income families sacrifice a second full-time income so that a mother may be at home with her child;

(7) the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;

(8) only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

(9) child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

(10) any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for a young child.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that—

(1) many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

(5) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

SEC. 320. SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual or class of individuals prior to or after the date of the adoption of this resolution.

SEC. 321. SENSE OF SENATE REGARDING AGRICULTURAL TRADE PROGRAMS.

It is the sense of the Senate that the functional totals in this concurrent resolution assume the Secretary of Agriculture will use agricultural trade programs established by law to promote, to the maximum extent practicable, the export of United States agricultural commodities and products.

SEC. 322. SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) FINDINGS.—The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years;

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993;

(3) mandatory spending is expected to make up 68 percent of the Federal budget in 1998;

(4) absent changes, that spending is expected to take up over 70 percent of the Federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008;

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030;

(6) this mandatory spending will continue to crowd out spending for the traditional ''discretionary'' functions of Government like clean air and water, a strong National defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending;

(7) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic Government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

SEC. 323. SENSE OF CONGRESS REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans.

(2) Most seniors are denied this right by current restrictions on their health care choices.

(3) Affording seniors this option would create greater health-care choices and result in fewer claims being paid out of the near-bankrupt Medicare trust funds.

(4) Legislation to uphold this right of health care choice for seniors must protect beneficiaries and Medicare from fraud and abuse. Such legislation must include provisions that—

(A) require that such contracts providing this right be in writing, be signed by the Medicare beneficiary, and provide that no claim be submitted to the Health Care Financing Administration;

(B) preclude such contracts when the beneficiary is experiencing a medical emergency;

(C) allow for the Medicare beneficiary to modify or terminate the contract prospectively at any time and to return to Medicare; and

(D) are subject to stringent fraud and abuse law, including the Medicare anti-fraud provisions in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to ensure this right.

SEC. 324. SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our Nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754,000,000, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal Government;

(3) sixty-three percent of the BIA schools are over 30 years old, and 26 percent are over 50 years old. Approximately 40 percent of all

students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these ''portables'' have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western States for 10 to 15 years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20,000,000 to $30,000,000 annually, meeting only 4 percent of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the Federal Government. Unfortunately, the failure of the Federal Government to live up to this responsibility has come at the expense of quality education for some of this Nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than 5 years beginning with fiscal year 1999, and that the President should submit to Congress a plan for the orderly elimination of this backlog.

SEC. 325. SENSE OF THE SENATE ON SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS AND THE BUDGET SURPLUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Social Security program is the foundation of retirement income for most Americans, and solving the financial problems of the Social Security program is a vital national priority and essential for the retirement security of today's working Americans and their families.

(2) There is a growing bipartisan consensus that personal retirement accounts should be an important feature of Social Security reform.

(3) Personal retirement accounts can provide a substantial retirement nest egg and real personal wealth. For an individual 28 years old on the date of the adoption of this resolution, earning an average wage, and retiring at age 65 in 2035, just 1 percent of that individual's wages deposited each year in a personal retirement account and invested in securities consisting of the Standard & Poors 500 would grow to $132,000, and be worth approximately 20 percent of the benefits that would be provided to the individual under the current provisions of the Social Security program.

(4) Personal retirement accounts would give the majority of Americans who do not own any investment assets a new stake in the economic growth of America.

(5) Personal retirement accounts would demonstrate the value of savings and the magic of compound interest to all Americans. Today, Americans save less than people in almost every other country.

(6) Personal retirement accounts would help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement plan other than Social Security, although Social Security was never intended to be the sole source of retirement income.

(7) Personal retirement accounts would allow partial prefunding of retirement benefits, thereby providing for Social Security's future financial stability.

(8) The Federal budget will register a surplus of $671,000,000,000 over the next 10 years, offering a unique opportunity to begin a permanent solution to Social Security's financing.

(9) Using the Federal budget surplus to fund personal retirement accounts would be an important first step in comprehensive Social Security reform and ensuring the delivery of promised retirement benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans and reduce the unfunded liabilities of the Social Security program.

SEC. 326. SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values.

(2) The tax code should not penalize those who choose to marry.

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system.

(4) The Congressional Budget Office found that the average penalty amounts to $1,380 a year.

(5) This penalty is one of the factors behind the decline of marriage.

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

SEC. 327. FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the Medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the Medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the Medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the Medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the Medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the Medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

SEC. 328. SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

SEC. 329. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

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

(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

(4) There are over 1.4 million elderly Americans currently identified as having ''worst case housing needs'' and in need of affordable housing.

(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

(7) The full funding of the Section 202 Elderly Housing program as an independent Federal housing program is an investment in our elderly citizens as well as our Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.

SEC. 330. SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for Federal spending and forced the Department of Defense to plan on limited spending over the five-year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter currently under review, the Director of the Office of Management and Budget will identify multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SEC. 331. SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES FOR THE BUDGETS OF FEDERAL AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Federal civilian workforce in non-Defense Department agencies shrank by 125,000 employees, or 10 percent, between 1992 and 1997.

(2) The Balanced Budget Act of 1997 assumed over $60,000,000,000 in reductions in nondefense discretionary spending over the period 1998–2002.

(3) These reductions were agreed to notwithstanding ever-increasing responsibilities in agencies engaged in fighting crime, combating the drug war, countering terrorist threats, cleaning the environment, enforcing the law, improving education, conducting health research, conducting energy research and development, enhancing the Nation's physical infrastructure, and providing veterans programs.

(4) All Federal agencies have worked closely with the Office of Management and Budget to balance much-needed programmatic needs with fiscal prudence and to submit budget requests for fiscal year 1999 that comply with the Balanced Budget Act of 1997.

(5) Reductions in the President's requests, as estimated by the Office of Management and Budget, to comply with the Congressional Budget Office's estimates could seriously jeopardize priority domestic discretionary programs.

(6) There is no mechanism through which the Congressional Budget Office and the Office of Management and Budget identify their differences in outlay rates for nondefense agencies.

(7) Such consultation would lead to greater understanding between the two agencies and potentially fewer and/or smaller differences in the future.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office, in consultation with the Secretaries of the affected nondefense agencies, shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for accounts in nondefense agencies.

SEC. 332. SENSE OF THE SENATE REGARDING AN EVALUATION OF THE OUTCOME OF WELFARE REFORM.

It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Secretary of Health and Human Services will, as part of the annual report to Congress under section 411 of the Social Security Act (42 U.S.C. 611), include data regarding the rate of employment, job retention, and earnings characteristics of former recipients of assistance under the State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 401 et seq.) for each such State program; and

(2) for purposes of the annual report for fiscal year 1997, the information described in paragraph (1) will be transmitted to Congress not later than September 1, 1998.

SEC. 333. SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that Medicare and Medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the Medicare and Medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) to conduct background checks on prospective employees.

SEC. 334. SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

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

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers prevention benefits, and the Balanced Budget Act of 1997 made a substantial investment in prevention benefits, providing $8,500,000,000 over 10 years.

(6) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(7) Medicare cannot be saved without structural changes and reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that the Balanced Budget Act of 1997 directed the National Bipartisan Commission on the future of Medicare to examine Medicare's benefit structure, including prevention benefits, and make recommendations to the Congress on such benefits in the context of an overall plan to extend the solvency of the program.

SEC. 335. SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

SEC. 336. A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and

safety, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1996 which is the lowest since 1990;

(2) through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their ''intimates'' fell to a 19-year low in 1995;

(3) recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) the Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

SEC. 337. SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

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

(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled ''Allocating Federal Funds for Science and Technology'', that the Federal science and technology budget ''be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total Federal budget is disaggregated and sent to the appropriations committees and subcommittees''.

(2) Civilian Federal agencies are supporting more than $35,000,000,000 of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all Federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all Federal civilian departments and agencies, in Budget Function 250.

SEC. 338. SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008.

SEC. 339. SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

SEC. 340. SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

SEC. 341. SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Social Security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, Social Security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, Social Security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the Social Security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the Social Security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the Social Security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the Social Security system should be made that would reduce the value of the Social Security system for future generations of retirees.

SEC. 342. SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

SEC. 343. SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this Nation.

SEC. 344. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

SEC. 345. SENSE OF THE SENATE ON INS CIRCUIT RIDERS IN THE FORMER SOVIET UNION.

It is the sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2,000,000 for the establishment of INS circuit riders in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

SEC. 346. SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

SEC. 347. SENSE OF THE SENATE THAT THE ONE HUNDRED FIFTH CONGRESS, SECOND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) eighteen States and dozens of localities have spent nearly $1,000,000,000 to protect over 600,000 acres of important farmland;

(2) the Farmland Protection Program has provided cost-sharing for 18 States and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) the Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) the Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) the United States is losing two acres of our best farmland to development every minute of every day;

(7) these lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the One Hundred Fifth Congress, Second Session will reauthorize funds for the Farmland Protection Program.

SEC. 348. SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings—

(1) out of a total 549 plans under the Federal Employees Health Benefits Program, which includes fee-for-service, point of service, and Health Maintenance Organizations, only 186 were fully accredited;

(2) out of a total 549 plans under the Federal Employees Health Benefits Program, which includes fee-for-service, point of service, and Health Maintenance Organizations, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

SEC. 349. SENSE OF THE SENATE REGARDING WASTEFUL SPENDING IN DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) according to the Defense Department's Inspector General, despite efforts to streamline Government purchases, the military, in some cases, paid more than ''fair value'' for many items;

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the fiscal year 1999 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for United States Armed Forces around the globe.

SEC. 350. SENSE OF THE SENATE REGARDING THE UNITED STATES RESPONSE TO THE CHANGING NATURE OF TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) the threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997;

(2) the terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploiting technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) on a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) the multifaceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating

within the United States itself, as well as domestic terrorists;

(6) terrorists groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) terrorists are also making use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors of terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a threat to essential public and private information systems in the United States;

(10) the infrastructures deemed critical to the United States are the telecommunications networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of Government services, the disruption of which could result in significant losses to the United States economic well-being, public welfare, or national security;

(11) a national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) we as a Nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Federal Government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among Federal, State, and local levels of Government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) the United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) the United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to raise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) a national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

SEC. 351. SENSE OF THE SENATE ON ECONOMIC GROWTH, SOCIAL SECURITY, AND GOVERNMENT EFFICIENCY.

It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the elimination of a discretionary spending program may be used for either tax cuts or to reform the Social Security system;

(2) the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and other appropriate budget rules and laws should be amended to implement the policy stated in paragraph (1).

SEC. 352. SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans;

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

SEC. 353. SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in the our Nation's health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for 1999 of $15,100,000,000, an 11-percent increase over current funding levels, which are 7 percent higher than in 1997.

(6) As the largest purchaser of health care services, the Federal Government has a responsibility to utilize its purchasing power to demand high quality health plans and providers for its health programs and to protect its beneficiaries from inferior medical care.

(7) The Federal Government must adopt the posture of private sector purchasers and insist on high quality care for the 67,000,000 Medicare and Medicaid beneficiaries and the 9,000,000 Federal employees, retirees, and their dependents.

(8) The private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than the Federal Government.

(9) As Congress considers health care legislation, it must first commit to "do no harm" to health care quality, consumers, and the evolving market place. Rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system.

(10) When health insurance premiums rise, Americans lose health coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without insurance of about 400,000 persons.

(11) Health care costs have begun to rise significantly in the past year. The Congressional Budget Office (referred to as "CBO") projects that the growth in health premiums will be 5.5 percent in 1998 up from 3.8 percent in 1997. CBO continues to project that premiums will grow about 1 percentage point faster than the Gross Domestic Product in the longer run. CBO also warns that new Federal mandates on health insurance could exacerbate this increase in premiums.

(12) The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry developed the Consumer Bill of Rights and Responsibilities. This includes information disclosure, confidentiality of health information, and choice of providers.

(13) The President's Commission further determined that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families and increase the number of uninsured Americans;

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or

(3) impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

SEC. 354. SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

SEC. 355. USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume:

(1) The Congress and the President should use any budget surplus to reduce the Social Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(2) The Congress and the President should not use the Social Security surplus to finance general Government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

SEC. 356. SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the

United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH–1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH–60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia (''FARC'') announced recently that the objective of these narco-terrorists, in light of recent successes, will be ''to defeat the Americans'';

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105–118, expeditiously procure and provide to the Colombian National Police three UH–60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH–60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH–60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

SEC. 357. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $40,274,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

SEC. 358. SENSE OF THE SENATE ON OBJECTION TO THE USE OF THE SALE OF PUBLIC LANDS TO FUND CERTAIN PROGRAMS.

(a) FINDINGS.—The Senate finds that the Budget Committee Report accompanying this resolution assumes that the landowner incentive program of the Endangered Species Recovery Act would be funded ''from the gross receipts realized in the sales of excess BLM land: *Provided*, That BLM has sufficient administrative funds to conduct such sales''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding; and

(2) public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding.

SEC. 359. SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

(a) FINDINGS.—The Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere;

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nations of the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric ''war alliance'' bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

SEC. 360. SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

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

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spends between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of a paid tax preparer.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals

that add greater complexity in the tax code and increased compliance costs for the taxpayer.

SEC. 361. GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes.

SEC. 362. SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, Public Law 105–134, authorizing appropriations of $1,058,000,000 for fiscal year 1999; $1,023,000,000 for fiscal year 2000; $989,000,000 for fiscal year 2001; and $955,000,000 for fiscal year 2002, totaling $4,025,000,000 for fiscal years 1999–2002;

(2) in Public Law 105–134 the Congress declared that ''intercity rail passenger service is an essential component of a national intermodal passenger transportation system'';

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2,200,000,000 provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, not supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next 5 fiscal years for Amtrak to implement its fiscal years 1998–2003 Strategic Business Plan, while preserving the integrity of the $2,200,000,000 provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

SEC. 363. SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

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

(1) The Market Access Program (MAP) continues to be a vital and important part of United States trade policy aimed at maintaining and expanding United States agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, United States agricultural exports have doubled. In fiscal year 1997, United States agricultural exports amounted to $57,300,000,000, resulting in a positive agricultural trade surplus of approximately $22,000,000,000, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the Nation's economy. More than one million Americans now have jobs that depend on United States agricultural exports. Further, every billion dollars in additional United States agricultural exports helps create as many as 17,000 or more new jobs.

(4) United States agriculture, including farm income and related jobs, is more dependent than ever on maintaining and expanding United States agricultural exports as Federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, United States agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artificial trade barriers and other unfair foreign trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the United States by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7,200,000,000 for export subsidies aimed at capturing a larger share of the world market at the expense of United States agriculture.

(B) EU and other foreign competitors also spend nearly $500,000,000 on market promotion activities. The EU spends more on wine promotion than the United States currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan—historically, the largest single market for United States agriculture exports.

(7) United States agriculture is the most competitive industry in the world, but it cannot and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect United States agriculture's ability to remain competitive in today's global marketplace. A reduction in United States agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) United States success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the United States negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the United States Department of Agriculture to encourage United States agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

SEC. 364. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be ''in a state of crisis'' and the National Academy of Sciences concluded in 1994 that ''the present cohort of clinical investigators is not adequate'';

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

SEC. 365. SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices

and courthouses across the nation, of the Ten Commandments should be permitted, as long as it is consistent with the establishment clause of the first amendment of the United States Constitution.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on April 15, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that Speaker pro tempore (Mrs. MORELLA) signed the following enrolled bills:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 493. An act to amend title 18, United States Code, with respect to scanning receivers and similar devices.

S. 1178. An act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

H.R. 1116. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clinton Independent School District and the Fabens Independent School District.

H.R. 2843. A act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft by air carriers, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on April 16, 1998, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bills:

On April 17, 1998:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 493. An act to amend title 18, United States Code, with respect to scanning receivers and similar devices.

On April 20, 1998:

S. 1178. An act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of date with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4502. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a notice of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC–4503. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled ''Amendments to the International Traffic in Arms Regulations'' received on March 31, 1998; to the Committee on Foreign Relations.

EC–4504. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on counternarcotics rewards; to the Committee on Foreign Relations.

EC–4505. A communication from the Acting Secretary of Veterans' Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report on the implementation of the health resources sharing portion of the ''Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations'' for fiscal year 1997; to the Committee on Veterans' Affairs.

EC–4506. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Acquisition Regulations: Commercial Items'' (RIN2900–AI05) received on April 8, 1998; to the Committee on Veterans' Affairs.

EC–4507. A communication from the Acting Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled ''The Veterans Tobacco Amendments of 1998''; to the Committee on Veterans' Affairs.

EC–4508. A communication from the Administrator of the U.S. Small Business Administration, transmitting, a draft of proposed legislation to implement the President's fiscal year 1999 budget with respect to the programs of the U.S. Small Business Administration; to the Committee on Small Business.

EC–4509. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC–4510. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4511. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction notification; to the Committee on Armed Services.

EC–4512. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period October 1 through December 31, 1997; to the Committee on Armed Services.

EC–4513. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–4514. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of a rule entitled ''Wild Horse and Burro Adoptions'' (RIN1004-AD28) received on April 13, 1998; to the Committee on Energy and Natural Resources.

EC–4515. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Illinois Regulatory Program (Revegetation success)'' received on April 6, 1998; to the Committee on Energy and Natural Resources.

EC–4516. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Energy and Natural Resources.

EC–4517. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for calendar year 1997; to the Committee on Energy and Natural Resources.

EC–4518. A communication from the President of the United States, transmitting, pursuant to law, the report of the Executive Order of the waiver under the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

EC–4519. A communication from the Regulations Officer, Department of Health and Human Services, transmitting, pursuant to law, the report of two rules received on April 8, 1998; to the Committee on Finance.

EC–4520. A communication from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfer of Debts to Treasury for Collection'' received on March 30, 1998; to the Committee on Finance.

EC–4521. A communication from the Deputy Director of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the reports of four rules received on April 8, 1998; to the Committee on Finance.

EC–4522. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Medicaid Provider Tax and Donation Amendments of 1998''; to the Committee on Finance.

EC–4523. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Finance.

EC–4524. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 98:16 received on April 9, 1998; to the Committee on Finance.

EC–4525. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98:21; to the Committee on Finance.

EC–4526. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a Treasury Regulation received on April 6, 1998; to the Committee on Finance.

EC–4527. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 98:29-30; to the Committee on Finance.

EC–4528. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the reports of two rules; to the Committee on Finance.

EC–4529. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of four rules received on March 31, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4530. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Agriculture Reform and Improvement Act of 1998''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4531. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on April 8, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4532. A communication from the Administrator of the Rural Business—Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on April 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4533. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the reports of three rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4534. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of five rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4535. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the reports of eight rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4536. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule received on April 7, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4537. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled ''The Community Development Financial Institutions Fund Amendments Act of 1998''; to the Committee on Banking, Housing, and Urban Affairs.

EC–4538. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4539. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4540. A communication from the Secretary of the Treasury, Chairman of the Securities and Exchange Commission, and the Chairman of the Board of Governors of the Federal Reserve System, transmitting jointly, pursuant to law, the report of the Joint Study of the Regulatory System For Government Securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–4541. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Vietnam; to the Committee on Banking, Housing, and Urban Affairs.

EC–4542. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to debt collection practices; to the Committee on Banking, Housing, and Urban Affairs.

EC–4543. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Empowerment Zone Enhancement Act of 1998''; to the Committee on Banking, Housing, and Urban Affairs.

EC–4544. A communication from the President of the United States, transmitting, pursuant to law, the report on the national emergency caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4545. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4546. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, a report relative to compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC–4547. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4548. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the reports of three rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4549. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the reports of two rules received on March 31, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4550. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the reports of three rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4551. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-312 adopted by the Council on March 3, 1998; to the Committee on Governmental Affairs.

EC–4552. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-313 adopted by the Council on March 3, 1998; to the Committee on Governmental Affairs.

EC–4553. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the management report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4554. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the accountability report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4555. A communication from the Deputy Director of the Office of Government Ethics, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Governmental Affairs.

EC–4556. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, the reports of two rules received on April 14, 1998; to the Committee on Governmental Affairs.

EC–4557. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''District's Department of Public Works Improperly Collected and Retained Millions In Parking Ticket Overpayments''; to the Committee on Governmental Affairs.

EC–4558. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to the District of Columbia Public Schools; to the Committee on Governmental Affairs.

EC–4559. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the management report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4560. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, two reports relative to the procurement list; to the Committee on Governmental Affairs.

EC–4561. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for February 1998; to the Committee on Governmental Affairs.

EC–4562. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the consolidated financial statement of the U.S. Government for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4563. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the reports of four rules; to the Committee on Governmental Affairs.

EC–4564. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4565. A communication from the Secretary of Housing and Urban Development,

transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4566. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4567. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4568. A communication from the Acting Assistant Secretary For Management, Department of Veterans Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4569. A communication from the Postmaster General and Chief Executive Officer, U.S. Postal Service, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4570. A communication from the Senior Deputy Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4571. A communication from the Director of Government Relations of the Girl Scouts, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on the Judiciary.

EC–4572. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation to implement the Administration's fiscal year 1999 budget proposal regarding fees collected by the U.S. Patent and Trademark Office; to the Committee on the Judiciary.

EC–4573. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on the Judiciary.

EC–4574. A communication from the Attorney General, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on the Judiciary.

EC–4575. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report for fiscal year 1997; to the Committee on the Judiciary.

EC–4576. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report entitled ''Model Juvenile Handgun Code for the States''; to the Committee on the Judiciary.

EC–4577. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on the GSA Capital Investment Program for fiscal year 1998; to the Committee on Environment and Public Works.

EC–4578. A communication from the Interim Senior Vice President of the Tennessee Valley Authority, transmitting, pursuant to law, the report of the statistical summary for fiscal year 1997; to the Committee on Environment and Public Works.

EC–4579. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Environment and Public Works.

EC–4580. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 31, 1998; to the Committee on Environment and Public Works.

EC–4581. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on April 6, 1998; to the Committee on Environment and Public Works.

EC–4582. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on April 7, 1998; to the Committee on Environment and Public Works.

EC–4583. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on April 7, 1998; to the Committee on Environment and Public Works.

EC–4584. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Environment and Public Works.

EC–4585. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on April 9, 1998; to the Committee on Environment and Public Works.

EC–4586. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules received on April 13, 1998; to the Committee on Environment and Public Works.

EC–4587. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to base closures and realignments; to the Committee on Armed Services.

EC–4588. A communication from the Secretary of Defense, transmitting, two reports relative to retirements; to the Committee on Armed Services.

EC–4589. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to civilian shock trauma units; to the Committee on Armed Services.

EC–4590. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–4591. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on actions to accelerate the movement to the New Workforce Vision; to the Committee on Armed Services.

EC–4592. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to premium collection procedures; to the Committee on Armed Services.

EC–4593. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board for fiscal year 1997; to the Committee on Armed Services.

EC–4594. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to defense reform; to the Committee on Armed Services.

EC–4595. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Armed Services.

EC–4596. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Improved Cargo Helicopter aircraft program; to the Committee on Armed Services.

EC–4597. A communication from the Assistant Secretary of Defense (Strategy and Threat Reduction), transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–4598. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to contingency or combat operations; to the Committee on Armed Services.

EC–4599. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Chem Demil Non-Stockpile Chemical Material Program; to the Committee on Armed Services.

EC–4600. A communication from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison; to the Committee on Armed Services.

EC–4601. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize a beach replenishment in San Diego, California; to the Committee on Armed Services.

EC–4602. A communication from the Assistant Secretary of Energy for Defense Programs, transmitting, pursuant to law, a report relative to a Stockpile Stewardship Plan; to the Committee on Armed Services.

EC–4603. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–4604. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule received on March 16, 1998; to the Committee on Labor and Human Resources.

EC–4605. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled ''The Education Opportunity Zones Act of 1998''; to the Committee on Labor and Human Resources.

EC–4606. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Labor and Human Resources.

EC–4607. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Labor and Human Resources.

EC–4608. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule received on April 8, 1998; to the Committee on Labor and Human Resources.

EC–4609. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''Evaluation of Short-Time Compensation Programs''; to the Committee on Labor and Human Resources.

EC–4610. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''Implementation of the 1992 Job Training Partnership Act Amendments''; to the Committee on Labor and Human Resources.

EC–4611. A communication from the Chief Executive Officer of the Corporation For National Service, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Labor and Human Resources.

EC–4612. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of finanical statements for fiscal years 1996 and 1997; to the Committee on Labor and Human Resources.

EC–4613. A communication from the Acting Administrator of the Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on April 8, 1998; to the Committee on Labor and Human Resources.

EC–4614. A communication from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Labor and Human Resources.

EC–4615. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the reports of four rules; to the Committee on Labor and Human Resources.

EC–4616. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twelve rules received on March 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4617. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty-two rules received on April 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4618. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of fifteen rules received on April 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule received on April 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty-seven rules received on April 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4621. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to export vessels; to the Committee on Commerce, Science, and Transportation.

EC–4622. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–4623. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The Federal Railroad Safety Authorization Act of 1998''; to the Committee on Commerce, Science, and Transportation.

EC–4624. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to pipeline safety user fee assessment methodology; to the Committee on Commerce, Science, and Transportation.

EC–4625. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule received on April 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4626. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–4627. A communication from the Chief Counsel of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of FAA fiscal year 1999 budget requests; to the Committee on Commerce, Science, and Transportation.

EC–4628. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the pilot minimum flight time requirements study; to the Committee on Commerce, Science, and Transportation.

EC–4629. A communication from the Director of the Bureau of Economic Analysis, Economics and Statistics Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4630. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, the report on the Coastal Zone Management Fund for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–4631. A communication from the Assistant Secretary of Commerce for Import Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC–4632. A communication from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC–4633. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on April 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4634. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4635. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report of interpretations; to the Committee on Commerce, Science, and Transportation.

EC–4636. A communication from the AMD—Performance Evaluation and Records Management of the Federal Communications Commission, transmitting, pursuant to law, the reports of seven rules; to the Committee on Commerce, Science, and Transportation.

EC–4637. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on April 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4638. A communication from the Director of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on April 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4639. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of five rules; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 1958. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. TORRICELLI):

S. Res. 210. A resolution designating the week of June 22, 1998 through June 28, 1998 as ''National Mosquito Control Awareness Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. COLLINS) was withdrawn as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 428

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act

to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1334

At the request of Mr. BOND, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. GRAMS), the Senator from Iowa (Mr. HARKIN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1389

At the request of Ms. SNOWE, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1389, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 1429

At the request of Mr. ROCKEFELLER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1429, a bill to enhance rail competition and to ensure reasonable rail rates in any case in which there is an absence of effective competition.

S. 1525

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1529

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Arkansas (Mr. BUMPERS), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1604

At the request of Mr. D'AMATO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1604, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from Rhode Island (Mr. REED), the Senator from Virginia (Mr. ROBB), the Senator from North Dakota (Mr. DORGAN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1692

At the request of Mr. NICKLES, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1692, a bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1737

At the request of Mr. MACK, the names of the Senator from Montana (Mr. BURNS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1774

At the request of Mr. LOTT, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1774, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase the maximum loan amounts with inflation.

S. 1862

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1873

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1900

At the request of Mr. D'AMATO, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Georgia (Mr. COVERDELL), the Senator from Hawaii (Mr. INOUYE), the Senator from

Michigan (Mr. ABRAHAM), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1901

At the request of Mr. LEAHY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1901, a bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes.

S. 1924

At the request of Mr. MACK, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 188, supra.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 2017

At the request of Mr. GLENN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2017 proposed to H.R. 2646, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE RESOLUTION 210—DESIGNATING ''NATIONAL MOSQUITO CONTROL AWARENESS WEEK''

Mr. WARNER (for himself and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas mosquito–borne diseases (including malaria, yellow fever, encephalitis, dengue fever, and dog heartworm) have historically been a source of human and animal suffering, illness, and death in the United States and worldwide;

Whereas excess numbers of mosquitoes also diminish enjoyment of the outdoors, public parks and playgrounds, hinder outdoor work, decrease livestock productivity, and reduce property values;

Whereas mosquitoes can disperse or be transported long distances from their sources (locally and internationally) and are, therefore, a public nuisance and health risk throughout the United States and the world;

Whereas since 1900, mosquito control professionals in the United States have recognized the need to develop and encourage effective and environmentally safe mosquito control activities in order to protect the health and welfare of the public, the environment, and wildlife;

Whereas the American Mosquito Control Association (referred to in this resolution as AMCA) was established on June 26, 1935, to provide a nationally organized network to help mosquito control professionals pursue these goals;

Whereas professional mosquito control based on scientific research has made great advances in reducing mosquito populations and the diseases that they transmit;

Whereas the AMCA is an active partner in the Pesticide Environmental Stewardship Program, working closely with the United States Environmental Protection Agency and the United States Department of Health and Human Services to reduce pesticide risk to humans, animals, and the environment while protecting human health from mosquito–borne diseases and nuisance attacks;

Whereas public awareness of the health benefits associated with safe, professionally applied mosquito control methods will support the efforts to reduce pesticide risk and protect human health as well as motivate the public to eliminate mosquito breeding sites on their own property;

Whereas educational programs are being developed to include school and civic programs in order to meet the need of the public for information about mosquito biology and control;

Whereas students are encouraged to pursue an interest in biological and health sciences, to participate in science fairs, and to learn about mosquito biology and contribute to the reduction of mosquito populations; and

Whereas ''National Mosquito Control Awareness Week'' would increase public awareness of the activities of the various mosquito research and control agencies within the United States and around the world and highlight the educational programs currently available: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of June 22, 1998 through June 28, 1998 as ''National Mosquito Control Awareness Week''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe this week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

MACK (AND D'AMATO) AMENDMENT NO. 2288

Mr. MACK (for himself and Mr. D'AMATO) to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the end, add the following:

TITLE ____—MEASURES TO ENCOURAGE RESULTS IN TEACHING

SEC. ____01. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the ''Measures to Encourage Results in Teaching Act of 1998''.

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. ___02. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

''(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

''(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

''(2) has an elementary school and secondary school teacher compensation system that is based on merit.

''(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

''(1) the amount appropriated to carry out this title exceeds $600,000,000; or

''(2) each of the several States is eligible to receive an award under this section.

''(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

''(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

''(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. ___03. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

KENNEDY AMENDMENT NO. 2289

Mr. KENNEDY proposed an amendment to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. LOAN FORGIVENESS FOR TEACHERS.

(a) FINDINGS.—Congress makes the following findings:

(1) Our Nation is witnessing a 10-year rise in the elementary and secondary school age population. Between the fall of 1996 and the fall of 2006, total elementary and secondary school enrollment will rise from a record 51,700,000 to 54,600,000, a rise of approximately 3,000,000 children. Elementary school enrollment is projected to grow by 2 percent, from 37,300,000 to 38,100,000, while secondary school enrollment is expected to rise by 15 percent, from 14,400,000 to 16,500,000.

(2) In addition to the enrollment increases, many of the Nation's elementary and secondary school teachers working in 1998 will begin to reach retirement age. According to the National Center for Education Statistics data, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. Qualified, experienced elementary and secondary school teachers will be leaving the profession at a time when the demand for the teachers is at the highest level in our Nation's history.

(3) There is a lack of qualified elementary and secondary school teachers in specific geographic and content areas. More than one-half, 56 percent, of secondary school students taking physical science courses are taught by teachers who have no background in physical science. Twenty-seven percent of secondary school students taking any level mathematics course are taught by teachers with no mathematics background. Students in inner-city schools have only a 50 percent chance of being taught by a qualified mathematics or science teacher. States that have large percentages of classes taught by teachers without a background in a particular subject area, such as Tennessee (26.5 percent), Florida (26.4 percent), Louisiana (26.2 percent), and Maryland (25.6 percent), demonstrate the need for increased numbers of elementary and secondary school teachers with the necessary qualifications.

(4) Our Nation must address the need described in paragraph (3) to ensure a qualified elementary and secondary school teacher for every child in every elementary and secondary school course.

(b) PURPOSE.—The purpose of this section is to create a Federal student loan forgiveness program to attract individuals to careers as elementary and secondary school teachers.

(c) LOAN FORGIVENESS FOR TEACHERS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (20 U.S.C. 1078-10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR TEACHERS.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to carry out a program of assuming the obligation to repay a loan made, insured, or guaranteed under this title (excluding loans made under section 428A for any new borrower after July 1, 1998, who is employed as a full-time elementary school or secondary school teacher—

''(1) in a school served by a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

''(2) who teaches mathematics, science, foreign language, bilingual education, or any other area that the State educational agency determines to be an area for which there is a shortage of qualified elementary school or secondary school teachers.

''(b) LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

''(A) 15 percent of the total amount of loans incurred by the borrower under this title, not to exceed $1,200 per year, for each of the first two years the borrower meets the employment requirement described in subsection (a);

''(B) 20 percent of such total amount, not to exceed $1,600 per year, for each of the third and fourth years the borrower meets such requirement; and

''(C) 30 percent of such total amount, not to exceed $2,400, for the fifth year the borrower meets such requirement.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan under this title.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

''(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

''(d) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(e) DEFINITIONS.—For the purpose of this section the term ''eligible lender'' has the meaning given the term in section 435(d).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,600,000 for each of the fiscal years 1999 and 2000.''.

D'AMATO (AND MACK) AMENDMENT NO. 2290

Mr. COVERDELL (for Mr. D'AMATO, for himself and Mr. MACK) proposed an amendment to amendment No. 2288 proposed by Mr. MACK to the bill, H.R. 2646, supra; as follows:

Strike all after the first word, and insert the following:

___. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) SHORT TITLE.—This section may be cited as the ''Measures to Encourage Results in Teaching Act of 1998''.

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for

weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this section are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

(d) STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.—

(1) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(A) by redesignating part D as part E;

(B) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(C) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

''(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

''(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

''(2) has an elementary school and secondary school teacher compensation system that is based on merit.

''(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

''(1) the amount appropriated to carry out this title exceeds $600,000,000; or

''(2) each of the several States is eligible to receive an award under this section.

''(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

''(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

''(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 2, 1999.

(e) TEACHER TESTING AND MERIT PAY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(A) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(B) to establish a merit pay program for the teachers.

(2) DEFINITIONS.—In this subsection, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

HUTCHISON AMENDMENT NO. 2291

Mr. COVERDELL (for Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ____—EQUAL EDUCATIONAL OPPORTUNITY

SEC. ____01. EQUAL EDUCATIONAL OPPORTUNITY.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (7), by striking ''and'' after the semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.''.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a joint hearing of the Senate Committee on Labor and Human Resources and the House Committee on Education and the Workforce will be held on Wednesday, April 22, 1998, 10:30 a.m., in SD–106 of the Senate Dirksen Building. The subject of the hearing is ''Proposed Individuals With Disabilities Education Act Regulations.'' For further information, please call the committee, (202) 224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a joint hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources and Subcommittee on Health and Environment, House Committee on Commerce will be held on Thursday, April 23, 1998, 2:30 p.m., in SH–216 of the Senate Hart Building. The subject of the hearing is The Gift of Life: Increasing Bone Marrow Donation and Transplantation. For further information, please call the committee, (202) 224–5375.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Monday, April 20, 1998, at 10:30 a.m. to hold a field hearing at the Court of Common Pleas, Juvenile Court, 16th floor, 800 Broadway, Cincinnati, OH 45020 on: ''Juvenile Courts of the 21st Century: Violent & Repeat Offenders.''

The Presiding Officer. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FROSTBURG STATE UNIVERSITY'S CENTENNIAL ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise today to commemorate one of Maryland's finest state institutions, Frostburg State University, on the occasion of its Centennial Anniversary.

Since its founding in 1898, Frostburg State University has been a primary component of the greater Frostburg community. Although small towns are often identified merely as extensions of the school in their midst, it is more the case that Frostburg State is a true extension of the town of Frostburg. In fact, the people of Frostburg themselves raised the funds that were used to buy the land on which the institution is located. This symbiotic relationship is one in which the Frostburg community provides the support system for the school and in turn, is enriched by the school and its students.

This unique relationship dates back to when the University was a small local teacher training institution named the State Normal School at Frostburg. Upon completing their training, students often stayed in the area and taught at regional elementary schools. This tradition of community participation continued as the school evolved into a State Teachers College in 1935 and finally, a multipurpose institution, Frostburg State University, in July of 1987, becoming a member of the University of Maryland System the following year.

While the commitment to teacher training remains at the core of Frostburg State's mission, the University has expanded its curriculum significantly to include the arts and sciences, professional and pre-professional programs, and graduate programs including business, psychology and biology training. Enrollment has grown from an initial class of 57 to over 5,200, and the University's degree program now requires four years of study.

It is important to note, however, that Frostburg State University occupies a unique educational niche as the only four-year institution west of the Baltimore-Washington metropolitan area. Therefore, it serves as the intellectual and cultural center for this westernmost region of my State, and for nearby communities in Pennsylvania and West Virginia. Although the student body includes students from various states and foreign countries, it continues to draw primarily from the immediate area, and provides important employment opportunities for the residents of the region. Furthermore, Frostburg State enjoys a partnership with the Appalachian Regional Commission (ARC) from whom they receive federal funds for various projects that enrich the school's resources and provide further economic development to the area.

It has always been my firm belief that a democracy cannot prosper and grow without an educated populace. As the world becomes increasingly complex and technically challenging, the quality education of the individual is one of the most important tasks in our society. From its inception, Frostburg State University has prioritized education; maintaining a commitment to providing community and educational services to the entire region while, at the same time, succeeding in providing a nationally acclaimed education to its own university community.

As we celebrate this important milestone, I would like to commend the greater Frostburg State University family for upholding the traditions of community cooperation and commitment to excellence that serve to exemplify the very best that Maryland has to offer.●

SCHOOR DEPALMA

● Mr. TORRICELLI. Mr. President, I rise today to salute Schoor DePalma Engineers and Design Professional Firm as it completes its thirtieth year in business, and to recognize its contributions to the State of New Jersey. This engineer and design professional firm has contributed to some of the state's largest engineering and design projects.

Schoor DePalma is one of the most widely recognized civil engineering firms in the State of New Jersey. The company's ingenuity brings forth a superior level of accountability, concern, and quality of work.

Schoor DePalma's commitment is easily also recognized through its selfless involvement with the community through entities, such as the Board of Professional Planners and the Board of Professional Engineers of the State of New Jersey and its participation in highly regarded academic programs such as the Board of Overseers for the New Jersey Institute of Technology, a variety of college foundations throughout New Jersey, and the awarding of scholarships to students in the engineering field.

One of Schoor DePalma's most recent and profitable contributions to the State of New Jersey was to enhance the economically distressed community of East Orange. Schoor DePalma was hired to conduct a comprehensive business analysis of the six main business districts of East Orange by looking at crime statistics, the labor force, the mix of businesses, infrastructure, and streetscaping needs. Schoor DePalma's innovative blue print for economic growth proved to be successful when some local establishments saw a remarkable 50 percent increase in business.

I am proud to recognize Schoor DePalma as a model corporate neighbor and I look forward to another 30 years of excellence from them.●

TRIBUTE TO FLORENCE KIRKNER

● Mr. D'AMATO. Mr. President, I rise today to pay homage to Ms. Florence Kirkner. Today, we focus on Ms. Kirkner's 50 years of volunteering with the National Ski Patrol. The National Ski Patrol was formed 60 years ago as a volunteer organization that has been granted a Congressional Charter as a charity similar to the Boys and Girls Scouts. This organization formed an army division that could fight in winter weather conditions during World War II. Additionally, Senator Bob Dole was affiliated with this division which is known as the Tenth Mountain Division. This division was the only civilian run division in the Army's history. Today, the Tenth Mountain division is stationed at Fort Drum, New York.

I would also like to take this opportunity to commend Ms. Kirkner's participation in many other community activities such as the American Red Cross, the Girl Scouts and the YMCA.

After reviewing Ms. Kirkner's outstanding achievements, I decided an acknowledgment of her awards should be presented. Ms. Kirkner received a Citizen of the Week Award in 1996 and in 1997 she received the Citizen of the Year Award. Previously, because of Ms. Kirkner's excellent community service, she received the Merit Award in 1985 and the Volunteer of the year award in 1986. Ms. Kirkner was twice nominated for the Clara Barton Award in 1988 and again in 1990. Additionally in 1988, the Volunteer of the Year Award was acclaimed to Ms. Kirkner. Furthermore, after serving over 15,000 hours of community service, Ms. Kirkner was presented with the Service Award in addition to the 50 Year Service Award.

Ms. Kirkner has also received awards for the National Appointment #84, the Outstanding Service Award for the North Bay Region, the Patroller of the Year Award for the Western New York Region, 2 Yellow Merit Stars, the Purple Merit Star, the Avalanche Patch #82, the Eastern Division Certificate of Appreciation, the Red Cross Certificate of Merit, the Certificate of Appreciation for the Western New York Region, the Ambassador of the Slopes Award for the Western New York Region, the Mike Reid Outstanding Instructor Award for the Western New York Region, the Canadian Ski Patrol Special Award and the Green Angel Award from the Girl Scouts.

I would also like to acknowledge Ms. Kirkner for holding numerous offices in her lifetime. She has held offices such as Co-Patrol Leader for Donner Ski Ranch; Regional Training Officer for Western New York; Regional First Aid Chairman in North Bay, California; Avalanche Instructor for National #224; ARC First Aid Instructor and Trainer; ARC CPR Instructor and Trainer; ARC Water Safety Instructor and Trainer; ARC Small Craft Safety Instructor and Shift Leader at Kissing Bridge Ski Patrol.

In addition Ms. Kirkner has managed to conduct training courses and workshops such as the Avalanche Patch Course in Slide Mt., Nevada; Sled Handling Seminars in Squaw Valley, California; the Mountain Rescue Course at the Sugar Bowl; Mountaineering at Circle M; Divisional Jr. Training Seminars for 11 years and National Jr. Training Seminars for 4 years. Moreover, Ms. Kirkner led Fall Forums workshops too numerous to count from New York City to Sacramento, from Portland, to Maine and has been an instructor every year of Patrol CPR since the beginning of Ski Patrol, CPR.

Ms. Kirkner is truly one of those unique individuals who has given a lifetime of community service. Her contributions to society will always be recognized as encouragement and hope to American citizens everywhere, and reminds us that the phrase ''it is better to give than to receive'' still rings to be true.●

VIETNAM VETERANS IN HYANNIS, MASSACHUSETTS

● Mr. KERRY. Mr. President, I want to commend the extraordinary achievements of a group of Vietnam Veterans in Hyannis, Massachusetts. Five Vietnam Veterans from Cape Cod, Michael Trainor, Ray Pacheco, Woody Hoffman, Craig Morrison and Michael Williams, created the Nam Vets Association in 1983. Their mission, to provide human services to and improve the public image of Vietnam Veterans, has been courageously carried on, to this day, by John Eastman, Charlie Brown, John Ahern, Hank Tucker, Bill SilverRyder, and Randy Ritter. On Vietnam Veterans' Day, March 29, 1998, this group of dedicated men celebrated fifteen years of work on behalf of their fellow veterans. No organization provides more services to the veterans of Cape Cod and the Islands than the Nam Vets Association. It provides counseling services, housing assistance, a food pantry, employment programs, VA benefit information and, perhaps most important of all, a place where veterans and their families feel welcome. I know I did.

Mr. President, at the recent Vietnam Veterans of America Convention in

Kansas City, Missouri, the Nam Vets Association was selected from 700 chapters nationwide to be honored as the 1997 Community Service Chapter of the Year. This group has made a tremendous impact on the lives of many people in its community. The scholarships, youth activities, volunteer service to community events, and housing programs it provides, and the 55,000 meals it serves annually from its food pantry, give this organization great reason to be very, very proud. On its Fifteenth Anniversary, I am proud to offer my brother Vietnam Veterans in Hyannis my sincere congratulations, my heartfelt gratitude, my best wishes for further triumphs, and my promise of continuing support for their tremendous work.●

TRIBUTE TO HURVIE E. DAVIS

● Mr. McCAIN. Mr. President, I take this opportunity to recognize the accomplishments of Hurvie E. Davis. It is an honor and a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided our nation and the state of Arizona.

Upon his retirement on May 29, 1998, he will have served 42 years in both federal and municipal government. Hurvie's expertise lies primarily in the transportation field, having served the federal Department of Transportation in Washington, D.C., and regionally in San Diego, Portland, Oregon, and most recently in Tucson. Hurvie was the Director of Transportation for the City of Tucson for 15 years before going into the private sector as a transportation consultant.

In 1992, Hurvie became the Town Manager for the Town of Marana. As Manager, Hurvie has accomplished many difficult tasks, and in doing so, has brought Marana positive recognition throughout the Southern Arizona region of municipal governments. His leadership and commitment to excellence has put Marana in a strong financial position to encourage residential and business development.

Mr. President, Hurvie Davis has made many sacrifices during his 42 years of public service, and has contributed significantly to the many people he has worked with. I commend him on behalf of the United States Senate and wish him the very best as he begins another journey in retirement.●

TRIBUTE TO LEO LAKIN, GREEN THUMB CENTENARIAN FROM GARDNER, MASSACHUSETTS

● Mr. LIEBERMAN. Mr. President, at more than two centuries and counting, America is a nation ever maturing with greater wisdom, experience, morality and humanity. For this we can thank many of our most senior citizens who continue to set proud examples of daily life, and who remind us of our rich and proud heritage as a nation of caring individuals. Leo Lakin of Gardner, Massachusetts—who will turn 100 years old on May 26th—is one such American.

Millions of our friends and neighbors distinguish themselves every day as parents, small business owners, educators, and in every other personal dimension and chosen profession of American life. There are those, however, who stand out as role models for their families and their communities. Leo wears these titles effortlessly and modestly, which is one reason why our Secretary of Labor Alexis Herman, our Secretary of Health and Human Services Donna Shalala, and Green Thumb, Inc. honored Leo as ''an outstanding older worker'' at the first Prime Time Awards Dinner on March 12, 1998 in Washington, DC.

Praise of Leo has been both modest and inspirational. In her nominating letter to Green Thumb, Inc., Marcia Hopper of Gardner's downtown association wrote that ''Mr. Lakin's work ethic of kindness, compassion, generosity, and thoughtfulness to customers has brought him a loyal following based on both business and friendship. Many of his current customers are fourth generation.'' Pete Trudel, another long-time business owner in Gardner, said of Leo, ''He's intelligent and knowledgeable. He has always kept up with the latest business trends. He's personable and loves people. He always remains calm. He's just a lovely, lovely man.''

Leo Lakin was born in Boston on May 26, 1898. The Lakin family moved to Southbridge, Massachusetts when Leo was a small child. Leo became bilingual as he grew up, as the French American community in Southbridge was large, and speaking French served Leo and his family well. His father, Phillip, was able to develop deep roots into the community. Philip Lakin became known for more than owning a dry goods store. He was always helping some less fortunate person with food, clothing or a place to stay. That strong sense of community became part of Leo's life, just as a strong sense of family had been instilled in Leo from a very early age.

Leo and his 4 brothers—Celec, Louis, Eddy and Bob—were extremely close to each other. Phillip had been a widower with 5 children when he married a young widow, Annie, who had a daughter, Sarah. Leo idolized his parents. When he was about 11 years of age, he overheard his parents speaking in Yiddish, expressing the hope that some day after their passing one of their sons would be sufficiently well versed in Jewish tradition to be able to say the Mourner's Kaddish to honor and respect their memories. Overhearing this conversation had an enormous impact on Leo's life. He promised himself that he would honor his parents in this way, and the study of Hebrew and Jewish tradition was a vital aspect of Leo's youth. He has spent many, many years helping to conduct synagogue services and enjoying the richness of Jewish studies.

Leo left high school after his freshman year and went to work for the American Optical Company, one of the largest lens manufacturers in the world at that time. His career there began as so many do in America, with a summer job. Leo stayed for several years but eventually he longed for the freedom he could experience as an entrepreneur. In 1922 he and his brother Eddy opened Lakin's Brothers, a men's store located in Gardner's Webster Square. In 1933, relatives in Fall River introduced him to Ida Gollis, a personal shopper at the Outlet Company in Providence, Rhode Island. They married on June 2, 1935. To this day, Leo says, ''She's the best thing that has ever happened to me.''

In 1935, children's specialty stores were en vogue. Gardner was a virtual boom town known as ''The Chair City of the World.'' Heywood Wakefield, Gem Crib and Cradle, Nichols and Stone, Florence Stove, and Simplex Time Recorder called Gardner home. Two weeks after their marriage, Leo and Ida opened Lakin's Children's Shop. And just like Leo's dad had done, they observed an important ethic of treating their customers with the respect and kindness, never pressured a purchase, and made everyone feel welcome.

For the next 51 years, Leo and Ida survived every challenge from the Great Depression to the rise of shopping malls and the demise of many small downtowns. Only Ida's death in June of 1986 ended that partnership on this earth. Leo continued to run the store, and his customers remained loyal and supportive. The store has remained the cornerstone of Leo's vitality, and a force that will not be beaten. In March of 1993, Leo broke his arm at work and recovered. In February of 1994, he contracted pneumonia and recovered. That July, he broke his hip at work, had a replacement at the age of 96, made a complete recovery, and returned to work 6 days a week.

During the 6 months of Leo's recuperation from hip surgery, his daughter Phyllis ran the store for him knowing that Leo needed the promise of returning to work in order to recover. She worked full time at Harvard Medical School, but with the help of close friends Jean Johnson, Beverly Black, and Claudette Jackowski, Phyllis kept the spirit of Lakin's alive in mind, body and soul as Leo had always done: with their customers in mind. Phyllis has since decided that the family legacy of her father and grandfather will go on, and that eventually she will carry on the tradition her parents began in 1935. ''As long as I'm alive, Lakin's is alive!'' she says.

Leo broke his leg on Nov 3, 1997, which was why he could not attend the Prime Time awards in the Capital this March. Leo has been a tireless and courageous patient, continually amazes old and new friends alike, touches all with his faith, optimism, and kindness, and plans to return to the work and people he loves so much.

Mr. President, we often wonder what America and the world we live in will be like in the 21st Century. We wonder about our children and the values they are learning today in school, at home, on television, and from each other. We can only hope that as they navigate so many diverse and dynamic forces in their lives that there will also be a Leo Lakin or two to give them a sense of history, community, family, and hope for the future as he has most certainly given to all who know and love him in Gardner, Massachusetts.●

POLITICAL SCIENCE DEPARTMENT AT KEAN UNIVERSITY

● Mr. TORRICELLI. Mr. President, I rise today to recognize the Political Science Department at Kean University. Over the past twenty years, Kean's Political Science Department has produced an outstanding record of accomplishment and I am pleased to recognize this model program.

The faculty and administration of Kean's Political Science Department have consistently demonstrated their selfless commitment to furthering the intellectual growth of the University's students. Kean's balanced educational program presents students with a unique blend of experiential learning and classroom teaching. It is a model of excellence for all American universities.

Kean's Political Science Department has earned just recognition by offering challenging participatory programs like the American Israel Public Affairs Conference, the Center for the Study of the Presidency's Student Symposium, the Harvard Model United Nations Program, the Howard University Simulation of the Organization of African Unity, the Schering-Plough/Kean College Political Science Education Partnership, the Washington Program, and the annual Department Washington DC Student Workshop.

In an era of decreasing funding, program costs are met through contributions from outside sources, student groups and alumni. The University itself provides enormous scholarship support. As a result of the Political Science Department's dedicated efforts, little cost need be borne by its student participants.

I am pleased to join the New Jersey State Legislature in honoring the Kean University Political Science Department as a model of educational virtuosity. It is my sincere hope that the Department continues its tradition of excellence with the vigor and success that has characterized it for the past twenty years.●

ILLINOIS STUDENT TECHNOLOGY DAY

● Mr. DURGIN. Mr. President, I rise today to recognize April 29, 1998, as ''Illinois Student Technology Day''. On that day, some 140 Illinois schools will hold school technology demonstrations at the seventh annual TECH 2000/AT&T Students for the Information Age program at the Illinois State Capitol Building in Springfield.

During this all-day event in the middle of National Science & Technology Week, over 300 Illinois students will demonstrate the important impact technology, and access to it, has had in their classrooms. The demonstration is sponsored by AT&T, state and local officials, and TECH 2000, a group of educators working to increase support for classroom technology and the role it plays in a student's educational experience.

The advancements that have been made in technology, and the role it has played in the gathering of critical information for students, has improved the learning experience for thousands of our nation's students. Increased efforts need to made to ensure that more students, especially those in rural and impoverished communities, have access to these technological advancements. I hope that we can look at what will take place in Springfield, Illinois on April 29, 1998, as the beginning of a national commitment towards giving our students the best possible opportunity to learn and succeed both in the classroom and in their careers that follow.●

THE 83D ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, I rise today to commemorate the 83rd Anniversary of the Armenian Genocide. Each year we remember and honor the victims, and pay respect to the survivors we are blessed to have with us today.

April 24, 1915 serves as a marking point for the government-orchestrated carnage that took place under the Turkish Ottoman Empire. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople. This number includes some 600 Armenian political and intellectual leaders who were taken to the interior of Turkey and systematically murdered. During the eight year period from 1915 to 1923, approximately 1.5 million Armenians were killed and hundreds of thousands were driven from their homes. Many of these deaths were among the elderly and very young as they were forced on death marches with little food and no medical treatment.

History records that the world stood by as the Armenians suffered, although there was ample evidence of what was taking place. Our Ambassador to the Ottoman Empire, Henry Morgenthau, stated that, ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact * * * I am confident that the whole history of the human race contains no such horrible episode as this.''

Not only did the world stand by while atrocities took place, but unfortunately it refused to learn the awful lessons that were taught during this period. When Adolf Hitler was planning the Jewish Holocaust he said, ''Who today remembers the extermination of the Armenians?'' However, most of the world has come to acknowledge the Armenian Genocide. In 1929, Winston Churchill wrote the following: ''In 1915, the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor * * * the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons.''

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian Genocide.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–41

Mr. COVERDELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 20, 1998, by the President of the United States:

Treaty with Lithuania on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–41.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including ''white-collar'' crime and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1998*.

ORDERS FOR TUESDAY, APRIL 21, 1998

Mr. COVERDELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, April 21, and immediately following the prayer the routine requests through the morning hour be granted.

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

Mr. COVERDELL. Madam President, I further ask unanimous consent that the Senate recess from 12:30 until 2:15 on Tuesday for the weekly policy conferences to meet.

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

PROGRAM

Mr. COVERDELL. Madam President, for the information of all Senators, at 9:40 a.m. on Tuesday, the Senate will resume consideration of S. 414, the ocean shipping reform bill. At the hour of 10 a.m. the Senate will proceed to two consecutive rollcall votes. The first vote will be on or in relation to the Gorton amendment No. 2287 pending to the shipping bill. The second vote will be on or in relation to the Kennedy amendment No. 2289 offered to the Coverdell education bill.

Also, under a previous consent agreement, following the policy luncheons, at 2:15 the Senate will proceed to two stacked rollcall votes. The first vote will be on or in relation to the Glenn amendment No. 2017, followed by a vote on or in relation to the Mack-D'Amato amendment No. 2288. Following the stacked rollcall votes, it is hoped that Senators will come to the floor to offer their amendments to the Coverdell education bill. Therefore, additional rollcall votes will occur throughout Tuesday's session of the Senate in the hope of making progress on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 5:36 p.m., adjourned until Tuesday, April 21, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 20, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT F. RAGGIO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. PETERSON, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROGER C. SCHULTZ, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CHARLES S. ABBOT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Vice Admiral

REAR ADM. JOHN R. RYAN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDERICK MCCORKLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JACK W. KLIMP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5044:

To be general

LT. GEN. TERRENCE R. DAKE, 0000