said, ''[t]he first responsibility of Congress is not the making of technological or economic judgments. Our responsibility is to establish what the public interest requires''—requires—''to protect the health of persons.''

We have enough information to act. We don't have to wait until we have a body count. We have the information, now we need the will, and we should have the will to act.

I propose we put a stop to this poisoning of America. Mercury can be removed from products. It has been done. Mercury can be removed from coal-fired powerplants, and it should be done. We should limit the mercury that enters our environment from coal-fired powerplants, waste incinerators, and large industrial boilers and other known sources.

Americans have a right to know what is being spewed out of these facilities and into their backyards and into the food of their children. We in Congress have the responsibility to give them the knowledge and the tools to protect their children.

The PRESIDING OFFICER (Mr. FRIST). The Chair notifies the Senator from Vermont that initially there were 23 minutes to each side. Senator KENNEDY, by unanimous consent, claimed 15 minutes of the 23 minutes. Therefore, we are now into Senator KENNEDY's time.

Mr. LEAHY. Mr. President, that wasn't precisely the way that I recall the intent of the unanimous consent agreement, but let me just say this. The EPA report estimates the cost nationally of controlling mercury from powerplants at $5 billion per year, and this is an industry that generates more than $200 billion a year in revenue. That is less than 2.5 percent. It strikes me as being the equivalent of a fly on an elephant's back. We can do a lot better.

The residents of Colchester, VT have been fighting for 7 years to clean up a waste incinerator in their backyard that they were originally told was clean enough to toast marshmallows in. Well, now we know better and we need to require this and other facilities to eliminate mercury emissions.

One of the largest sources of mercury is coal-fired power plants. With States deregulating their utility industries, Congress today has a unique opportunity to make sure these powerplants begin to internalize the cost of their pollution.

Many of the problems the Clean Air Act of 1970 was drafted to solve are being addressed. But one thing has not worked out the way Congress originally envisioned. It seemed back then that old, dirty, inefficient power plants would eventually be retired and replaced by a new generation of clean and efficient plants. The concept worked with tailpipe controls on cars. Eventually the fleet turns over and the dirty ones are out of circulation.

But, 28 years later, many utilities continue to operate dirty, inefficient plants that were built in the 1950s or before. These plants are subject to much less stringent pollution controls than are new facilities, and what we now have is a big loophole, and these plants are pouring pollution through it.

If we don't level the pollution playing field now, in a deregulated industry the financial incentive will be to pump even more power and pollution out of these plants for as long as they will last. As long as the rules of the game allow this, these utility companies are acting in a manner that suits solely their economic self interest. As a nation, we cannot afford to subsidize their inefficiency, but our inaction does just that.

We will hear a lot of rhetoric about how much implementing this bill will cost. I want to address those complaints up front. The cost argument does not hold water. I say it again, the EPA report estimates the cost nationally of controlling mercury from power plants at $5 billion per year, and this industry generates more than $200 billion a year in revenue. That is less that two and a half percent, and that strikes me as being the equivalent of a fly on an elephant's back.

Mercury pollution is a key piece of unfinished business in cleaning up our environment. The poisoning of America's lakes, rivers, lands, and citizens with mercury pollution can be stopped. It is unnecessary, and continuing to ignore it mortgages the health of our children and grandchildren.

I yield to the Senator from Massachusetts.

Mr. BOND addressed the Chair.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I understand the Senator from Missouri has a statement. I will be glad to follow him.

Mr. BOND. Mr. President, I express my appreciation to my good friend and colleague from Massachusetts. I ask for 5 minutes to be yielded from the majority side.

Mr. COVERDELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the distinguished manager.

Mr. President, I rise in support of the Coverdell measure and in support of the Gorton-Frist amendment and in support of the Ashcroft amendment. We have an opportunity as a body to make some very clear statements about education that the people in our States are asking us to make.

I firmly believe that education is a national priority but a local responsibility. This leads to a fundamental difference between this side and what might be referred to as a Washington establishment on education.

I believe that those who know the names of the students personally are better at making decisions than those who don't know them. Unfortunately, Federal involvement in education over the years has started off with a great idea of providing resources in support for what we believe for our children is the highest priority, and that is getting them a good education, but it has mushroomed into burdensome regulations, judicial intrusion, unfunded mandates and unwanted meddling.

The results have been that local school officials who are accountable to parents and communities have increasingly less and less control over what goes on in their classrooms. In some cases, parents really feel that they have lost control of their child's education. They have told me horror stories about how their children are not getting an education because of requirements that the Federal Government has put on the schools.

I believe that parents and local school boards are and must be the key to true educational reform, not big Government. We should be empowering parents and teachers and school districts and States to develop challenging academic standards, programs and priorities, not making their jobs of educating children of America more difficult.

As my colleague from Missouri, Senator ASHCROFT, said, we already have standards, we already have tests. As a result of those tests, we know where the problems are in education, and we need to do something about it. Yes, nationally we ought to focus on the problem, but we ought not to try to solve with a ''Washington, DC, solution'' the problems we face in every community and every city throughout Missouri and throughout America.

I have had a very interesting and informative experience over the last year and a half talking to school board members, talking to teachers, talking to principals and talking to parents across my State of Missouri. It is from these discussions that I come back here with a renewed commitment to keep local control over education.

We have school districts in Missouri hiring hordes of consultants and grant writers instead of teachers because they know they have to play ''Mother May I?'' with Washington, DC. We have some schools, the smaller schools, that say they don't even bother to apply for the Federal funds because they don't have the time and the resources to prepare the application.

Leaders in school districts have told me of the unforeseen consequences of getting a grant. They get a grant development program and the grant expires and the school district has to determine whether to take local money from existing resources to continue the program or to eliminate it.

One of my colleagues on the other side of the aisle said very, very convincingly today, and I love these words, ''The Federal Government doesn't run schools, and the Federal Government doesn't fund schools.'' I

agree with those principles. I just wish that he were correct in the facts.

The Federal Government should not be micromanaging school districts. In Missouri, 67 percent of the funds that go to the school districts come from the Federal Government. These are general funds for K through 12. They tell me, depending upon the school district, that anywhere from 40 to 85 percent of the red tape and the hassle and the regulations come from Washington.

I don't think that is right. Last year, when we adopted the Gorton amendment to send money directly to the schools, some of my colleagues very eloquently said, ''We don't want to have Federal dollars going directly to school districts because the school districts will waste the money; they might build athletic facilities; or they will waste it in some other way.''

Mr. President, I have spent my adult career working with parents and teachers and school boards in Missouri. I have watched them work. I have watched their education decisions. I have spent about the last 11 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs. And when it comes to who wastes money, Mr. President, it is not even close. It is not a contest. The Washington way wastes more money by far. The locally controlled schools are far better at applying those dollars to the needs of the children in their schools.

There is no disagreement that in some cases a local school district may need money to build some more schools or it may need money to hire more teachers. For some schools, new textbooks should be the top priority. For others, additional computers might be needed or a school safety program might need to be implemented.

Who knows best? Those at the local level, held accountable by those they serve, or the bureaucrats in Washington? A one-size-fits-all approach does not and will not work in education. Let us give our schools, our teachers, and our parents the resources and flexibility they need to educate our children for a lifetime of achievement and accomplishment. I urge my colleagues to support the amendments and to support the bill, and I urge that they give a sound, strong endorsement to local control over education.

I reserve the remainder of the time on this side and yield the floor. Again, I extend my sincere thanks to my distinguished colleague from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we all know what our priorities are in education. We need to do all we can to support and improve our public schools. That means additional assistance to every State to repair crumbling schools and to build new facilities. It means recruiting more teachers to meet the existing demand and to deal with the crisis of rising enrollments, especially in priority disciplines, in math and science. It means reducing class sizes. It means more support for afterschool programs to keep kids off the streets, away from drugs, and out of trouble. It means a major effort to teach young children how to read because we know that literacy is the foundation of every other aspect of learning. It means setting higher standards for schools to meet in educating their students. We know these ideas will work. But schools across the country are in desperate need of funds to make them work.

Our goal is to improve public schools, not abandon them. It makes no sense to call for greater priority for education and then earmark aid for private schools instead of public schools. Public schools are instituting these ideas and getting results. We should make sure that every school and community has the resources to put in practice what works so that no child is left out or left behind.

Mr. President, this chart here shows what is happening to the schools in this country. And this is according to the General Accounting Office: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in the ceilings or walls; 12 million children go to school under leaky roofs; one-third of all American children study in classrooms without enough panel outlets and the electrical wiring to accommodate computers and multimedia equipment.

This is a tragedy, a national tragedy. It is not only a physical tragedy in terms of the facilities are getting more and more antiquated every single year, but it is also a tragedy in the kind of subliminal message—and it isn't so subliminal a message—that it sends to children and their parents. Because as grownups and as political leaders are talking about the importance of children in our country and in our society, and that the children are our future, on the other hand, we are sending our children into these kinds of conditions every single day. We are sending the message that we do not really care about the kind of facilities where you are trying to learn, and we do not really care very much about education. That is the message that is being hammered home every single day to these millions of children who are going to school in these kinds of conditions. That is wrong. We are trying to address that. And that is a principal policy difference between the Republicans and the Democrats on the education issue.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repairs or should be replaced. Seventy-five percent report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor. It is difficult enough to teach or learn in modern classrooms, and it makes no sense to compound the difficulty by subjecting teachers and students to dilapidated facilities. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

Mr. President, in far too many communities across the country, children are also learning in overcrowded classrooms. This year, K–12 enrollment reached an all-time high, and will continue to rise over the next 7 years, and will increase by about 4 million children in K–12 over the period of the next 4 years.

That is why it is so important that we are going to have a major effort in terms of increasing the teaching profession and giving them the skills to be able to teach these children to ever higher standards and to take into consideration the utilizations of the new electronics and to tie those into curriculum, all of that so that our children are going to have a world-class education. That is a new phenomenon. That is a national phenomenon—the expansion and growth of our children in our schools. We know this is happening.

And now we need 6,000 new public schools built and needed by the year 2006 just to maintain the current class sizes. We know this is happening. We have been given that information by the Department of Education and by everyone that has studied this situation.

Due to the overcrowded schools, they are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. And overcrowded classrooms undermine the discipline and decrease student morale.

We have had the testimony during the earlier debates—I have given examples of these kinds of conditions—and for the first time heard from an outstanding president of a very important school in neighboring Virginia the fact that because of these overcrowded conditions, a new phenomenon is developing in their school, and it is called hall rage—hall rage. I never heard those words used before.

What he was pointing out was, with the increasing number of students in these confined areas, that from the brushing against one another and the kinds of violence that is taking place in the classroom, you see the explosion in the number of fights, misunderstandings, and a deterioration in both morale and discipline because of hall rage—too many students trying to get to too many different places, and often in these trailers for classrooms and in closets and other situations. That is what is happening in the United States of America. That is what is happening.

We ought to give a helping hand to the local communities. We are not interested in superimposing some Federal solution, some ''new bureaucracy,'' those old cliches. I have listened to the same cliches for 30-odd years. You would think they would have new ones, talking about the ''new bureaucracy,'' ''one size fits all,'' ''Washington

doesn't know everything.'' You hear those every single day for 30 years, and you would think they would find some new ones.

What we are finding out with overcrowded classrooms is, we have the demand for additional teachers and we have the demand for additional kinds of support for students as well in other areas.

Mr. President, class sizes are too large. Students in small classes in the early grades make much more rapid progress than students in larger classes. In the exchange earlier today, I pointed out what some of the States are doing, and the findings in Wisconsin, the findings in California, Flint, MI, very important findings in terms of increasing literacy and academic achievement with these smaller classes. It is not the answer to everything, but it is a pretty clear and compelling case to be made. And it was made so clearly by the Senator from Washington, Senator MURRAY, on the importance of getting into smaller classes. As a former teacher and school board member, she is talking about what is happening out on Main Street. This is a message that should have been listened to. And we will have an opportunity to vote on her excellent amendment in just a little while.

The benefits are greatest for low-achieving minority and low-income children with smaller classes. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities and reduce the need for special education at later grades.

The Nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard.

The latest international survey on math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's 12th graders ranked among the lowest of 22 nations participating in the international survey on math and science. Here we have prospectively, in the year 2000, on a voluntary basis, on the States and local community tests, so that we can raise the standards of American children in areas of math and science—we have an amendment to strike that, strike that proposal—tests that will be developed in a bipartisan way so parents have greater information to make decisions locally to enhance academic achievement and accomplishment, a compromise that was agreed to by 87 Members of this body, a bipartisan compromise, and now we have an amendment to strike that at a time when we are having these results and effectively denying the parents the opportunity to have knowledge and understanding about where their children are, in their school, in their community, in their State, relevant to other communities across the country, if they want to, if they believe that is important. I think that makes no sense whatever, and I hope the Ashcroft amendment will be defeated.

Teacher shortages forced many school districts to hire uncertified teachers or to ask certified teachers to teach outside their area of expertise. That is what is happening in every area of the country. Each year, over 50,000 underprepared teachers enter the classroom. One in four does not fully meet State certification requirements. Twelve percent of new teachers have no training teacher at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. Listen to that: only a 50 percent chance of being taught by a qualified science or math teacher.

Instead of putting the $1.6 billion in tax advantage for individuals who will send their kids to private schools, let's do something about those schoolteachers who are not certified in the areas of math and science, and upgrade their skills. They will go back to the public schools and be able to enhance the quality of education for those kids. This is a basic difference between our Republican friends and those on this side on the issue of teachers and the importance of having high standards on which to measure our children.

Another high priority is to meet the need for more afterschool activities. Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks between the hours of 3 and 8. Children left unsupervised are more likely to be involved in antisocial activities and destructive patterns of behavior. It isn't just that there are greater opportunities for them to get in trouble, it is that there are advantages of having those children in circumstances where they are able to go into local community-based systems where they may get some help and assistance with their homework over the afternoon or maybe participate in some sports events that are supervised, so when the parents get home after a long, hard day, the children can have some quality time instead of having parents too often come home, know the kids have been watching television, or not knowing where their kids are, and sending them to their room to do the homework, and the parent lacks that opportunity to spend quality time. No one denies if the parents want to work with the child, well and good, but for the parents hard-pressed and working from early morning to late in the evening, and who have the responsibility in terms of the family that value the afternoon kind of program, they ought to be at least available.

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

Mr. KENNEDY. I yield myself 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, how much time remains?

The PRESIDING OFFICER. The time has expired on the minority side; the majority side has 16 minutes.

Mr. COVERDELL. The Senator would be using our side's time. I want to afford the Senator an opportunity to complete his remarks. May I yield another 2½ minutes of my time to the Senator?

Mr. KENNEDY. Well, we had set for 3 o'clock—as the Senator knows, I have been trying to get people over here. I will yield as soon as anybody comes over. I have about 5 more minutes. I would like to be able to continue for 5 more minutes.

Mr. COVERDELL. It was my intention to try to respond to the time that the Senator is using. I am trying to split the difference.

I yield 3 minutes of my time to the Senator from Massachusetts.

Mr. KENNEDY. I have how much time?

The PRESIDING OFFICER. All time has expired on the Democratic side.

Mr. KENNEDY. Mr. President, literacy is another very high priority, to date. Too many children are reading at unacceptable levels—40 percent of the fourth graders fail to attain the basic level of reading.

Incredibly, Mr. President, the tax proposal that is the Coverdell proposal ignores each and every one of these pressing needs. The regressive Republican tax bill does nothing to improve public schools, nothing to address the need for public schools to build new facilities, nothing to reduce class size in school, nothing to provide qualified teachers, nothing to provide afterschool activities to keep children away from drugs, nothing to help all children learn to read, and nothing to help reach higher academic standards. It does nothing to improve the quality of education for children in public schools. Tax breaks for private schools is not the answer to the serious problems facing the Nation's public schools.

There are serious problems in the Nation's public schools. We can do much more to turn troubled schools around and undertake a wide-range of proven reforms to create and sustain safe and high-performing schools. There are no magic remedies to improve schools and improve student learning. We need to use our limited resources wisely to get the most benefits for our tax dollars.

The Republican approach would divert urgently needed funds away from public schools into private schools. That is wrong for education, wrong for America, and wrong for the Nation's future.

Mr. COVERDELL. Mr. President, the Senator from Massachusetts has characterized the differences here today as Republican and Democrat, and they are not. The dispute we are having here today is between a community that is defending the status quo and rejecting change and a group of Senators who

are committed to reform and change. And they are not Republicans and Democrats, as the Senator from Massachusetts has suggested.

The measure that is before the Senate is cosponsored by Senator TORRICELLI from New Jersey, a Democrat. The school construction proposal that is before the Senate was authored by Senator GRAHAM of Florida, a Democrat. The assistance to these States to students that have prepaid State tuition assistance is authored by Senator MOYNIHAN of New York, a Democrat. And aiding employees by facilitating an employers' ability to help continuing education is the suggestion of Senator BREAUX from Louisiana, a Democrat. So this is a bipartisan proposal that is here. It is not a Republican proposal. There are many Democrats who are at the forefront of what is being discussed and debated here today.

The Senator from Massachusetts also characterizes this as an education savings account as if there were nothing else in the proposal. As I have just said, yes, there is an education savings account in our proposal that is directed to helping parents, parents who have children in public schools, in private schools, and at-home schools. But there are also provisions in the proposal that aid the 21 States in the Union that have prepaid tuition plans.

This proposal that is before the Senate, and I predict will pass the Senate, makes sure that when those funds come to the students, when they actually need them to go to college, those funds are not going to get taxed at that time. The full benefit of those State-prepaid tuition programs will be there for 1 million college students.

There are already 1 million students in the queue in 21 States, and 17 more States are about to adopt such provisions. The plan before the Senate will aid employers in funding continuing education for 1 million employees in America—1 million. What it does is it enables them to spend up to $5,250 annually to help with the continuing education program. And that is not going to be treated as income to the employee, is not going to be taxed, a disincentive to offering the program.

The plan deals with school construction, but it leaves the decision about what should be constructed to local communities. Senator GRAHAM's proposal expands financing tools for local communities and high-growth communities to deal with school construction.

So the proposal before the Senate is wide-ranging, from education savings accounts that help parents and students—14 million of them to be exact, and 20 million students to be exact—who will save in the first 5 years upwards of $5 billion, and over 10 years $10 billion. The suggestion is that all these resources go to private schools. It is simply not true. Seventy percent of the families that use these savings accounts, their children are in public schools. Public schools are a big winner. The division of where the money goes is about 50/50 because folks who have children in private schools save more. They know they have to have more. But it's their money; it's not public money.

So all of these issues that the Senator has alluded to are embraced—maybe not exactly the way he would like them—in the proposal before the Senate: education savings accounts for parents, tax incentives for employers to help employees, the protection of prepaid State tuition plans, and school construction.

Now, on top of that, we are going to have a chance to vote on an amendment offered on this bill by Senator GORTON. Senator GORTON takes a portion of the Federal assistance and removes all the regulations, like it has to happen on a ''blue'' day and a ''green'' Tuesday, or whatever. All the morass that the Senator from Tennessee, now in the Chair, talked about earlier today—strip those away from about $10 billion-plus that goes to the local States and they can do exactly what the Senator from Massachusetts wants to see done. They can build schools, they can hire teachers, they can reduce class size, they can develop after-school programs, they can build parks, they can do whatever they think, and that is $10 billion on top of which we have created a new pool of $10 billion.

The other side wants to look away from that voluntary money in those savings accounts. This is money being brought forward by parents and friends of parents of children. There is no new tax that has to be raised. No school district has to raise their taxes to get the $10 billion. No State has to increase income taxes. The Federal Government doesn't have to spend more money. By this simple, small incentive, we are causing American families to come forward with billions of new dollars to help public, private, and home schools. They will hire tutors. I think they are smarter dollars than a lot of dollars we talk about here. Why? Because they are guided by the family to the specific problem the child has. If a child has a math deficiency in a public school, private, or home school, then the family can hire a tutor with that savings account they generate. If they don't have a home computer—and I might point out that only 15 percent of the students in inner city schools have home computers—well, they could buy one with these savings accounts. If they have a learning disability—dyslexia or something like that—then the family has a tool they can use to fix that specific problem. Public dollars have a hard time doing that.

The Senator from Massachusetts, on several occasions, has referred to this tax incentive that will go to create these savings accounts. It is true that about $500 million is used as the tax incentive—just over $500 million. That is a newer figure. The figure the Senator used is a little larger than that, but that was the figure I had at the same time. It is about $520 million in the first 5 years of tax relief to anybody that would open the account, by not taxing the interest buildup. That modest incentive, that modest amount of tax relief is what generates $5 billion in savings.

The proposal that the Senator was talking about in terms of school construction is a $9 billion tax relief proposal. Who does that go to? That goes to banks and insurance companies and Wall Street brokers. They will get the tax breaks on the school bonds under the proposal to build schools. On the one hand, we have $500 million of tax relief over 5 years to generate $5 billion of new savings. On the other hand, we have $9 billion of tax relief going to the holders of the bonds on the school proposal.

Mr. KENNEDY. Will the Senator yield a minute on that issue?

Mr. COVERDELL. Yes.

Mr. KENNEDY. I don't know which particular amendment the Senator is talking on. On the school construction amendment by Senator MOSELEY-BRAUN, there is $3.3 billion to create $22 billion in school construction. I don't know which one the Senator is referring to.

Mr. COVERDELL. I am using the 10-year figure. The figure you used is correct for the first 5 years.

Mr. KENNEDY. You are using a 10-year figure for her and a 5-year figure for yourself.

Mr. COVERDELL. My 10-year figure would be about $1.1 billion. Let's take the 5 years. In 5 years, it is $500 million in tax relief for 14 million middle-income families on the education savings account and over 5 years, over $3 billion of tax relief for the people that buy those big bonds. That is a very select community that can play that game. Then in 10 years mine becomes $1.1 billion for the 14 million families, and they save because of that, $10 billion. No one saves a dime on the savings proposed for the school bonds. That doesn't generate anything, except school construction. But the beneficiaries of the tax relief are a very select group of Americans. They fit in a very small percentage group.

The point I am making—that amendment obviated tax relief for the middle-class Americans, the 14 million families; it took it out and replaced it with $9 billion in tax relief for, as I said, large financial institutions.

I know my time is about to expire. How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 55 seconds.

Mr. COVERDELL. I want to make the point that all the subjects—school construction, smaller class size, reinforcing communities and parents—we are talking about the same subjects. We may differ on our approach, and this doesn't cut down party lines; this cuts down status quo or reform, doing things differently, with more authority at the local level, more decisionmaking at the local level, more decisionmaking for families. That is where the cut is. It

is not Democrat or Republican. My chief cosponsor is a prominent member of the Democratic side of the aisle.

Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. COVERDELL. I want to reiterate that what we are talking about helps 14 million families who are the carekeepers of over 20 million schoolchildren. And every school environment is helped—public, private, and home. Our proposal will aid 1 million college students, 250,000 graduate students, 1 million employees, 500 new schools, $10 million in new savings. The Federal Government doesn't have this. This is coming from families, $10 million, a huge influx of new resources.

If the Gorton amendment passes, there will be over 10 additional billions—not new expenditures, just freed up expenditures—for smaller classrooms, for new schools, or for whatever those States and local communities feel are necessary to get at the crisis and challenge that we all know and have both cited time and time again are occurring, particularly in kindergarten through high school.

Mr. President, I believe the hour of 3 o'clock has arrived. It is my understanding that Senator LANDRIEU is scheduled to begin her amendment at this hour.

Mr. KENNEDY. If the Senator will yield, she was going to make a best effort. She was over here at 1 o'clock and was over here this morning. So we will inquire and try to determine her location, and then I will report back to the Senator.

Mr. COVERDELL. Very good.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 2301

(Purpose: To strike section 101, and to provide funding for Blue Ribbon Schools)

Ms. LANDRIEU. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 2301.

Ms. LANDRIEU. Madam 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. BLUE RIBBON SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) RECOGNITION.—The Secretary of Education is authorized to carry out a program that recognizes public and private elementary and secondary schools that have established standards of excellence and demonstrated a high level of quality.

(2) DESIGNATION.—Each school recognized under paragraph (1) shall be designated as a ''Blue Ribbon School'' for a period of 3 years.

(b) AWARDS.—

(1) AMOUNT.—The Secretary shall make an award for each school recognized under subsection (a) in the amount of $100,000.

(2) SPECIAL RULE.—If the Secretary is prohibited from making an award directly to a school, the Secretary shall make such award to the local educational agency serving such school for the exclusive use of such school.

(3) PRIVATE SCHOOLS.—Awards for private schools recognized under subsection (a) shall be used to provide students and teachers at the schools with educational services and benefits that are similar to, and provided in the same manner as, the services and benefits provided to private school students and teachers under part A of title I, or title VI, of the Elementary and Secondary Education Act of 1965.

(4) LIMITATION.—The Secretary shall not make more than 250 awards under this section for any fiscal year.

(5) WAIT-OUT PERIOD.—The Secretary shall not make a second or subsequent award to a school under this section before the expiration of the 3-year designation period under subsection (a)(2) that is applicable to the preceding award.

(c) APPLICATIONS AND TECHNICAL ASSISTANCE GRANTS.—

(1) APPLICATIONS.—Each school desiring recognition under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) TECHNICAL ASSISTANCE GRANTS.—The Secretary is authorized to award grants to States to enable the States to provide technical assistance to schools desiring recognition under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(2)) $25,000,000 for each of the fiscal years 1999 through 2003.

(2) TECHNICAL ASSISTANCE GRANTS.—There is authorized to be appropriated to carry out subsection (c)(2) $2,000,000 for each of the fiscal years 1999 through 2003.

Ms. LANDRIEU. Madam President, I send this amendment to the desk to offer an alternative to my distinguished colleague from Georgia, an alternative in the way we would spend this $1.6 billion that we have been debating and have been debating for some time now.

Let me thank my colleague from Georgia for at least getting the Senate to begin a significant debate about the ways in which we can improve the status of education in our Nation. I, frankly, am one Senator who believes that there is nothing really more important that we can spend our time on now than talking about this important issue. I think the debate has been very lively. It has come with controversy. But I thank my colleague from Georgia for at least offering this idea, so that we can have a debate about the best way to spend our money when it comes to trying to improve our schools, which, in my opinion, is the number one priority of all Americans, regardless of whether they have children in school or not. We all know as a nation the value of our education system, both public as well as private.

I was very open to this idea initially as it was presented. I have, I think, demonstrated in the year I have been here an ability to be open to new ideas about how to solve this problem. I don't think the old ways work. I don't believe the American public wants us to just throw more money at a problem. I think they are looking at innovation and creativity in improving our schools. I think the American people, particularly people in Louisiana, have witnessed many schools that are working, many pilot programs and initiatives, whether it is charter schools and more accountability, teacher training, teacher testing, or higher student achievement and things that are working.

So I looked, with hope perhaps, at this bill, now called the Coverdell-Torricelli proposal, but after looking at the studies that have come in about who would really benefit from this initiative to spend $1.5 billion, it is clear to me from the GAO report and other economists reporting that the major benefit of this $1.5 billion to be spent over 5 years would go to a very small segment of parents and families who have their children in private or nonpublic schools.

I want to be part of a team of Senators and leaders who support efforts that help all schools as fairly as they can. There are some in this body and in Congress who do not want to do very much at all to help parochial or private schools. I am not in that group. I believe our Government within the framework of our Constitution should try to help all of our schools and all of our students. But this is not the best way we can go about this, and that is why I am not going to be able to support the bill and would offer this amendment as a substitute, if you will.

Mr. COVERDELL. Madam President, I wonder if the Senator will yield one moment so we can clarify an administrative detail.

Ms. LANDRIEU. Yes.

Mr. COVERDELL. It won't take a minute.

Madam President, I ask unanimous consent that at the hour of 3:45 today the Senate proceed to a series of votes on or in relation to the following amendments: Gorton No. 2293, Hutchinson No. 2296, Murray No. 2295, Ashcroft No. 2300, Levin No. 2299. I further ask unanimous consent that if amendment No. 2300 is agreed to, the Levin amendment No. 2299 be open to further amendment under the same time limitations under the original order. I further ask unanimous consent that there be 2 minutes of debate equally divided between each of the votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Madam President, if I can continue, my amendment is called the blue ribbon schools amendment. It is quite simple. It would take the money we would otherwise be setting aside for these very small savings accounts that would reach only a small group of beneficiaries and spread it over all 50 States, to many schools in those States that have been designated basically by their peers to be blue ribbon schools and schools of excellence. It is time that we in this country stop at the Federal level—and I hope we can encourage States and local governments to stop—funding failure and start rewarding results and success.

That is what this amendment does. This amendment will take the money otherwise spent by the distinguished Senator from Georgia and give $100,000 grants to all of the schools designated, and there are 250 so designated each year, as the most excellent schools in America. They are public; they are parochial; they are private. There have been 3,000 schools that have achieved this designation since this program started 10 years ago.

It is currently operating this way. The schools are rigorously evaluated and 250 are chosen. They are invited to come to Washington. They are given a plaque and a pat on the back and they are basically sent home. I think we need to do more than give them a pat on the back and a plaque to hang on their school wall, as proud as they are to display this plaque, and begin to reward success and say, congratulations, a job well done and here is $100,000 to help you continue that good job.

Many of these schools are succeeding despite the odds because they have bitten the bullet; they have made tough choices; they are making good decisions at the local level. I think the most important thing we in the Federal Government can do is to begin acknowledging success and rewarding success.

That is what this amendment does. It also provides a small amount of money to help the States administer this very cost-effective program because it is a locally based initiative. It is a panel of their peers who makes these choices. It would be a great way to spend this $1 billion to reward these schools.

Madam President, that is simply what this amendment does. It is a blue ribbon school amendment. I think it will go a long way to encouraging schools that are beating the odds to continue to do so, and we will reward them with something significant. So they can take that $100,000 and apply it to technology, teacher training, and other opportunities for students. And this is available, I want to stress, for parochial and private schools, as well as public, within the constitutional framework so that we are better reaching across all of the Nation to many of the schools and doing it in a fair way. That is what my amendment does, and I offer it as a substitute.

In closing, let me say this is only 1 of 10 or 15 ways on which I personally think it is better to spend this $1.5 billion, that will have a longer and a greater impact on improving education than establishing these savings accounts.

I did not get to speak on Senator GLENN's amendment, but I will just say another way to spend this $1 billion would be to expand the IRA from $500 to $2,000, which he so eloquently talked about yesterday. It would be another good way to have a positive effect in encouraging people to save early for their children's college education, which is so expensive.

So with all due respect to my colleague from Georgia for all of the good remarks he has made, there are just better ways to spend the money. This blue ribbon school amendment is only one, but I commend it and recommend it to this body to consider.

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

Ms. LANDRIEU. Yes, I will.

Mr. KENNEDY. We have now an opportunity to make a choice as we are going to vote on this measure, the Coverdell bill, which has been estimated to be $1.6 billion over the period of the next 10 years. We will have a choice either this evening or tomorrow as to how we are going to expend those funds, whether they will be used primarily, as the Tax Committee says, for private schools or, as I understand the Senator's amendment, to recognize excellence in schools all across this country as a result of local decisions that are being made by parents, local community decisions, and to give a financial reward. $100,000 is a considerable reward, but I imagine, since these schools are dedicating themselves to improving and strengthening their academic achievements and accomplishments, those resources are going to be used to further student advancement, thereby giving some real meaning to the local initiatives to put excellence first in terms of public education.

So on the one hand we are going to have a choice for recognizing excellence at the local level selected by peer review or the funds will be primarily used in terms of private education. Do I understand it correctly?

Ms. LANDRIEU. Yes, the Senator from Massachusetts understands this correctly and has articulated it very accurately. The reason that I am unable to support Senator COVERDELL's proposal is because it is clear from the studies that the vast majority of the benefit would go to just a small portion of those in parochial or private schools.

I believe that we need to be more balanced in our approach to help all of our schools and all of our families, as balanced as we can be, and not try to put one above the other.

So, this amendment gives funding to parochial schools, to private schools, and to public schools, based on their efforts to be excellent. And, as the Senator knows, sometimes against great odds, in very poor districts, these schools—many parochial schools—are doing a great job. I believe they should be rewarded within the framework of the Constitution, which is clearly appropriate with this program.

So it is my hope that the Senate and the Congress will strongly consider this approach, because this is exactly what we need to be doing, rewarding and encouraging success.

Mr. KENNEDY. If the Senator will yield further, I imagine, then, after they are selected, hopefully these will be models within the local community? People will say, ''These schools have been selected because of their enhanced academic achievement and excellence. I wonder what they did right.'' Parents in neighboring communities will understand it, others will understand it, and hopefully, as a result of these kinds of awards, it will be an incentive for replicating the kinds of decisions at the local level that have resulted in excellence. Is that the objective as well?

Ms. LANDRIEU. That is the objective. If I could read into the RECORD the way the schools are chosen now, it is if they are student focused and have great student support, if their standards are challenging and their curricula challenging, if they are teaching active learning, if they have developed partnerships with their communities, and if they have strong leadership. Those are just some of the measures that are used.

So, yes, the Senator is correct. As they receive their blue ribbons and their plaques, they are being honored now in our Nation and they are held up to high esteem. The problem is, they basically leave here emptyhanded, because we send them back with a plaque and a ribbon. I think we need send them home with some money and some real help, to put our money where our mouth is and say, ''Good job; here's some money to help you continue to do that good job. You make us proud. You have done it against the odds.''

We want to be a more reliable partner. That is what I think the greatness is with this amendment. There are other approaches we could use, but this is, I think, getting us on the right track.

I thank the Senator, and I yield back whatever time I have remaining.

Mr. KENNEDY. Will the Senator withhold the time, perhaps, just in case we need respond?

Ms. LANDRIEU. Yes. I reserve the time in the event we need to respond, Madam President.

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

Who yields time? The Senator from Tennessee.

Mr. FRIST. Madam President, I rise in opposition to the amendment proposed by the Senator from Louisiana. Both she and I agree on many different issues. I will come to why I oppose the amendment itself. But let me say that I do agree with her in her statement that it is important to reward excellence, and to reward it appropriately,

in terms of our Nation's schools. It is especially important when, clearly, what we are doing today is not accomplishing it in the aggregate. We do need to identify particular schools, reward them, change what they are doing, so we will improve the overall standards of all schools.

In Tennessee, there have been many schools that have received and earned the Blue Ribbon Schools Excellence in Education awards. I am proud of them, to go by and see them. They are given a Presidential Citation, a flag of excellence signifying that school's exemplary status.

I understand the Senator from Louisiana wants to expand on this notion of honoring success, but to do so by having the schools receive national financial rewards of $100,000.

We agree on many points, in terms of encouraging success, but we differ on one key element. The one key element, all of our colleagues must be aware of, because it is key in this amendment, and that is that this amendment has been offered as a result of the Senator's opposition to the Coverdell Savings Account A+ Act. As a result of this opposition, the proposed amendment would strike section 101 of the Coverdell bill. In effect, it is a poison pill to the Coverdell savings account initiative.

As chairman of the Senate Budget Committee Task Force on Education, I have had the opportunity over the last 6 months to conduct hearings and to hear from people who are at schools, who run schools in the local communities. I have heard again and again how important it is—repeatedly—that we must look for creative solutions, for innovation, to the problems that plague our Nation's schools. Senator COVERDELL's plans for savings accounts is a good, positive first step. The proposed amendment would gut that totally. I do not believe it is the final solution, but the proposal does take us in that very important direction of empowering that parent-child team.

I would like to just take a moment to highlight the provisions of the Coverdell bill which I believe make it an effective tool, a positive tool, in helping students and families across the country which, if this amendment were to pass, the Coverdell advantages would go away. What does the Coverdell A+ Accounts do? We expand the education savings accounts in the Taxpayer Relief Act of 1997 by increasing the annual contribution limit for education IRAs from $500 to $2,000. The bill, very importantly, expands the definition of what is qualified education expenses. They are currently limited to higher education. The Coverdell bill expands it to K–12—K–12 expenses, the sort of expenses we have already talked about.

It could be anything from equipment to computers to books to supplies, or if you are an individual with a disability, to give you the tools that you might not otherwise have so you can learn, homeschooling expenses, uniforms, transportation costs—all of these would be encompassed by the Coverdell bill. If the amendment by the Senator from Louisiana is agreed to instead of the Coverdell bill, they will all go away. We all know that it is the parents, the parents who want the very best for their children. I believe it is important—which the Coverdell bill does—to encourage parents to invest in their children's education, to give them that opportunity, to lower the barriers to do so, to give them the incentives to invest in their children.

The President signed into law on August 5, 1997, the Taxpayer Relief Act, which authorized new education IRAs. But that was just for higher education, not K–12. I am fully supportive of every measure we can put on the table helping families plan for higher education expenses. I also believe this effort should be expanded to provide tax allowances for what families spend on elementary and secondary education. That is not allowed today but will be allowed under the Coverdell proposal.

While our colleges and universities are the very best in the world—and this was put before our task force committee again and again—the foundation on which those colleges and universities rest is not sturdy; it is weak. In fact, our elementary and secondary schools are not the envy of the world, unlike our colleges and universities.

In a recent TIMMS, the third, math and science study, scores show just how poorly our student are measuring up to their international counterparts. I referred to this earlier. This is the 12th grade mathematics general knowledge achievement compared to 21 other countries. You don't need to read the chart, but these are countries that do better than us, such countries as Austria, Slovenia does better than us, Germany, Denmark, Switzerland. Only 2 nations—these are the nations we do equal to—only 2 nations out of 21 do worse than the United States in the 12th grade mathematics. The same can be said of science. So we are not doing, in K–12, anywhere near what we should be doing.

Even our colleges and universities have to take on that additional burden by reteaching students that they receive. Approximately 30 percent of freshmen in college today require remedial course work. We need to direct our attention to this K–12 foundation, which the Coverdell bill does.

Under current law, we assist parents, students, and families with numerous tax allowances for higher education. We have HOPE and Lifetime Learning Savings. We have the education IRAs for higher education. We have the State prepaid tuition programs. We have U.S. savings bonds. In terms of loans for students, we provide deductions for interest payments—all for higher education. We are the best in the world. Now is the time to look at K–12 education.

I would like to talk just very briefly about why I think a new approach is needed. By agreeing to the amendment that is proposed by the Senator from Louisiana, again, we are gutting the Coverdell bill. In essence, we are saying let's not change the system at all, that we are doing OK. That is in essence what this amendment is doing. Are we doing OK? This chart basically shows, in science, trends in average science scale scores over the last 20 years, going from 1970 on your left to 1996 on the right. This is age 17, the purple line. The green line is age 13. The orange line is age 7. And the whole point is that, over the last 20 years, we are not improving at all.

I just compared globally; we are doing worse. Out of 21 nations, in the 12th grade, only 2 nations did worse than us. So, in spite of all 500 programs that we have today, in spite of spending about $74 billion at the Federal level, we are doing no better.

Beneath the surface of this whole disappointment of stagnant student performance and despite a commitment of increased resources—and let me show very briefly on this chart what we have been doing as a nation.

This is 1971 to 1997, about a 27-year period. This is how much we spend per pupil in adjusted dollars today. That is what the red line is, constant 1996–1997 dollars. What it shows is that in 1970 we were spending, in today's dollars, about $4,000. Today, we are spending about 50 percent more, about $6,000. We have had a stagnant performance at the same time we have had increased expenditures.

A vote for the amendment by the Senator from Louisiana says, let's not change the system, let's keep doing exactly what we are doing today—something with which I heartily disagree.

Beneath the surface of this whole disappointment that we see in terms of stagnant student performance, there is an acute crisis in our urban schools. One out of every four public school students are enrolled in an urban school district.

A recent report examining our urban schools noted:

> It is hard to exaggerate the education crisis in America's cities. Words like scandal, failure, corruption and despair echo in the pages of the Nation's newspapers.

Another area of concern is the Federal component in the landscape of American education. I show this chart again not so much to show the details, but this is a chart that was generated by the General Accounting Office. As the task force chairman, I basically found it can be depicted by a chart like this, that we have today at the Federal level a sprawling and unfocused effort which suffers from a programmatic reluctance to ask itself what works and what doesn't work.

Over the last couple of days, we have said that we have heard again and again maybe one more program will help out. This basically shows, among three target groups—this happens to be teachers, and the various departments and various Federal programs are around the border—how they influence

teachers. Just walk away from it, and you see that this is a spider web almost of unrelated programs all targeted at the individuals. There are over 500 such programs right now.

What we need to do, if anything, is to consolidate and to improve. We do need to change. We do need to allow that creativity, to allow that innovation. A vote for the amendment of the Senator from Louisiana guts the Coverdell bill. It says, let's not change, let's not structurally improve the system.

In the last few minutes, I talked about the disparity between the assistance we provide for higher education and elementary and secondary education. I have shown the data which show our children are not at the level we need for them to be if we are to remain competitive in the global marketplace.

I talked a little bit about the need for creative solutions in our K–12 system, the sort of solutions that are offered in the Coverdell bill. I mentioned provisions in the bill of the Senator from Georgia which will enable the parent-child team—and that is what we need to stay focused on—to make important education decisions in the early years.

Coming back to the amendment of the Senator from Louisiana, awarding schools is on the right track. It is a good approach. We need to recognize success. I might add, we need to replicate that success as well. I will say, as an alternative to the Coverdell bill, it is totally unacceptable. Savings accounts are too important for families in Tennessee and all across this Nation. We simply cannot afford to desert this effort, despite the merits of these other proposals. Savings accounts, bonds for school construction, State prepaid tuition, the underlying Coverdell bill provides all of this. To replace that bill with a program that does recognize merit but does nothing more is simply unsatisfactory.

I urge my colleagues to defeat the amendment of the Senator from Louisiana and support the underlying bill. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Just for clarification, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 50 seconds; the opposing side has 2 minutes 33 seconds remaining.

Ms. LANDRIEU. Madam President, I will use the remainder of my time to thank my distinguished colleague from Tennessee for agreeing that this amendment is, in fact, on the right track and for saying that it is about time we begin rewarding success and innovation, it is about time we become a reliable partner with our local schools that are achieving, despite sometimes great difficulty, and to begin rewarding them. I thank him for his comments.

I do not disagree with him as he laid out all of the problems associated currently with our public and general education system in the United States. No one in this Chamber disagrees with the sad statistics about lack of achievement, lack of discipline, et cetera, although I want to say for the RECORD that there are many, many, many good public schools, private and parochial schools in this Nation, of which we should be proud. The fact is that we need to have every one to be excellent, but we are falling from the mark.

Let me, if I can, Madam President, in the 1 minute I have left, call to your attention one of the real failings of the Coverdell proposal.

In order to save money, obviously, you have to save it for a long period of time for it to generate any benefit to the saver. One of the problems with setting aside $500 to begin using in kindergarten is that you don't have the money set aside long enough for there to be a benefit to a family. So what we are saying is a $30 benefit is not really that great a benefit. There are so many better ways we can spend this money to really improve education.

If we want to have a savings plan, which I would support, and prepaid college tuition, which is certainly one I support, then let's do some real saving in this country. Let's really save $500 or $2,000, which is part of the Coverdell proposal that I do agree with. Let's set aside money, increase it—which is what Senator GLENN tried to do—from $500 to $2,000 a year to enable families, from when their child is 1, if they save until 17 at a 6 percent yield, to save $60,000. If they received a 12 percent return, they could save over $110,000 approximately. Then you are talking about real money, and you are talking about real benefit, and you are talking about real savings, and you are talking about a Tax Code that really might work and do something good. If we had adopted JOHN GLENN's amendment, this is what people in America would be doing, and I would be proud to sign my name to it.

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

Ms. LANDRIEU. Madam President, I offer this for the RECORD and thank you for letting me offer the blue ribbon school amendment and the long-term savings amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I want to make it very clear that the education savings accounts would inure to the benefit of 14 million American families. The initial amount of money saved would be $5 billion.

The example that the Senator from Louisiana offers doesn't really paint the picture. The $30 she talks about is, of course, averaging everybody out, and that is the interest only. She has forgotten that it is the interest on a lot of principal.

We have said from the outset, one of the surprises about this education savings account is the tax relief involved over 5 years is only a little over $500 million. But that little amount makes Americans do big things. Because of that simple, small incentive, they go out and save $5 billion to put behind education.

This blue-ribbon proposal would end up helping maybe 400 schools in America. They would be schools that have been generally better off. What we are talking about is helping 14 million families deal with the situation in all the schools that 20 million children attend. That might be a school that would in no way be able to compete for one of these excellence awards. Very few of your inner city schools could meet these standards.

So what do you want, 400 schools that get $300,000 a year for the building, or 14 million families and 20 million kids having an ability to buy a home computer or a tutor? To me, there is no decision to make here. Do you want lots and lots of Americans opening up savings accounts trying to help their children with whatever the specific needs are, or do you want a specialized program that rewards the students in 400 schools? That is fine, but as a substitute for what we are talking about, there is no comparison.

Madam President, I yield back my remaining time.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Thank you very much, Madam President.

AMENDMENT NO. 2302 TO AMENDMENT NO. 2301

(Purpose: To amend section 6201 of the Elementary and Secondary Education Act of 1965 to provide for student improvement incentive awards, and for other purposes)

Mr. KEMPTHORNE. I rise to offer a second-degree amendment to the Landrieu amendment, and I send it to the desk for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2302 to amendment No. 2301.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. KEMPTHORNE. Madam President, the current discussion on education in the United States has been widespread. Both sides of the debate, I believe, truly have the best interests of our Nation's young people at heart. It

has been a good discussion, and I commend the Senator from Georgia, Senator COVERDELL, for his leadership on this issue.

We often differ on issues of school choice, Federal involvement in the classroom, and State flexibility. The amendment that I offer today addresses one of this Nation's educational needs while doing so in a manner which should not be controversial. This is the student improvement incentive grant program.

The amendment I am offering today is quite simple in its nature. Under the Elementary and Secondary Education Act, States are given a level of flexibility with how to use some of those funds. My amendment provides yet another option for States.

Under my amendment, States would be allowed to use some of their Federal education funds to provide awards to public high schools based on the schools' performances on statewide assessment tests, the content and substance of which would be entirely up to the State.

There are several important elements to this proposal. First, this is not a new program but merely a new option from which States may choose. Second, the assessments would be based entirely on State priorities and desires. Third, no new funds are required. Thus, my proposal gives States a new way to create a healthy competition amongst public high schools without imposing new Federal requirements, additional Federal oversight, or increasing Federal spending.

As my colleagues are well aware, approximately 2 months ago it was widely reported in the media that high school students in the United States scored well below their peers in an international exam in math and science. In fact, of the 21 nations involved, U.S. students ranked 19th. In comparison, however, U.S. fourth graders performed strongly against their international peers on similar exams. Somewhere along the way we are failing our students by not encouraging them to maintain the high standards that they have demonstrated early in their academic careers.

My amendment will help change this trend by creating financial incentives to encourage greater academic performance in our secondary schools. At the same time, it achieves this goal while leaving the control over education where it belongs, in the State and local communities.

I urge my colleagues to support the student improvement incentive grant amendment.

I yield the floor, Madam President.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Just a point of clarification. The hour of 3:45 has arrived. I believe under a previous unanimous consent agreement, the Senate is about to proceed to a series of votes on amendments, beginning with Senator GORTON's, and that there would be 2 minutes for each amendment equally divided.

The PRESIDING OFFICER. Consideration of the pending amendment is temporarily suspended.

The pending question will occur on the Gorton amendment No. 2293, as amended. The Senator is correct that there will be 2 minutes of debate equally divided.

Mr. COVERDELL. Madam President, then the remaining time on the amendment offered by Senator KEMPTHORNE would occur immediately following the last vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 2293, AS AMENDED

Mr. GORTON. Madam President, the Gorton-Frist amendment is based on two philosophical principles. The first of those principles is that the present system under which 7 percent of the dollars going into education come from the Federal Government, together with 50 percent of all of the rules and regulations under which that education is provided, is not necessarily either in theory or in practice the best way to set policies for our public schools or to fund those public schools.

It is based also on the philosophy that parents and teachers and principals and superintendents and elected school board members all across the United States not only care more about the children in their trust but are better able to set the educational policies for their children in their schools than are bureaucrats in Washington, DC, or even Senators in the U.S. Senate.

The Gorton-Frist amendment, however, forces these two philosophical distinctions or principles on no one. Under this amendment, any State that likes the present system of Federal control is authorized to retain it. Any State that believes educational policy should be set at the State capital through a State school board or Governor or State superintendent of public instruction is free to adopt such a system. And any State that believes, as we do, that local control and local spending policies are best, is free to adopt that policy.

We also guarantee that no State will lose money under this amendment. I commend it to the President and to the Members of the Senate.

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

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I agree with the Senator from Washington that if the State wants to tax its own people and do whatever it wants to, it should have the ability to do it. If the local community wants to tax its people, they ought to be able to do whatever they want. But what Senator GORTON is saying is, we are going to use Federal taxpayers' money, the money that is directed by the Congress.

We have designated three very important areas that are eliminated by the amendment of the Senator from Washington.

First, drug-free schools. I do not find any parents from Massachusetts saying, ''Abolish drug-free schools.'' The Gorton amendment will abolish it.

Secondly, for the training of teachers in math and science, I do not find parents saying, ''We ought to abolish that program.'' The Gorton amendment does it.

And third, in terms of raising high academic standards, the programs that help and assist local schools to be able to do it, I do not find parents in my State saying, ''Abolish that program.'' It will be abolished by the Gorton amendment.

It makes no sense, Madam President. And there is no accountability under the Gorton amendment how these funds are being spent and what the effect of it is in improving academic achievement and accomplishment. To do it after 30 minutes of debate makes no sense whatsoever. I hope that the amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question now occurs on agreeing to the Gorton amendment No. 2293, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 91 Leg.]

YEAS—50

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—49

Akaka	Cleland	Graham
Baucus	Conrad	Harkin
Biden	Daschle	Hollings
Bingaman	Dodd	Inouye
Boxer	Dorgan	Jeffords
Breaux	Durbin	Johnson
Bryan	Feingold	Kennedy
Bumpers	Feinstein	Kerrey
Byrd	Ford	Kerry
Chafee	Glenn	Kohl

Landrieu	Moynihan	Snowe
Lautenberg	Murray	Specter
Leahy	Reed	Torricelli
Levin	Reid	Wellstone
Lieberman	Robb	Wyden
Mikulski	Rockefeller	
Moseley-Braun	Sarbanes	

NOT VOTING—1

Helms

The amendment (No. 2293), as amended, was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2296

The PRESIDING OFFICER. The question now occurs on the Hutchinson amendment No. 2296. Under the previous order, there are 2 minutes of debate equally divided prior to the vote.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series of four be limited to 10 minutes in length.

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

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. HUTCHINSON. Thank you, Mr. President.

Mr. President, this is a dollars-for-the-classroom amendment that expresses the sense of the Senate that we will do our best to ensure that 95 cents out of every dollar actually gets to the classroom where the needs are the greatest. Unfortunately, studies indicate that right now as little as 65 cents of every Federal education dollar actually gets down to the classroom. Where does it go? Much of it goes to bureaucracies, Federal and State. We have 307 Federal education programs.

This simply says let's give 95 cents out of every dollar to the classroom. That will be $2,000 per classroom for every classroom in America—additional money that the teachers and the local school boards can determine how it should be spent. It maximizes local control. States' needs are different. To say 100,000 teachers or to say let's spend Federal dollars for construction isn't the wisest approach. It is better to let those decisions be made locally where the needs differ across the country.

The question on this sense-of-the-Senate amendment is, Are you for bureaucrats, or are you for books? I think we want it to go to the classroom. Let's support this sense of the Senate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, those who support the education programs, title I and other programs that will be affected, want the greatest amount of money to go to the local classrooms. So we support this measure. We have no problem whatsoever in supporting this measure. It is supported by the administration and by the Department of Education. We want to make sure that as much of the funds as possible go right into the classroom. We are absolutely in support of it. We hope the amendment will pass overwhelmingly.

When the Senator initially offered his amendment, it provided not only for this measure but to eliminate the amendment of the Senator from Washington. Now the Senator from Washington will have a chance to have her amendment voted on.

I hope all of our Members will support this measure. It makes good sense. We all want the resources to go into the classroom for the benefit of the children.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chanber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

NOT VOTING—1

Helms

The amendment (No. 2296) was agreed to.

AMENDMENT NO. 2295

The PRESIDING OFFICER. The question now occurs on agreeing to Murray amendment No. 2295. Under the previous order, there are 2 minutes of debate equally divided before the vote.

Who seeks recognition?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

The amendment before us is very simple. It merely asks us to go on record as to whether or not we Members of the Senate believe we should support efforts to decrease class size in the early grades.

As a parent of a child in public education, two children who have gone through our public schools, as a former school board member, as a member of the PTA, as a former educator myself who has been in the classroom, who knows the difference between having 18 young 4-year-olds or 24 4-year-olds, who knows the difference between teaching and crowd control, I will tell the Members of this Senate that decreasing class size is one of the most important things we can do to increase the education for our young children. Every Member here has talked about the need for increased math skills, the need for our young children to be able to read and write and have the skills they need. If we decrease class size, every parent in this country will tell you that it will make a difference. Studies show it. Parents know it. Teachers know it. It is time for this Senate to recognize that and move, on our part, with our responsibility, to decrease class size. I urge the adoption of this amendment.

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

Mr. HUTCHINSON. Mr. President, this amendment calls for 100,000 new teachers paid for at the Federal level. It is an endorsement of the President's proposal. I reluctantly oppose it. Mr. President, 79 percent of the teachers in Arkansas are satisfied with class size, 65 percent of the teachers nationwide are satisfied with their class sizes. It is wrong to have a one-size-fits-all approach on the Federal level. We may need more teachers in some States, but we may not need them in others. So I believe this is an area States are already addressing,

California and many other States have adopted programs to reduce class size. It is not something the Federal Government needs to get involved in. It has a $7 billion price tag. Those funds can be better used, and more wisely used, in other areas. So I ask my colleagues to oppose this sense-of-the-Senate resolution endorsing the 100,000 teacher, $7 billion expansion of the Federal role in public school education.

The PRESIDING OFFICER. All time has expired. The question occurs on the Murray amendment, No. 2295. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

[Rollcall Vote No. 93 Leg.]

YEAS—49

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Campbell	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Specter
D'Amato	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NAYS—50

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

NOT VOTING—1

Helms

The amendment (No. 2295) was rejected.

Mr. COVERDELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2300

The PRESIDING OFFICER. The question now occurs on the Ashcroft amendment No. 2300, which is a second-degree amendment to the Levin amendment No. 2299.

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote.

Who seeks recognition?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, this amendment prohibits Federal funding for national testing in our schools unless there is explicit congressional authority for such funding, so that no funding of the Federal Government could be used to supply or provide for national tests unless the Congress specifically authorized it.

I ask unanimous consent that Senator HAGEL of Nebraska be added as an original cosponsor of the amendment.

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

Mr. ASHCROFT. I believe the fundamental opportunity in education and the opportunity for achievement by children relates to the involvement of parents in education. Whenever we begin to dictate curriculum from Washington, with a national test which will ultimately define curriculum, we will have lost the genius of America's education system, which is local involvement in schools, parental involvement.

For that reason, I believe this amendment should be adopted. I am pleased that Senator LOTT has been in support of this amendment. I am pleased that a number of other individuals are supporting it strongly and am glad to have the cosponsorship of Senator HAGEL. I urge its adoption.

I ask unanimous consent that Senator NICKLES be added as a cosponsor.

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

The Senator's time has expired.

Who seeks recognition?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. BINGAMAN. Mr. President, last November, 5 months ago, we worked out a bipartisan compromise. It received 87 votes here. It called for the National Academy of Sciences to do a study about the possibility of linking various State tests and commercial tests and called on this National Assessment Governing Board, an independent board, to go ahead and develop some test questions. And essentially it set up a procedure we could look at. It also prohibited the use of any funds for field testing or pilot testing, anything in this fiscal year.

This amendment would gut all of that, would say the National Academy needs to stop in its tracks, it cannot complete its work. It would say that the National Assessment Board has to stop what it is doing and breach its contract.

Later this year, in the appropriations cycle, we should revisit this issue and decide at that point whether to allow field testing. But we should not be prohibiting continued study of the issue and development of questions by the National Board at this point. So I urge colleagues to oppose the amendment.

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

All time has expired.

The question now occurs on agreeing to the Ashcroft amendment No. 2300. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—52

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

NAYS—47

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Helms

The amendment (No. 2300) was agreed to.

Mr. CRAIG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the Levin amendment, as amended.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, as I understand the regular order now, it would be for me to now resubmit the amendment that I offered earlier today, which was recently defeated, in effect, through the adoption of the Ashcroft second-degree amendment. Under the regular order, I am allowed to resubmit this amendment so that we can have a vote on it, or it can be second degreed again.

AMENDMENT NO. 2303 TO AMENDMENT NO. 2299

(Purpose: To replace the expansion of education individual retirement accounts to elementary and secondary school expenses with an increase the lifetime learning education credit for expenses of teachers in improving technology training)

Mr. LEVIN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2303.

Mr. LEVIN. 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 of the amendment add the following:

Section 101 is null and void.

SEC. . 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.

On page 21, between lines 9 and 10, insert:

SEC. 107. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—

''(A) IN GENERAL.—If any portion of the qualified tuition and related expenses to which this subsection applies—

''(i) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

''(ii) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'.

''(B) TERMINATION.—This paragraph shall not apply to expenses paid after December 31, 2002, for education furnished in academic periods beginning after such date.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after June 30, 1998, for education furnished in academic periods beginning after such date.

Mr. COVERDELL. Mr. President, I ask that the new Levin amendment be laid aside to recur following the stacked votes tomorrow morning. It would be the first amendment to be debated after 3 votes tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. What about debate on that amendment, Mr. President?

Mr. COVERDELL. There will be 30 minutes equally divided.

The PRESIDING OFFICER. The Senate will come to order.

Mr. COVERDELL. Mr. President, for the information of all Senators, the Senate will now conclude debate on the following pending amendments: Coats, Kempthorne, and Landrieu.

Following those concluding remarks, if any other Senator wishes to debate their amendment, the manager will remain in the Chamber for additional debate. The three amendments concluded this evening will be stacked to occur beginning at 9:30 a.m. on Thursday. Having entered into this arrangement with all Senators, there will be no further votes this evening. The voting sequence tomorrow will begin at 9:30 a.m.

Just for everybody's information, it is my understanding that the remaining amendments on the other side—Dodd, Bingaman, and Boxer—have all indicated they want to do that tomorrow, which will occur following the 30 minutes of debate on the Levin amendment. At this point we will finish Coats, Kempthorne and Landrieu, and there will be no further votes this evening.

I ask unanimous consent that this be accepted.

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

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

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

(The remarks of Mr. ABRAHAM pertaining to the introduction of S. 1970 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Mr. President, this is a very important education bill before us today. It builds upon the education savings accounts enacted last year. It expands the amount of money that can be saved and expands its uses to include K–12.

About 14 million individuals are expected to sign up for these accounts by the year 2002. Contributions can be saved to cover college expenses or used when needed to pay for a wide range of education expenses during a student's elementary and high school years. Examples of eligible expenses include text books, computers, school uniforms, tutoring, advanced placement college credits, home schooling, after-school care and college preparation courses.

A tutor can make the difference between success or a student falling hopelessly behind.

A computer can open the world to a child. Children growing up in homes with computers will be the achievers. I am afraid children growing up in homes without computers will be at a disadvantage. This bill will allow money from an education savings account to be sent on a computer, software, lessons on how to use the computer.

The bill has several solid worthwhile provisions.

It raises the limits on annual contributions to an education IRA from $500 to $2,000 per year, and allows accounts to be used for K–12 expenses. The bill allows parents or grandparents to make the contribution in after-tax money each year.

The accounts would grow with interest, and withdrawals for educational expenses would be tax-free. A+ accounts, as under current law, are targeted to middle income taxpayers. Eligibility phases out beginning at $95,000

for individuals and $150,000 for joint filers. Under these terms almost all New Mexicans would be eligible to set up one of these accounts.

The bill allows parents to purchase contracts that lock-in tomorrow's tuition costs at today's prices. This bill would make these savings completely tax-free.

Families purchasing plans would pay no federal income tax on interest build-up. Under current law, state-run programs allowed tax-deferred savings for college. However, savings in such plans, when withdrawn, are taxable as income to the student. This provision would benefit 1 million students.

Twenty-one states have created tuition plans. New Mexico has not yet implemented one but it does have a proposal under consideration. If the state finalizes its pre-paid tuition plan future students would be able to benefit. Pre-paid tuition plans are a great way to secure the future.

The bill extends through 2002, the exclusion for employers who pay for their employees' tuition and expands the program to cover graduate students beginning in 1998. The exclusion allows employers to pay up to $5,250 per year for educational expenses to benefit employees without requiring the employees to declare that benefit as income and pay federal income tax on the benefit. One million workers, including 250,000 graduate students, would benefit from a tax-free employer-provided education assistance provision.

The bill also creates a new category of exempt facility bonds for privately-owned and publicly operated elementary and secondary school construction high growth areas. The bill makes $3 billion in school construction bonds over five years. This is enough to build 500 elementary schools.

I am pleased that the bill includes the amendment to provide new grants to states that (1) test K–12 teachers for proficiency in the subject area they teach and (2) has a merit based teacher compensation system.

In line with my belief that teacher competence is key to improving American education, this bill creates incentives for states to establish teacher and merit pay policies.

I believe the best teachers should be rewarded for their efforts to educate our children. A little competition in our public schools would be a good thing for rewarding those teachers who excel at their profession and motivating those who may need to improve their performance.

This is but one step forward in our bid to improve the educational performance of American students. This amendment supports the principle that all children deserve to be taught by well-educated, competent and qualified teachers.

I hope the Senate will complete its work quickly on this bill and that the President will sign it.

The MERIT amendment would use the Eisenhower Professional Development Program (Title II) to provide incentive funds to states that establish periodic assessments of elementary and secondary school teachers, including a pay system to reward teachers based on merit and proven performance.

The legislation would not reduce current funding for the Eisenhower Professional Development Program. Incentives will be provided to states that establish teacher testing and merit pay programs. The amendment permits the use of Federal education dollars to establish and administer these programs.

The Eisenhower program, established in 1985, gives teachers and other educational staff access to sustained and high-quality professional development training. In 1998, the Congress approved $28.3 million, $10 million more than in 1997, for the Eisenhower program to provide in-service training for teachers in core subject areas.

The President requested $50 million for the Eisenhower program in 1999, an increase of $26.7 million above the $28.3 million provided in 1998. New Mexico received $2.4 million in 1997 for all 89 school districts. The President funds his 1999 request at the expense of Title VI, Innovative Program Strategies, which New Mexico also heavily utilizes. He requests no funding for this program, which received $350 million in 1998.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I announce that the order of business is to complete the Coats amendment. The author, Senator COATS, is here. I talked to the other side. We have some Senators who want to offer some proposals of their own not related to this legislation. But if we could—everybody is in agreement—we can proceed with the Coats amendment.

Mr. COATS addressed the Chair.

Mr. FORD. Will the Senator from Indiana withhold for just a moment?

We have now allowed several minutes to introduce a bill. Then we are going back to an amendment that should be on this bill. Then we have others here who would like to speak for up to 30 or 35 minutes. I think we are going to have to have some sort of an agreement on how it is going to work. Is this the only debate for amendments?

Mr. COVERDELL. There are two others.

Mr. FORD. Are they here?

Mr. COVERDELL. They are not here. If we could facilitate Senator COATS, we can go to Senator FEINGOLD.

Mr. FORD. With the understanding that it is approximately 35 minutes.

Mr. COVERDELL. I understand.

Mr. FORD. Just so there is no misunderstanding, we are all on the same wavelength.

Mr. COVERDELL. We are on the same wavelength.

Mr. FORD. I thank the chairman and the Chair.

The PRESIDING OFFICER. Under the previous order, Senator COATS is recognized to speak for 2 minutes.

AMENDMENT NO. 2297

Mr. COATS. Mr. President, what is the time situation on this particular amendment? We were in the midst of offering it. We set it aside. There is some time remaining. I would like to know what time is remaining under the original amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). When the bill was set aside, the Senator from Indiana had 2 minutes remaining on the time, and the opposition had 15 minutes remaining.

Mr. COATS. Mr. President, I reserve that 2 minutes. There is someone on the opposing side who wants to begin using their 15 minutes. This is obviously the time. Perhaps if there is no opposition——

Mr. FORD. I am certain there will be opposition. Mr. President, I am here to try to help facilitate this. I don't know who will be here. I am under the impression we will have somebody who will oppose it. But as of now it is like on the other side. The other two Members are not here to oppose it either, I don't imagine. We have 30 minutes to work it out.

I suggest that since the Senator from Indiana only has 2 minutes left, we will wait to see if we can find somebody to use up our 15, and the Senator could have 2 minutes tomorrow.

Mr. COATS. I think it was well-understood by everybody involved in this amendment that I would offer it immediately after the stacked votes. I am here prepared to finish up my time. I would like to get it done, because my schedule is not going to allow me to wait for 35 minutes while someone does morning business.

Mr. FORD. The Senator may proceed. If there is no one here, I will yield back our time and then the Senator can have it voted on within the stacked votes in the morning.

Mr. COATS. I will be happy to do that. Mr. President, I will use up the last 2 minutes.

Very briefly, I do not think this amendment is all that controversial. It simply provides an extra incentive for individuals or organizations that want to make charitable contributions to scholarship funds which would provide scholarships for low-income children for educational purposes. As such, we are just simply offering an additional deduction of 10 percent for that specific purpose. I outlined earlier the basis for that and the reasons why we need to do that. I believe it complements the bill we are dealing with. The current bill addresses essentially middle income and above taxpayers. This goes to low-income taxpayers, and it gives them an opportunity to provide the kind of education they think is appropriate for their children.

I hope my colleagues will accept it. The cost is offset by changes in the Tax Code which have been approved by the Finance Committee. There is no controversy there. I urge my colleagues to vote in support of the amendment when the vote occurs tomorrow morning.

The PRESIDING OFFICER. The Senator has 15 seconds remaining.

Mr. COATS. I yield the remainder of my time.

Mr. FORD. Mr. President, I suggest the absence of a quorum on the 15 minutes on this side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, I yield the balance of time in opposition to the Coats amendment. I understand the change is offset. Most people are happy with it. Therefore, there is no opposition at the moment. I am sure some will vote against it, but I yield whatever time this side might have. It is my understanding that we now go to Senator FEINGOLD for a statement as if in morning business.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized under the previous order.

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, in late February the Senate considered campaign finance reform on the floor of the Senate for the second time in this Congress. Once again, we did not resolve the issue. Although a clear majority of this body now supports the McCain-Feingold bill, a determined minority once again prevented it from being adopted.

Mr. President, I would like to take a few minutes today to try to put our debate in some perspective. This is a particularly good time to revisit the issue because of what has been happening just in the past few days in the other body, in the House of Representatives. In fact, the latest development on the other side of the Capitol has made it very clear that the defenders of the current system are on the run, and campaign finance reform is very much alive.

Last fall, the Speaker of the House promised an open debate on campaign finance reform by the end of March. The other body, of course, is supposed to be the place where the majority can work its will. There is no filibuster rule in the House of Representatives—in effect, no requirement that you have to get a three-fifths majority to pass legislation, as has long been the case in the Senate.

At the end of March, when a bipartisan majority began to clearly coalesce behind the McCain-Feingold bill, or the Shays-Meehan bill as it is called in the other body, the House leadership and other opponents of reform began looking for a way out. The House leadership decided to bring up campaign finance reform under suspension of the rules. That is a procedure that is usually used to allow noncontroversial bills to pass quickly. It was used here for a very different purpose. It allows very limited debate and no amendments, and it requires a two-thirds vote for passage.

So the leadership of the other body brought up its own campaign finance bill under the suspension procedure that would guarantee, in effect, the defeat of its own bill. In the end, this bill of the leadership of the House got only 74 votes, and 337 Members of the House voted no.

Let's think about that. The major campaign finance bill offered by the chairman of the committee of jurisdiction received only 74 votes in the House of Representatives. The Democrats in the House were not even allowed to offer a substitute, which is customary in the other body. And here is the kicker. The main bipartisan reform bill which, by all accounts, actually had majority support in the House, did not even get a vote. The leadership of the House did everything in its power to make sure that the McCain-Feingold bill would not pass, and they succeeded, but only temporarily.

Supporters of reform in the House were understandably outraged. Just as the opponents of reform in this body relied on a filibuster and on parliamentary tactics such as filling the amendment tree to prevent a bipartisan majority from passing McCain-Feingold, opponents of reform in the House, the body that is supposed to reflect the will of majority, in effect rigged the procedure to make sure that reformers did not even get a vote on their bill.

Tactics of this kind can work for a while, but they cannot work forever. The American people are tired of tricks and tactics. They are tired of a partisan minority stopping the bipartisan majority from enacting reform. And now there are clear signs that public outrage over these kinds of tactics is having an effect. In the other body, reformers gathered 205 signatures on a discharge petition that would require the other body to consider campaign finance reform under a fair and open procedure. They needed just 13 more Members of the House to sign the discharge petition to force the issue to the House floor despite the opposition of the leadership. This would have been almost unprecedented.

It is clear that Members of the Congress are feeling the heat. Five Members agreed to sign the petition over the recess after they heard from their constituents how important it is to have a real vote on reform in the House this year, and four more announced in the last 2 days they will sign the petition.

Mr. President, what we found out today is that the leadership in the House reconsidered its hard line position because a meltdown was occurring. I was informed just a little bit earlier that there has been an announcement that the leadership of the other body will now bring campaign finance reform back to the House floor by May 15, and this time there at least supposedly is going to be an open rule and a bipartisan bill will get a vote.

This is very good news, and I congratulate the bipartisan reformers in the House for their persistence and effectiveness. They have shown that the will of the people can prevail if only we in the Congress have the courage to fight for it. If the House passes a bipartisan bill in the next few weeks, fortunately, the spotlight will come back here again.

The distinguished majority leader of our body was asked on Monday, what will he do if the House passes McCain-Feingold? His answer? ''Nothing.'' And everyone laughed. I don't think they are laughing today, because the reformers in the House have succeeded in their effort to force a fair vote. We will see if the American people will stand for this kind of obstructionism if a bill comes back from the House. I do not think they will. I think the Senate will have to deal with this issue again this year and soon.

So I can say to the American people today as I have before, this fight is not over. The opponents of reform may be winning these parliamentary battles, but they are losing the legislative war. The American people know that our current system must be changed. A majority of this Senate, and now of the House, knows that our current system must be changed. Sooner or later, we will prevail. I am absolutely certain of that.

I have spent a great deal of time reviewing the debate on campaign finance reform from both this past February and last fall. As most people who watched the debate know, there was a lot of argument on this floor about whether the first amendment to the Constitution would be violated by the provisions of our bill in the Snowe-Jeffords amendment dealing with so-called issue advocacy by outside groups. I think these arguments based on the Constitution were grossly exaggerated and they will be shown to be inaccurate over time in the context of the actual state of constitutional law.

But there were a lot of other things said about our bill, a lot of other justifications offered for killing reform, and today I want to concentrate on what I call the three worst excuses for voting against the bipartisan McCain-Feingold bill. These arguments simply do not hold water. And since we will be back sooner or later—and I suspect sooner—to discuss these matters, let me say a bit about them today.

Here is the first poor excuse for voting against our bill. We heard time and time again, both last fall and last February, that we do not need changes in the law, we just have to enforce the current law. Now, that gave the opponents the opportunity to excoriate the Clinton administration for its fundraising excesses in 1996 and to try to dodge