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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Sovereign God, to whom we are accountable for the precious gift of life, we spread out before You our lives and the work of this Senate. You are the ultimate judge of what we say and do. Above party loyalties, responsibilities to constituents, and regard for the opinions of people, we report to You. Sometimes we are pulled apart by trying to meet the demands and expectations of the multiplicity of factions that seek to factor our lives. Help us to play our lives to an audience of one, to You, dear Father. You alone can give us strength and courage and wisdom that we need as leaders. When we seek first Your pleasure, we can serve with true pleasure. Take our minds and think through them; take our lips and speak through them; take our hearts and set them on fire with convictions that will enable us to work for Your best for America. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. COVERDELL. Mr. President, today the Senate will immediately resume consideration of the Hatch-Mack marriage tax penalty amendment. By unanimous consent, the Senate will proceed to a vote on or in relation to the amendment at approximately 10 a.m. Following the disposition of the Hatch-Mack amendment, the Roth first-degree amendment and the Graham second-degree amendment will be debated for 1 hour each, with votes to be scheduled at a time to be determined. There are a few remaining amendments to be offered, and it is hoped these amendments can be debated and disposed of so the bill can be finished during today's session of the Senate.

I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

AFFORDABLE EDUCATION ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1134 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided on amendment No. 2827.

Pending:

Coverdell (for Mack/Hatch) amendment No. 2827, to eliminate the marriage penalty in the reduction in permitted contributions to education individual retirement accounts.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are making progress on this legislation. On our side, we have approximately seven or eight amendments remaining. Of course, there could be others offered, but we think we have been moving well on this legislation. I alert my colleagues, Senators BOXER, FEINSTEIN, SCHUMER, KENNEDY, DORGAN, GRAHAM, KERRY, HARKIN, and WELLSTONE, that they should be ready to offer their amendments in the approximate order I have read off their names, and we will try to alert their offices to give them adequate notice to get over here.

I ask unanimous consent that the time until 10 o'clock be scored equally against both sides.

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

Mr. COVERDELL. I think it is already in the order, but I would certainly agree.

The PRESIDING OFFICER. That is correct. The time is equally divided.

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

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

AMENDMENT NO. 2827

Mr. HATCH. Mr. President, I rise today in strong support of the Mack-Hatch amendment that is currently before the Senate. This is an important issue both as a matter of educational policy and as a matter of fairness in tax policy. I congratulate the Senator from Florida for joining me in bringing it up as a part of the debate on this bill.

There has been a lot of discussion in recent months about the problem of the so-called marriage tax penalty. Actually, if we were to be totally accurate, we would talk about the marriage penalties. The American Institute of CPAs has found that the Internal Revenue Code contains at least 66 separate

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

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provisions that can cause a marriage penalty—66. Think about it. Many of our colleagues may not realize this, but at the same time we were supporting legislation to eliminate marriage penalties, we were busy creating new ones.

This brings me to the purpose of our amendment. The bill we are debating today would expand the education savings account Congress created in the Taxpayer Relief Act of 1997. This is a great idea, and I fully support it. However, the provision creating the education savings account in 1997 contained a flaw—a marriage penalty. This penalty is found in the fact that the phaseout threshold for married couples found in joint returns is less than twice as high as the threshold for single taxpayers.

The amendment before us would correct this problem by raising the threshold for married couples from the current level of $150,000 to $190,000, which is twice the $95,000 threshold for individuals. It is that simple.

Some may argue that this is a trivial matter. Why are we taking up the Senate's valuable time on such a minor change. While to some this may not be the important tax change we should consider if this one problem is viewed by itself, this issue is much larger than that.

First, let's start with the obvious. We are debating S. 1134 to provide incentives for American families to save for their children's education: tuition payments, books, tutoring, computers, and other things. The idea, of course, is to benefit children. The goal is to further their educational opportunities. But without the Mack-Hatch amendment, we discriminate against some two-parent families who wish to take advantage of an education savings account. In some cases, the allowable resources in the account available for their children's education would be greater if mom and dad merely divorced and set up separate accounts. That is not what we want in this country.

Second, it is time we raise the consciousness of the Senate about how seemingly minor boilerplate provisions in tax bills can eventually harm taxpayers in big ways. I would venture a guess that one of the reasons we have 66 separate marriage penalties built into the Tax Code is that Congress simply copied over and over, year after year, the faulty language referring to returns filed by single taxpayers and married couples. Once enacted, of course, they spread like a computer virus.

Later today, I plan to offer another amendment that would correct yet another marriage penalty we created in 1997, this time in the student loan interest deduction. I hope my colleagues will support Senator MACK and I on behalf of these amendments.

These amendments represent a good start on finding and correcting some of these tax inequities that riddle the Internal Revenue Code. I am looking forward to working more on this issue when the Finance Committee takes up marriage penalty legislation in the next few weeks. I congratulate Senator ROTH, chairman of the Finance Committee, for making meaningful relief in this area a high priority.

In listening to my constituents talk about the issue of taxes, I continue to hear one thing over and over again. The No. 1 complaint I hear from Utahans even more than that of taxes being too high is that of the Internal Revenue Code's complexity and unfairness. In my view, few things in our jumbled up Tax Code are more unfair than the provisions that make taxpayers pay more just because they are married.

Let's take this simple first step and eliminate this one marriage penalty by adopting this amendment. Then later, when I bring up my amendment on the student loan interest deduction marriage penalty, let's take on that one as well. Later this spring, we can do even more with the larger marriage penalty bill. We should fix all 66 of these marriage penalties, even if we have to do it one by one.

Let's strike a blow for tax fairness. I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I appreciate the remarks of Senator HATCH of Utah. I believe Senator BROWNBACK is here. How much time is remaining on our side?

The PRESIDING OFFICER. Nine and one-half minutes.

Mr. COVERDELL. I yield 3 minutes to Senator BROWNBACK and the remainder of the time then to the cosponsor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank Senator COVERDELL and add my voice in support of the amendment by Senator MACK and Senator HATCH.

The marriage penalty appears in the Tax Code 66 different places. That is a situation where we have a married couple who do not get the same advantages as two people filing individually. Here is another case where the marriage penalty occurs, and here is another case where we are trying to pull it out of the Tax Code. That is why I add my voice of support to this amendment by Senator HATCH and by Senator MACK to eliminate this portion of the marriage penalty that appears in the education IRAs.

Annually, there are about 22 million married couples who pay a penalty of some sort or another in the Tax Code, for being married. They pay an average of $1,480 more in Federal income taxes than they would if they were single living together. I think it is a bad signal that we send across the country. It is a bad signal in the Tax Code. It is one we ought to ferret out wherever we possibly can.

This is a good place for us to address this particular issue. Our Tax Code is riddled with provisions that penalize America's families. The House has passed a bill to provide marriage tax penalty relief that is separate and distinct from this particular area of the marriage penalty. What they would do is provide marginal rate brackets that are fair for the families. They would eliminate the marriage penalty that exists in the standard deduction as well. However, even with those changes, which I am hopeful we can pass this year, we still will have more to do to ensure married people are not discriminated against in our Tax Code.

In fact, our Tax Code penalizes marriage in over 60 different ways, according to the American Association of Certified Public Accountants. This is unacceptable. We must continually work to make our Tax Code better, to make it fairer for America's families.

This amendment being offered by my colleagues, Senator MACK and Senator HATCH, takes an important step in our Tax Code to end a bias against marriage. I am hopeful we will pass this amendment on a strong bipartisan basis. We will pass more substantive marriage tax penalty relief later this year.

As my colleagues have already described, the Hatch-Mack amendment eliminates the marriage penalty and the reduction in contributions to education and individual retirement accounts. This important provision will remove one of the marriage tax penalties that exists in our Tax Code. I believe we must pass this important amendment.

I thank my colleagues who are introducing the amendment for allowing me this time to speak on the bill and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I rise in support of amendment 2827. This amendment, cosponsored by Senators HATCH and MURKOWSKI, is very simple and straightforward. It eliminates the marriage penalty in the education savings accounts.

Married couples should not suffer a tax increase just because they are married. The so-called marriage penalties in the Tax Code do just that. Married couples often have to pay higher taxes than the couple would owe if they were single filers. The House has recently addressed this issue in the broader Tax Code, and we will soon do the same. But it makes no sense to have marriage penalties built into newer programs we have created, such as the tax-free education savings accounts.

Under this amendment, as under the administration's HOPE scholarship tax credit and Lifetime Learning credit, the income eligibility for joint filers would be double the amount for single filers. People who qualify for these accounts when they are single should not lose this valuable opportunity to provide for their children's education just because they got married.

When the Senate first passed education savings accounts in the 1997 Taxpayer Relief Act, all Americans

were eligible to use these vehicles to save for their children's education. While that bill was in conference, however, income limits were added to this tax benefit, but these limits injected a marriage penalty into this provision. There is absolutely no policy justification for a marriage penalty in education tax benefits. This should not be a partisan issue.

As I mentioned earlier, the administration's education proposal did not contain a marriage penalty, but the income limits the administration negotiated when the 1997 bill was in conference created a marriage penalty in the education savings accounts. Now is the time for us to eliminate this marriage penalty.

According to my Joint Economic Committee staff, this amendment will allow over 2 million households to establish education savings accounts for their children.

We should be looking to remove marriage penalties in the Tax Code instead of making them worse. Our amendment will ensure that married couples can save for their children's education on an equal basis, as single individuals can.

I urge my colleagues to support this amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is interesting that on a bill pertaining to education, we are talking about how we can help 4 or 5 percent of the people in this country. First of all, I have nothing against people making $150,000 a year. I think that is wonderful, and I hope they make even more money. But the Hatch amendment will allow married couples earning between $150,000 and $190,000 to make full contributions to ESAs and will allow couples with incomes up to $220,000 to make partial contributions.

Under current law, the maximum income a married couple can earn for an ESA contribution is $150,000. The proponents of this amendment describe this amendment as a marriage penalty relief. Well, I guess from one perspective they are right. The ability of the single tax payer to make ESA contributions phases out between $95,000 and $110,000. For married couples filing jointly, the phaseout range is $150,000 to $165,000.

The Hatch amendment would make the phaseout range for married couples twice that of single individuals; that is, $190,000, twice $95,000, to $220,000, twice the $110,000 previously spoken of.

Accordingly, the only beneficiaries of this amendment are married couples filing joint returns earning more than $150,000 but less than $220,000 in a year. As I have said before, people making up to $220,000 a year can make partial contributions.

We have yet to obtain an estimate from the Joint Tax Committee. Notice, no one has talked about how much this is going to cost. It will cost plenty. We do know that families earning $150,000 in income are in the top 5 percent of all American families. For 1997, the top 5 percent was $137,080 and has likely increased since then. In other words, 95 or 96 percent of American families would not benefit from this amendment.

I ask unanimous consent to print in the RECORD tabular matter from the Department of Commerce setting this forth.

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

NO. 751.—SHARE OF AGGREGATE INCOME RECEIVED BY EACH FIFTH AND TOP 5 PERCENT OF FAMILIES: 1970 TO 1997

[Families as of March of the following year. Income in constant 1997 CPI–U–X1 adjusted dollars]

Year	Number (1,000)	Income at selected positions (dollars)					Percent distribution of aggregate income					
		Upper limit of each fifth				Top 5 percent	Lowest 5th	Second 5th	Third 5th	Fourth 5th	Highest 5th	Top 5 percent
		Lowest	Second	Third	Fourth							
1970	52,227	19,820	32,333	43,910	60,357	94,240	5.4	12.2	17.6	23.8	40.9	15.6
1975	56,245	19,954	32,857	45,694	63,266	99,099	5.6	11.9	17.7	24.2	40.7	14.9
1980	60,309	20,282	34,148	48,365	67,866	107,260	5.3	11.6	17.6	24.4	41.1	14.6
1985	63,558	19,816	34,138	49,451	71,940	117,787	4.8	11.0	16.9	24.3	43.1	16.1
1990	66,322	20,687	35,666	51,625	75,510	125,696	4.6	10.8	16.6	23.8	44.3	17.4
1991	67,173	20,033	34,305	50,672	74,229	121,169	4.5	10.7	16.6	24.1	44.2	17.1
1992 [1]	68,216	19,119	33,946	50,335	73,272	121,275	4.3	10.5	16.5	24.0	44.7	17.6
1993 [2]	68,506	18,849	33,322	50,016	74,190	125,714	4.1	9.9	15.7	23.3	47.0	20.3
1994 [3]	69,313	19,429	33,898	50,901	75,808	130,006	4.2	10.0	15.7	23.3	46.9	20.1
1995	69,597	20,084	34,738	51,589	76,101	130,228	4.4	10.1	15.8	23.2	46.5	20.0
1996	70,241	20,132	35,102	52,258	77,044	130,937	4.2	10.0	15.8	23.1	46.8	20.3
1997	70,884	20,586	36,000	53,616	80,000	137,080	4.2	9.9	15.7	23.0	47.2	20.7
White	59,515	22,576	38,258	55,783	82,442	142,400	4.6	10.2	15.7	22.8	46.8	20.7
Black	8,408	11,396	21,875	36,052	57,000	95,684	3.4	9.1	15.6	25.1	46.8	17.6
Hispanic origin [4]	6,961	12,642	22,200	34,963	53,548	96,460	3.9	9.2	14.9	22.8	49.3	21.6

[1] Based on 1990 census population controls. [2] See text, this section, for explanation of changes in data collection method. [3] Introduction of new 1990 census sample design. [4] Persons of Hispanic origin may be of any race.

Source: U.S. Census Bureau, Current Population Reports, P60–200; and <http://www.census.gov/hhes/income/histinc/index.html> (accessed 23 March 1999).

NO. 752.—MONEY INCOME OF FAMILIES—DISTRIBUTION, BY FAMILY CHARACTERISTICS AND INCOME LEVEL: 1997

[See headnote, Table 749. For composition of regions, see map inside front cover]

Characteristic	Number of families (1,000)	Income level (1,000)							Median income (dollars)
		Under $10,000	$10,000 to $14,999	$15,000 to $24,999	$25,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 and over	
All families	70,884	4,816	4,054	9,250	9,079	12,357	15,112	16,217	44,568
Age of householder:									
15 to 24 years old	3,018	720	361	659	456	443	264	114	20,820
25 to 34 years old	13,639	1,363	922	1,814	1,846	2,637	3,080	1,977	39,979
35 to 44 years old	18,872	1,151	826	1,934	2,120	3,285	4,734	4,820	50,424
45 to 54 years old	14,695	530	500	1,112	1,420	2,303	3,640	5,189	59,959
55 to 64 years old	9,391	484	407	991	1,081	1,700	1,997	2,731	50,241
65 years old and over	11,270	567	1,037	2,739	2,156	1,989	1,398	1,385	30,660
White	59,515	3,185	3,047	7,454	7,552	10,527	13,172	14,578	46,754
Black	8,408	1,428	824	1,486	1,193	1,302	1,344	832	28,602
Hispanic origin [1]	6,961	956	759	1,397	1,066	1,199	887	697	28,142
Northeast	13,338	904	608	1,570	1,596	2,158	2,853	3,648	48,328
Midwest	16,594	898	797	1,993	2,122	3,093	3,862	3,829	46,734
South	25,682	2,008	1,689	3,718	3,492	4,565	5,230	4,981	41,001
West	15,270	1,006	959	1,968	1,869	2,542	3,167	3,760	45,590
Type of family:									
Married-couple families	54,321	1,488	2,100	5,899	6,497	9,978	13,200	15,159	51,591
Male householder, wife absent	3,911	358	292	703	707	694	716	440	32,960
Female householder, husband absent	12,652	2,971	1,661	2,647	1,875	1,685	1,195	618	21,023
Unrelated subfamilies	575	219	86	133	69	51	14	3	13,692
Education attainment of householder: [2]									
Total	67,866	4,096	3,693	8,590	8,622	11,913	14,848	16,103	45,874
Less than 9th grade	4,667	690	799	1,267	728	624	341	219	21,208
9th to 12th grade (no diploma)	6,604	1,027	753	1,465	1,085	1,101	778	395	25,465
High school graduate (includes equivalency)	21,991	1,439	1,152	3,261	3,517	4,610	4,991	3,021	40,040
Some college, no degree	12,107	559	562	1,358	1,666	2,338	2,964	2,661	46,936
Associate degree	5,226	162	174	506	556	1,005	1,468	1,355	52,393
Bachelor's degree or more	17,272	221	253	733	1,071	2,235	4,306	8,454	73,578
Bachelor's degree	11,201	156	185	581	797	1,616	3,079	4,788	67,230

NO. 752.—MONEY INCOME OF FAMILIES—DISTRIBUTION, BY FAMILY CHARACTERISTICS AND INCOME LEVEL: 1997—Continued

[See headnote, Table 749. For composition of regions, see map inside front cover]

Characteristic	Number of families (1,000)	Income level (1,000)							Median income (dollars)
		Under $10,000	$10,000 to $14,999	$15,000 to $24,999	$25,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 and over	
Master's degree	3,903	46	46	109	194	451	868	2,188	81,734
Professional degree	1,249	10	12	25	50	111	203	839	106,942
Doctorate degree	919	8	10	18	30	58	156	638	103,203

[1] Persons of Hispanic origin may be of any race. [2] Persons 25 years old and over.

Source: U.S. Census Bureau, Current Population Reports, P60–200.

Mr. REID. Mr. President, as I have said, this is the time that we are debating public education, I hope. And we are talking about taking taxpayer money—that is what this is about—and giving tax relief to the top 4 or 5 percent of people in America. I am not too sure that is a proper allocation of income.

We have limited resources. We can talk about all the surpluses we want, but, as we know, when it comes time to allocating moneys in the appropriations process, there are very scarce dollars. There are very scarce dollars for public education. As has been established in this debate, the Federal Government contributes 2 percent of its resources to public education in America. The Governors were in town from all 50 States crying for more money for all kinds of things, especially education. Of course, we don't want to take the control of education away from the local schools, but local schools, as Senator MURRAY from Washington talked about yesterday, a former school board member, need to get some financial relief. We should be spending these limited resources not on trying to help somebody who makes up to $220,000 a year; we should be getting resources to these schools with tight budgets. We must focus on what we know works, what is going to help children in school more. Is it this tax relief to 4 or 5 percent of the American people or to do something about getting teachers who are better trained? We need to recruit and monitor high-quality teachers and principals. We need to do something about creating smaller classes.

With all due respect to the majority, they talk about smaller class size—the Senator from New Hampshire talked about that yesterday. Common sense dictates that if a teacher has 25 or 30 children as compared to 15 children, where is that teacher going to do the better job? Of course, it would be with 15 children. We need to have smaller classes and we need to work on having smaller schools because we know that works, too. We need to hold schools accountable for results. This takes resources that local school districts don't have. We need to ensure that children learn in modern, safe classrooms.

Some schools are badly in need of repair. It has been established in the debate we have had over the last few days that the average school in America is 42 years old. Well, I am sure those schools need some renovation and repair. We need to expand access to technology. We rush down—Democrats and Republicans—sponsoring and voting for a bill to give these big corporations tax credits for donating computers to schools. I think that is wonderful, but we should also be concerned about the many schools that aren't properly equipped to use these computers. They are not wired properly. They can't be wired properly a lot of times because the schools are simply too old. We need to spend money to ensure universal access to high-quality preschool programs and to make college affordable.

I hope we all understand what we are here talking about. We are talking about helping kids become better citizens of this country, and the best way is through education. I respectfully submit that helping people making up to $220,000, that is, 4 to 5 percent of the American people, is not the best way to expend our very limited resources.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I wanted to put some information in the RECORD. It is unfortunate that all Members did not have the information as to what the cost of this amendment would be. It is nowhere near what was implied by my friend who just concluded his comments.

The Joint Tax Committee has estimated the amendment will reduce taxes by only $7 million over 10 years. That is point one. Point two, the reason that is the case is because the individuals who would be affected by this already have the option to use prepaid tuition plans.

Now, there seems to be agreement with respect to tuition tax plans of people of high income, as Senator REID indicated a moment ago. We have all agreed it was fair to them. Why is it not fair to allow the same benefits to derive to them under the education savings accounts as under the prepaid tuition plan?

So, again, the cost is $7 million over 10 years. Roughly 2 million families would be affected, not 20 percent of potential families. It is narrowly focused and it is addressing the issue of a marriage penalty; there is no place in our proposal, the education savings plan, for discriminating against those who are married.

I thank the Chair for the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. The majority has 1½. The minority has 8½.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senator from Kansas, Mr. BROWNBACK, be added as a cosponsor.

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

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

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

Mr. COVERDELL. The hour of 10 a.m. has arrived. By prior order, the vote is to begin. I am prepared to yield back our time so we can commence with the vote. I hope the Senator from Nevada will do the same.

The PRESIDING OFFICER. There still remains 4 minutes under the control of the minority.

Mr. REID. We yield back that time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2827. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Missouri (Mr. BOND) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—54

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

NAYS—43

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

NOT VOTING—3

Bond	McCain	Moynihan

The amendment (No. 2827) was agreed to.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Delaware, Mr. ROTH, is recognized to offer an amendment which the clerk will report.

AMENDMENT NO. 2869

(Purpose: To amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. ASHCROFT, and Mr. VOINOVICH, proposes an amendment numbered 2869.

Mr. ROTH. Mr. 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.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized to offer a second-degree amendment which the clerk will report.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2869

(Purpose: To reinstate certain revenue raisers)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 2870 to amendment No. 2869.

Mr. GRAHAM. Mr. 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.'')

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of my amendment to S. 1134, the Affordable Education Act.

First, my amendment makes this legislation a true tax cut bill for education. My amendment removes all the bill's tax increases. We should not be taxing away with one hand what we return with another in a time of Federal budget surplus. Americans should not be taxed again to pay for a national priority.

Second, my amendment makes permanent the increase from $500 to $2,000 in the annual contribution amount for a kindergarten-to-college education IRA. Without these permanent increases in contribution limits and spending flexibility, both would end after the year 2003. My amendment removes that sunset because I believe that we should not be sunsetting our Nation's future, which is the education of our children.

Education IRAs are extremely important. Not only does the increase to $2,000 I propose make these accounts more attractive to families who want to use them, but to institutions who want to offer them. And even more important than these additional incentives to adults is the one they give to children. As experts have testified, there is something special about knowing that money is being put away for your future education. It is an incentive to excellence for both today and tomorrow.

Third, my amendment fixes a trap for the unwary. Currently, a student who takes money from an education IRA is not able to use the HOPE or Lifetime Learning Credit—even if they are for different education expenses. That is wrong, and it is downright deceptive to families who need both. My amendment allows parents to use both and to use both permanently.

Finally, my amendment makes the tax-free treatment of employer-provided educational assistance permanent—both undergraduate and graduate. Something as important and necessary as continuing education should not be wrapped up in the uncertainty of frequently needed legislative action.

Why is the permanency of my amendment's provisions so important? Because they would allow parents to contribute up to $2,000 annually toward their child's education—from the day of birth to the first day of college.

Even that may not seem like a lot but, like a train, it may start slowly but it is very powerful. It will gain speed. It is a savings express to college.

By putting their child on the savings express, after 18 years when that child is ready to go to college, the parents will have over $65,000. And that just assumes a 6-percent rate of interest—the rate on a government security. Of course, other investments could yield even more. Parents would have at least $65,000 toward their child's education. Twenty-nine thousand dollars of that would be solely due to the power of compounding interest. And every cent of that $29,000 would be tax-free—it would go straight into education.

Maybe that still does not seem like a lot to some folks, but it sure seems like a lot to parents who are struggling today to insure college for their children tomorrow.

The national average annual cost of college—tuition, room, and fees—is roughly $10,000 per year or $40,000 for the cost of college education.

My amendment before us today will cover this. It will give parents and students peace of mind and a piece of the American dream.

My amendment is a powerful incentive to save. It is an engine. It is the engine that can pull a long train of savings—and dreams.

Like the ''Little Engine that Could,'' my amendment makes this legislation the ''Education Savings Plan that Will.'' Parents and children getting on this savings train, will get off at college to a better future.

America has waited for this education savings plan for three long years. This legislation brings it home today. My amendment makes sure it stays there for families—not just for today, but for tomorrow and all the days that follow. It is time that the President got on board.

I urge my colleagues to join with me in a bipartisan effort to make education affordable for America's families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I could not agree more with the comments that were made by the distinguished chairman of the Finance Committee relative to the importance of America investing in its future, and education is one of the most fundamental ways in which we are able to shape our future, by assuring that our young people are fully prepared to meet the challenges of this exciting new century.

It was for that reason that I supported this legislation when it was reported with a bipartisan vote from the Senate Finance Committee. I also supported it because it recognized another aspect of our responsibility to the future, and that is to act in a fiscally prudent manner, particularly at this rare moment of opportunity we have before us today.

The U.S. Government had its last surplus in 1969. We then had 30 years of deficit financing. Our national debt went from 1979's little better than $900 billion to 1999's national debt of almost $5.5 trillion. That is trillion with a T.

That is the extent of the profligate fiscal policy in which this country has engaged for the better part of three decades. But in the last few years, we have started to get seriously committed to not asking our children and grandchildren to pay our debts, and the result of that has been a dramatic reduction in our annual deficits to the point that now we are, for the first time in over three decades, in a surplus position.

We have made a decision—and I hope we will stay faithful to that decision—that we will commit all of the surplus

which is generated from Social Security to the reduction in the national debt as the means by which we can make our greatest contribution to the long-term solvency of the Social Security system.

Second, we would husband the non-Social Security surplus to use against a set of yet-to-be-determined national priorities.

My concern is that the pattern we are now following—and I am going to give a little history of what has happened in the past few months—is that we are dissipating that opportunity to use the non-Social Security surplus against a set of national priorities by an incremental approach. A good idea or an appealing idea is presented, and we say: We will buy that, and we will pay for it out of the non-Social Security surplus.

Then a few days later another good idea comes along and we say: We would like to buy that, too; we'll pay for it from the non-Social Security surplus.

Do you know what is going to happen? It will not be long before there isn't any credit line left in that non-Social Security surplus. We will awaken and say: There were some really big things we needed to do. We have a contract out here—a contract between the Federal Government and the people of America for their Social Security.

Right now, our ability to meet that contract, even with the investment we are going to make in reducing the national debt, is very uncertain. We should be using some of this non-Social Security surplus to help shore up our long-term ability to meet that contractual obligation. But because we spent all the non-Social Security surplus on these incremental piece-by-piece, toy-by-toy ideas, we will not have any money when we want to give America a big gift, the security of the Social Security system.

We also are not going to have any money to do other important things for which we have a contract with the American people, such as to assure there will be a health care system for our older citizens. We know the Medicare system, as Social Security, has some very daunting challenges facing it in the next few decades, as the number of eligible Americans for Medicare and Social Security will double. Yet we will not have the resources to make that kind of a commitment.

To focus on this specific issue, as I indicated earlier, I voted for this bill when it was reported from the Finance Committee because I thought it made good education policy but also because it was paid for. We were not asking future generations to sacrifice the non-Social Security surplus to pay for this program. We found some means within our current spending and taxing policy to generate the resources to pay for this program. We thought this program was important enough to pay for it, not ask our grandchildren to pay for it. I think that is not a failure; that is a statement of the seriousness of our intention.

It is a lot easier to buy something somebody else has to pay for than to buy something you have to go into your own bank account and write that check to pay for. That is a statement of an important and serious commitment to the objective. We had made that statement of the seriousness of this goal by our willingness to pay for it.

We are proposing to do two things: One, make it substantially more expensive; and, two, not pay for it.

My amendment does a simple thing; that is, it says we should at least, at a minimum, keep in this bill those items that would help to pay for it, which the Senate Finance Committee, just a matter of a few weeks ago, found to be an appropriate method of financing this program.

Let me put that simple principle into the context of what we are doing.

First, we are making a series of significant fiscal decisions before we have adopted the budget resolution. For those who are new or unfamiliar with this process, the Congress, as one of its earliest efforts to get a handle on the 30 years of deficits, adopted a complex budget process which has, as its linchpin, a congressionally adopted budget resolution.

That resolution would be analogous to an architect's set of plans for constructing a building. It gives the general direction, framework, and prioritization of Federal fiscal policy each year. Those priorities then drive the individual appropriations and tax measures which will support that architectural plan.

We have not yet seen the architectural plan for fiscal year 2001 which will be affected by this measure, and, therefore, we do not know what within that plan is going to be the provision for tax-and-spending measures that would support this educational proposal. We do not know what will be the scale of the non-Social Security surplus.

We do know this: The scale of the non-Social Security surplus could be as much as $1 trillion from the high to the low estimate. That depends largely on what is going to be our spending appetite.

In the next 10 years, if we spend at the same rate we did in the last year, for the year 2000 fiscal budget, according to CBO, we are going to end up with a budget surplus of approximately $838 billion over the next 10 years for the non-Social Security account.

If we go back to the budget caps we adopted in 1997—which I supported last year, and for that reason I voted against the omnibus appropriations bill—we would have a surplus over the next 10 years of about $1.9 trillion. Those are the two extremes of the resources we will have. Yet before deciding that fundamental question: Are we going to be dealing with a surplus of $838 billion or are we going to be dealing with a surplus of $1.9 trillion? we are making decisions as to how to distribute the surplus.

Second, this is not the first example of that spending.

Let me catalog what we have already done.

In the Patients' Bill of Rights bill—and today is the start of its conference—we have proposed to spend $30 billion over 10 years of non-Social Security surplus in various tax reductions. The bankruptcy bill—which has passed both Houses, and which is or soon will be in conference—proposes to have tax cuts of $103 billion. The educational savings bill—the bill before us today—with the amendment the Senator from Delaware has proposed, would have a cost of approximately $13 billion. I use the word ''approximately'' because several of the measures that are in this bill or may be proposed to the bill have not been scored by the Congressional Budget Office. The marriage penalty bill, which passed the House, has a cost of $182 billion over the next 10 years.

If we were to reject the House approach and adopt the legislation which has been introduced in the Senate Finance Committee, and which was contained in last year's Taxpayers Refund Act of 1999, that would increase the cost of the marriage penalty to $311 billion over 10 years.

The consequence of what we have already done, using the conservative level on the marriage penalty, is we have already spent approximately $328 billion of our $838 billion, 10-year, non-Social Security surplus—before we have adopted a budget resolution, before we have decided how much of the non-Social Security surplus should be used for priorities such as strengthening Social Security and assuring its solvency for three generations, before we have made a decision as to how much should be spent on strengthening Medicare and modernizing Medicare so it represents the kind of health care program our older Americans deserve, before we have made decisions on what our defense budget should be in order to protect the security of America.

All of those things have gone undecided. Yet we have decided to spend $328 billion on this collection of tax-and-spending measures before we have an architectural plan. It would be similar to the family who wants to build a house, and before they have the architect draw the plans for the house, they decide, ''We will go ahead and put in an attic family room,'' without any context of how that is going to relate to the rest of the house. It is always fun to be able to spend your money on those things that are joyful and happy without having to put your mind to the task of deciding what is of greatest importance.

My amendment is a very modest one. It proposes to put back into the bill exactly the same items which were in the bill when it left the Senate Finance Committee. Let me briefly mention what those items are.

First is a modification of the foreign tax credit carryover rules. This has a

financial impact of $3.6 billion over 10 years. I point out that this is not a new idea for the Senate to consider. In fact, the Senate has already passed this bill, first in 1997, as part of the Taxpayer Relief Act; in 1998, as part of the IRS restructuring program; in 1998, as part of the Parent and Student Savings Act; in 1999, as part of the Taxpayer Refund and Relief Act; and in 1999, as part of work incentives. It appears from that record that the Senate has studied, is aware of, knowledgeable of this tax issue and has decided this would be an appropriate measure to use as a partial offset for the educational savings account.

The second measure is to limit use of the nonaccrual experience method of accounting. This would contribute $300 million over the next 10 years. That proposal was first adopted in 1999 as part of the Taxpayer Refund and Relief Act, passed in 1999 as part of the trade bill offset, and passed in 1999 as part of the Work Incentives Act—again, not a novel idea, an idea that the Senate has had repeated exposure to and repeatedly has found to be worthy.

The third item is the extension of IRS user fees. This would produce $278 million over 10 years. This was passed as part of the 1999 Taxpayer Refund and Relief Act and the 1999 work incentives.

The fourth item is to allow employers to transfer excess defined benefit assets. That would make a contribution of $156 million. That was included in the 1999 Taxpayer Refund and Relief Act.

Finally, with a contribution of $1.2 billion over 10 years, is to impose a limitation on the prefunding of certain employee benefits. This passed the Senate in 1999 as part of the Taxpayer Refund and Relief Act and in 1999 as part of the Trade Act offset.

These five items aggregate to $5.5 billion over 10 years. These items were part of the package that had the objective of fully funding the educational savings account so it would not contribute to any reduction in the non-Social Security surplus when this bill passed the Senate Finance Committee.

I do not represent that these items will fund the bill in its current form, because the bill has ballooned in cost since it has been on the Senate floor. I suggest we ought to first take this modest step of at least retaining the offsets that have already been voted by the Finance Committee and which are in the bill and then, before we take a final vote on this legislation, assess what the cost of this total program is as amended by the full Senate, and then find an offset to pay for those additional amounts.

Failing to do so is to make a statement that we are prepared to spend the non-Social Security surplus without any frame of reference, without any budget resolution, without any architectural plan as to what we want to do. That is a prescription to return to the three decades of deficit spending which threatened the fiscal solvency and the economic future of this Nation. I believe it would be reckless for this Congress, having worked so hard to get to a surplus, not to now use this opportunity to make the hard decisions as to what is the priority for the use of this surplus and then to have the discipline to follow that set of priorities.

Mr. President, I urge adoption of this amendment which will be a symbolic statement that we are prepared to exercise fiscal discipline in times of potential prosperity and plenty, just as we had to exercise fiscal discipline during the 1990s in order to remove ourselves from the quagmire of deficits and exploding national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, my colleague from Florida has offered an amendment he claims will offset the cost of this bill by keeping in place its current tax increases. It will not and what's more it should not, even if it did.

Senator GRAHAM claims this education savings bill must be paid for. Let me say the bill is already paid for. It has been paid for by a surplus in income tax revenues from America's families.

According to the Senate Budget Committee, federal revenues, not counting a cent of Social Security's surplus, will be $1.9 trillion higher over the next ten years than this year's level of federal spending. That means a $1.9 trillion overpayment by America's income taxpayers. Are we saying that despite a $1.9 trillion overpayment that we cannot afford to let families keep less than one percent of it for their children's education?

Second, leaving these tax increases in this bill will still not pay for it fully. They are simply tax increases then—not offsets.

Finally, when Senate Democrats offered their tax relief package last July, it amounted to $290 billion over ten years. None of this was offset. Why now, when the issue is education and the tax relief is just a fraction of the amount that Senate Democrats supported last year, must we now raise taxes to pay for it? This is simply inconsistent.

Perhaps an even better question is: Why must we raise taxes to constitute this offset? Why could those wishing to pay for this, not find the small amount of money necessary from a $1.8 trillion budget? To pay for this from Washington's budget rather than the American taxpayer's?

I am sympathetic to the argument of fiscal responsibility. However at a time of substantial tax overpayment, why should it be so hard to allow families to keep some of their own tax overpayment for their children's education?

If we cannot say that when the federal government is running federal surpluses worth, according to our Budget Committee, almost $2 trillion over the next ten years; and we are seeking to return less than half a percent for education, when can we ever have a reason to cut taxes?

The federal tax burden as a percentage of the economy is the largest that it has been since World War II. The federal income tax burden as a percentage of the economy is the largest in history. Those are not my estimates but the President's. Once again I ask: if we cannot cut taxes when they are at historically high levels, when can we cut them?

The tax overpayment is huge, the tax burden is historically high, and the cost of this education provision is small, if we cannot cut taxes now and for education—when and for what can we ever cut them?

Sadly, I cannot help but believe that there are some Senators who must think that we can never cut taxes. That taxpayers' money is always better spent in Washington than by the people who earned it. I am one Senator who does not believe this is true.

I intend to vote against this amendment to raise taxes. Furthermore, I intend to bring more legislation to the floor that will cut taxes—not raise them.

I believe that this education legislation is precisely what America's income tax surplus should be used for: America's families.

I urge my colleagues to join with me and reject the Graham amendment and keep my proposed permanent tax relief for education.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the issue is not whether we believe investment in education is an important part of America's future; we all agree with that. It is not even whether we believe there should be some tax reductions to encourage people to invest in their children's education as well as other desirable goals. Most of us believe in that. I certainly do. The question is, How do we have a rational process of deciding how we are going to use the opportunities that are presented to us here today?

It is interesting to me that as we start the third full century of America's national history we might reflect back on what happened at the beginning of the 19th century and the 20th century—the two other full centuries of this Nation's existence. In both of those periods, there seemed to be an energy that came from a new century and the new beginnings that it represented—an energy that was channeled into areas that have had a lasting, positive impact on our Nation.

In the beginning of the 19th century, the President of the United States was one of the gentlemen whose bust appears above our Presiding Officer—Thomas Jefferson. Thomas Jefferson had the vision to see that America's future was not in being a scattering of States along the Atlantic but, rather, as a continental empire. And at a time

when our country was small and struggling, and in some areas of Europe derided as a false dream of a democracy, Thomas Jefferson had the boldness to commit us to purchase from France the Louisiana Territory and fundamentally reshaped America and created the possibility of the great Nation we are today. That was the vision Thomas Jefferson and his colleagues had for America at the beginning of the 19th century.

In the beginning of the 20th century, another man whose bust is close to this Chamber, Theodore Roosevelt, was our President. He had a vision of an America that would begin to achieve its international goals. The Panama Canal was a statement not only of America's great technological capacity but also America's understanding of its role in the world. Theodore Roosevelt also understood the importance of investing in this country. During his Presidency, we added to our national land trust an amount of land that would be the equivalent of every acre from the State of Maine to my State of Florida along the Atlantic coast of America. Those were bold visions of the generation of Thomas Jefferson and the generation of Theodore Roosevelt.

We have the opportunity now, both because of the start of a new century and a new millennium and because we have paid the price to get our national financial house in order, to begin to think boldly of what we want to have history write about what America did at the beginning of the 21st century. The concern I express today is that we are dissipating that opportunity through a series of incremental, uncoordinated, nonprioritized decisions that are going to have the effect of continuing to dissipate the resources that could be used to do something as bold as purchasing Louisiana or building the Panama Canal.

The chairman of the Finance Committee said that the Budget Committee has indicated we will have a budget surplus over the next 10 years from non-Social Security funds of almost $2 trillion. Well, I say, let's wait until we pass a budget resolution that indicates that is going to be the amount of our budget surplus. As you will recall, we made a commitment in 1997 that we were going to exercise budget discipline and abide by budget caps. Those decisions would have caused us, last year, to have had a discretionary spending account of approximately $575 billion. In fact, we ended up spending over $620 billion. We crushed and we pulverized the budget ceilings that were supposed to be the hallmark of fiscal discipline.

I want to be sure that we are going to declare that our 1999 actions were an aberration rather than the path of future lack of fiscal discipline before I conclude that we are going to have a nonbudget surplus of $1.9 trillion. We are being asked to take a leap of faith that runs directly counter to what we did a matter of a few weeks ago when we passed that bloated final appropriations bill—that that was a mistake, and that we asked for the repentance of the American people, and we are going to go back to the fiscal discipline that would be required to have a $1.9 trillion non-Social Security surplus, which is the discipline of returning to those 1997 budget caps. I want to see us make that commitment and live up to that commitment before we start spending the money. Let's eat our spinach before we start having our ice cream party.

Second, in addition to not having set a budget resolution, which is the architecture of our fiscal policy, we haven't even had a serious debate on what our strategic priorities should be at the beginning of this century, that capability which fiscal discipline would give us. We haven't decided what we are going to do about the fact that, whereas today there are approximately 40 million Americans on Social Security and Medicare, at the end of the next generation we are going to have 80 million Americans looking to Social Security and Medicare—looking to the solemn contract that exists between the Government of the United States of America and the people of the United States of America to provide them financial and medical security in retirement. I think we ought to be figuring out how we are going to meet that solemn obligation before we do any of these other items—as attractive, desirable, and important as we might think they are. I believe those are our first two priorities.

I am seriously concerned that the course we are on, which is following exactly what we did in 1999, is going to lead us to a dissipation of our capacity to set rational priorities, that we will become the first political leadership of America at the beginning of a new century, and instead of being the giants of Jefferson and Theodore Roosevelt, we will be the Pygmies in the toy store trying to fulfill our immediate desires and needs without focusing on what is in the best interests of America in this 21st century.

This vote today is not a giant vote of fiscal policy. I said in my concluding remarks that this does not even purport to fund the bill that is before us, in large part because the bill before us has been growing almost hourly since it has been on the floor. This amendment the Senator from Delaware offered would be the most gargantuan growth of this bill we have experienced since it has been on the floor, an addition of approximately $10 billion over 10 years.

I do not purport that this amendment will fund fully this bill. I say this amendment is a critical statement of whether we are serious about fiscal discipline, whether we are serious about setting a plan for the fiscal future of this Nation—at least a plan for the next fiscal year before we start spending our non-Social Security surplus—and whether we are serious about setting some longer range priorities to meet these very significant legal and moral obligations the American Government has to the American people. That is what this vote is about.

Are we willing to take the very minor step of saying that we are willing to strip out of this bill five relatively small tax changes, all of which have been passed by this Senate, in most cases on multiple occasions, and ask our grandchildren to pay out of the non-Social Security surplus they will be contributing to over the next 10 years, or are we going to step up and say this is the time we will make a statement, a commitment, a pledge for fiscal discipline?

It is my strongest wish we in the Senate do not see this as some kind of a partisan divide. We were able to contain the deficits and get to the point that we are because we worked together as Americans, not as members of any particular party or representatives of any region or interest of this country. It is in America's interest that we exercise this fiscal discipline.

Today is the day we can make an important statement that we are prepared to do so. I urge us not to let this opportunity pass.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, it is somewhat fascinating to me that this week and today we are being accused of spending too much on education; that we cannot afford to dedicate something close to one-half of 1 percent to assure our American families the kind of education they need these days. Yet a few days ago, the legislation was belittled for not spending enough. We can't have it both ways.

What I think is particularly important to understand is that No. 1, no matter is more important to the American family or to this Nation than a well-educated citizenry.

I believe what is remarkable about this legislation as modified by my amendment is it takes a very little amount to accomplish so much.

The continuing education of Americans is obviously critically important because of the continuing technological revolution we are enjoying. The new generation is going to be facing the need to continue their education to meet the challenges and opportunities of the future.

I find it very puzzling when we recognize—and the administration, as well, recognizes—that over the next 10 years we will have nearly a $2 trillion surplus, and we cannot take a very small part of that to help assure American families of all backgrounds the opportunity to be well-educated citizens.

I urge my friends and my colleagues to vote against the Graham amendment, the Senator for whom I have the highest respect.

I think this is something for which we should use the surplus. I think there is nothing more important than American education.

Let me point out once more that American families are paying higher taxes than any time since the end of World War II. Close to 20 or 21 percent of gross domestic product is going to Federal taxes. It is my solid belief that it is important we return part of that to the American family. One of the most important reasons for returning it is to assure they have the resources and are able to send their children not only to the schools of their choice but to college and graduate education as well.

For those reasons, I urge my colleagues to reject the second-degree amendment and to support my amendment which would make permanent many of the benefits contained in this legislation.

I yield the floor.

Mr. REID. Mr. President, the Senator from New Jersey, Senator LAUTENBERG, wishes to speak on this amendment. It is my understanding he is on his way over.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I ask that the yeas and nays be ordered on the second-degree amendment, No. 2870.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. I ask for the yeas and nays on the first-degree amendment, No. 2869.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, how is the time managed?

The PRESIDING OFFICER. The time is equally divided.

Mr. LAUTENBERG. Mr. President, I will begin by talking about the underlying bill which is entitled the Affordable Education Act. I stand in opposition to the bill as it is presented because I don't know who can afford it. Can the citizens of this country afford to have resources diverted from the public school system? With all of its deficiencies, it is the underlying educational system that exists throughout the country. The bill will shortchange our public schools and provide more than 70 percent of the tax breaks to families in the top 20 percent of the income brackets.

I come from the State of New Jersey. As everyone knows, New Jersey is the most densely populated State in the country. We are essentially an urbanized State. We do have some suburbs; we have very little by way of rural population.

When we say we are going to provide our citizens with an ''option,'' the option is more or less to abandon the public school systems, particularly in our urban centers which are struggling to make ends meet and struggling to educate our children.

I was born in the city of Paterson, NJ. It is highly industrialized. Initially its growth was from textile production, textile manufacturing. My father and grandfather worked in those mills. I visit the city of my birth quite often. It is a very low-income city, as is Newark, our largest city in New Jersey, as is Jersey City, another of our large cities in New Jersey—small in comparison with other States, where one city can be 10 or 20 percent of the population. We don't have that. We have lots of cities.

They struggle, and we are often disappointed in the SAT scores. We look beyond the SAT scores and we see young people who can learn and accomplish things and get through the maze and make something of their lives despite the inconveniences that often come with insufficient physical structure in the schools, schools with instructors who do not have the appropriate teacher training, and schools that do not have sufficient revenues to make the needed investments.

I, personally, since I come out of the computer business, have been involved with some of our schools. I picked Patterson, NJ, in particular and tried to make a financial as well as a physical contribution, pulling wires into some of the schools so they could have some connection to the Internet—not fully, not sufficient for all the students, but we are living almost on spare change in cities such as that. We have to figure out a way to improve those educational standards.

By permitting people to avoid going to those schools, those few who have enough income to go elsewhere, we are not going to help the basic educational system that has done so well in this country. Before private schools became as interesting as they are now, public schools produced the talent and the brilliance and the leadership this country has seen. We put up a sign that says: Abandon the schools if you can afford it, abandon the public school system; get out of town if you can.

We made mistakes in our planning over the years. One of the most obvious is, although we did something very positive by building our National Highway System—it was begun in the 1950s—it had an unanticipated consequence and that was to encourage abandonment of the cities. Move out of town, get some nice space—and I don't blame people for wanting to do that—and leave the problems behind. As a consequence, the average income of the people who inhabit the cities has gone down substantially; the tax base has gone down substantially, and the revenues are just not there.

So, as that happened, as people had less loyalty to the cities, they also wanted different school options. Now what we are seeing is, with these tax breaks for people who can afford to send their kids to private schools, that they, too, will abandon their interest. It will also cost the country, by my calculation, somewhere close to $15 billion over the next 10 years, possibly even more. That is significant when we are trying to pay down the debt, trying to find ways to provide prescription drugs for people who need them, when we are trying to find other ways to improve the educational system altogether. Now we are saying the plan in this act is to have the revenue losses offset by other opportunities. Adding insult to injury, our distinguished friend, Senator ROTH, has offered an amendment that would eliminate the revenue-raising portions of the bill and seek to spend surplus funds for the tax breaks in the legislation.

To use an expression: That compounds the problem. Before we start spending projected surpluses that may or may not exist, we ought at least understand how large those surpluses are likely to be and have an overall plan for using them. Otherwise, before we know it, we will have frittered away the surpluses and used up funds that will be needed for higher priorities.

In particular, I am concerned we reserve enough of the surpluses to ensure we can protect Social Security, extend the life of Medicare, make sure we consider the prescription drug program, give targeted tax breaks, and pay down the debt. The American people salute that. They know when you are in debt it is never easy to plan ahead. Boy, we would set one incredible example if we could get our debt paid down by 2013, which is the objective of the President's plan. I also think we ought to make sure we protect those surpluses for other needs that will be discussed in our upcoming budget debate, which I hope will commence very shortly.

In my view, those priorities I discussed are more important than subsidizing private schools for a relatively small number of families. But even if you support the goals of this bill, I hope my colleagues will agree that, at a minimum, we ought to have in front of us a plan for using the surpluses before we start spending them. That makes sense. Not many people make expenditures without knowing what their paycheck is going to be. That is why we have a budget resolution. That is why we have a budget process.

I am the ranking Democrat on the Budget Committee and the chairman of the committee, someone widely respected, is Senator DOMENICI. While we

have our differences, there is a process at play, and we want to see it worked out before we start making expenditures from surpluses we are not even sure of arriving or what the amount of those surpluses is going to be.

The Budget Committee has not begun to mark up the budget resolution. We still have some time to meet our deadline, so it is premature to be considering a bill such as this. Before we start handing out scarce private resources to public-subsidized private schools for a few families, let's adopt a plan to protect Social Security, protect Medicare. Let's provide prescription drugs for our seniors. Let's make sure we are on a path toward eliminating our publicly held debt.

I also point out there is a technical flaw in this amendment. By eliminating the revenue-raising provisions of the bill, this amendment would trigger an across-the-board cut that we know as a sequester. Such a cut would be required under the Budget Act. The end result is it would force a cut in Medicare, veterans' benefits, farm aid, child support enforcement and foster care, among other programs. I do not think that is the intent of the sponsors. I think the point of this amendment is to spend future projected surpluses. But its actual effect, unless corrected, would be to cut programs such as Medicare and others. Either way, I think it would be a mistake to support this amendment.

I urge my colleagues to reject the amendment. Let's adopt a budget resolution before we start squandering projected budget surpluses. Let's make sure we can protect Social Security and Medicare before we start raising these funds. And let's not adopt an amendment that perhaps would unintentionally require real and immediate cuts in Medicare, veterans' benefits, and other programs.

While I urge defeat for this amendment, I do not want it misunderstood. I do not want it to ensure the passage of the underlying bill, which is to give those tax benefits to people at the upper end of the income scale and help abandon our schools, as opposed to facing up to our problems and working on the public school system; just help people walk away from it. I don't think that is a good way to solve problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. If the Senator will withhold for a second, I think on the pending amendment, the second-degree amendment, we should yield back the time on that?

Mr. ROTH. Yes. We are pleased to yield back the remainder of time on both the first- and second-degree amendments.

The PRESIDING OFFICER. All time is yielded back.

Mr. REID. I also say the two leaders want to schedule a vote at some later time. So with the permission of the majority, we will go to another amendment.

I would say the order of business is to go to the Boxer amendment.

We have submitted to the majority the Boxer amendment. They indicated they want some time to look at it. It deals with a very important subject, and that is the safety of our children in schools.

We hope we can get to that debate as soon as possible. While they are looking at that amendment, the Senator from North Dakota has an amendment he desires to offer at this time.

I ask unanimous consent that the pending amendment be set aside to allow the Senator from North Dakota to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

AMENDMENT NO. 2871

(Purpose: To provide parents, taxpayers, and educators with useful, understandable school report cards)

Mr. DORGAN. Mr. President, I send an amendment to the desk. It is an amendment that has been duly noticed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2871.

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

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

The amendment is as follows:

On page 2 between lines 2 and 3, add the following:

TITLE ____—STANDARDIZED SCHOOL REPORT CARDS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Standardized School Report Card Act''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) According to the report ''Quality Counts 99'', by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. ___03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. ___04. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary and secondary education in the State. The report card shall contain information regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the State;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under section ___4(a)(1) or ___4(b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

Mr. DORGAN. Mr. President, the amendment I offer today deals with a standardized school report card. I want to describe that, but first, I will talk generally about this issue of education and about the debates we have had in recent hours and days in this Chamber.

I talked about the schools I have visited recently in North Dakota. I had a meeting yesterday in Washington, DC, with some people from the Ojibwa School on the Turtle Mountain Indian Reservation in North Dakota.

I want to describe it because we are talking today about how to spend money to improve this country's education system. Some say: Let's provide it in the form of tax credits for education savings accounts that will allow parents to accrue money to send their kids to this school or that school.

There is another way to handle it, and that is to make investments in our schools so children are walking into school buildings that are well-equipped and in good condition, repaired and renovated, and they are going into school classrooms where they have quality teachers and the classrooms are not crowded. That is another way to improve our country's schools.

Because I just had a meeting yesterday with the folks from the Turtle Mountain Indian Reservation about the Ojibwa School, a school I have visited many times, I will read a couple of comments from eighth grade students so Members of the Senate, as they discuss these issues, will understand what eighth graders are saying about their school. I can verify everything they say in these letters is true, and in some cases, worse.

This is Cathy Renault. Cathy says:

In the 2 * * * short years I've been at Ojibwa, I have had to go home during the day very often.

This is an eighth grader.

It isn't because of sickness or being checked out or because a teacher or substitute weren't available. No, it's because of very threatening subjects, things you wouldn't find at other schools: Sewer backup, mold growing in buildings, heat that's too hot in the summer and too cold in the winter; harsh weather and having to walk from building to building just to go to lunch.

This is an eighth grade kid. The Ojibwa School is in mobile buildings, small buildings on a hill where young children are moving back and forth. By the way, the fire escapes are made of wood. Figure that one out. There are all kinds of problems with this school.

Does this eighth grade child get the same education as another child where they have less crowding and better facilities? The answer is no.

Leslie Champagne is another eighth grade student. This is what she says:

Last year our seventh grade teacher slipped and broke a part of her foot and at the same time the other seventh grade teacher had a cast on and had to step in all of the mold and dirty water on the floor. There has been a lot of elders—

Again, this is on an Indian reservation—

There has been a lot of elders and children falling down outside and getting seriously hurt walking to another building.

Again, they are mobile buildings, like a double-wide trailer, sitting on the side of a hill on the Indian reservation at Turtle Mountain.

There are even roofs caving in and leaking because of heavy rain or snow. I haven't seen anything new in this school for a long time. The only time I've seen something new is just this year when we got a more decent gymnasium.

From Belcourt, ND, Shelly Selina Davis:

. . . we don't have shower systems that work properly. After physical education class, we are not able to take a shower and are forced to go through the rest of the school day feeling our hygiene is unhealthy.

Last year and one time this year, the whole school had to eat lunch in their classrooms or office, because there was a sewage problem in the kitchen and it made the whole cafeteria smell very badly.

Each year, during the winter, there are many students who become ill and miss many school days because of their sickness. The students became ill from having to walk from building to building in the very cold winter weather.

These are grade-school students saying kids do not get to make the decision if they want to be poisoned by a poor sewer system or mold. Kids should be worrying about how they are going to do on a big test, not whether the building is going to collapse. A new school is something we need and have wanted for a long time. This is an eighth grade kid imploring that they need help.

Yesterday, I talked about the Cannonball School. It is no different than this school. Part of the Cannonball School is 90 years old and has been condemned as a fire hazard. The second level of the school is unusable because the stairs leading up to it are unsafe and the school cannot afford to replace the steps. The sewer and the water systems are old, and they back up regularly, sending the smell of sewage gas throughout the school. Classes routinely have to be moved because of the smell of sewage gas becoming so bad in classrooms. One wing of the school does not have running water. There are 150, 160 kids and two bathrooms, one water fountain. They are packed in 8-foot-by-12-foot classrooms with desks so close they almost bump each other. They do not have to worry about whether or not they have computers; they would not have a place to put them. Of course, they could not hook them up anyway in a school in that condition because they do not have the capability to wire the computers.

I have said before that when Little Rosy Two Bears asked me the day I visited that school—and I have done it a couple of times—''Mr. Senator, are you going to build me a new school?'' the answer is I cannot build her a new school. This is a public school with a public school district and no tax base. We have mice running around, mold growing, sewer gas coming up, kids crowded into classrooms, and that little third grader walking through that classroom door is not getting the same kind of education other kids are getting, and we ought to do something about that.

We know about the value of education. This is not rocket science. The way to solve this is not to give tax breaks to folks. The way to solve this is to decide we are going to renovate, improve, and rebuild these schools that are falling down. The Ojibwa folks need a new school, and they need it now. Cannonball School needs to be replaced and replaced now. If we care about kids all across this country who are going to school under those conditions, we will do something about it. We will not talk about it, we will do something about it.

My father left school at age 9. His mother died giving birth to a younger sibling. His father was institutionalized for tuberculosis. My father quit school in order to go to work and raise money. My father worked all through his youth, so he had almost no education. Then my father, in his fifties, one day came home and announced to us, when all the family was together, with a smile, that he had just passed his GED. He never even told us he was studying for it. He did not tell us he was going to take it, but in his fifties, he decided he wanted to become a high school graduate because he never had the opportunity. He had to quit school when his mother died, and he had to help provide for his brothers and sisters. Then at age 50, with a smile on his face, he told us he was now a high school graduate.

We understand how much people care about education. I guess it is one of the reasons my father and mother always impressed upon us that education was paramount, you must invest in yourself.

Ben Franklin once said: Anyone who empties their purse in their head will never be without riches.

Thomas Jefferson once said: Anyone who believes a country can be both ignorant and free believes in something that never was and never can be. We understand the value of education. That is why we are debating it now.

But we are debating it in circumstances where I fear we will come out with a wrong result.

One piece of a series of steps that makes sense to me is to provide for a standardized school report card so parents will understand what they are getting out of that school system. All parents get a report card on how their child is doing every 6 weeks, every 9 weeks. They get a report card on how their child is doing. But no parents get a report on how their school is doing. How is their school doing in educating children as compared to other schools in other school districts, in other States, in other communities?

It seems to me, there ought to be some standardized way for parents to understand: How is this school doing? We spend $350 billion a year on elementary and secondary education and have no earthly idea how our individual schools are doing for our children. Could we do that? We could have a basis for a comparison of our schools with other schools—our schools with other schools in the school district, between school districts, between communities, and between States.

Some will say there already is a school report card. Most parents have never seen it. Thirty-some States have some version of a school report card, but most of them provide very little information, if any at all.

I believe there are about eight standard things we ought to require the State education authorities to provide on this school report card. If we did that, every parent in this country—as a taxpayer and a proud parent—would understand what the school is producing for their children.

I say this, if we get to this kind of approach of providing a standardized school report card on how the school is doing—not only how the kids are doing but how the school is doing—we will only be able to say, as parents, this school is doing fine if we are willing to accept our responsibility to schools, such as the Ojibwa School and the Cannonball School, and to rebuild, renovate, and repair schools that we are sending children to that are not up to standards for educational purposes.

In conclusion, there are two principal issues we have fought for on the floor of this Senate—so far unsuccessfully. One issue is having a smaller class size, because we know that with 15 or 18 kids in a classroom there is a better relationship between teacher and students, and education is much more effective than if a teacher is teaching in a classroom with 30 or 35 students. We need more teachers to reduce class sizes.

The second issue is that we also want to improve and renovate schools that are in the condition I have just described that exist in Cannonball and Ojibwa that ought not to exist. It is not going to be solved by some scheme of giving tax cuts.

For every national ache or pain, we have someone who trots to the floor of the Senate and says: I have a new idea. Let's provide a tax cut. That is not a new idea. That is a substitute for what we ought to do to fix real problems in education. Every time someone suggests anything that describes some kind of national aspiration or goal, someone else pops up and says: Oh, so you want some Federal bureaucrat to run the education system? The answer to that is no, of course not. But let's not brag about having no national goals or no aspirations nationally as a country for our education system. Let's stop bragging about that. That ought to be a source of despair.

We, as a country, ought to have national goals of what we want to produce in our education system. If we develop those goals, then we will also accept our responsibility to improve our schools, invest in our schools, renovate, repair, and rebuild our schools, and reduce class size. We know that works. We know how to do it, if we have enough people who will stand up in the Senate and cast the right votes.

I will not seek a vote at this point. My understanding is that my amendment will be set aside and dealt with at a later time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the managers have been working to try to get some parameters on these amendments. Let me propound a unanimous consent request.

I ask unanimous consent the following amendments be the only remaining first-degree amendments in order, limited to 30 minutes equally divided, except where noted differently, to be equally divided, and all amendments subject to relevant second degrees, under a 20-minute time constraint, and following the disposition of these amendments the bill be immediately advanced to third reading, and passage occur, all without any intervening action or debate.

Those amendments are: a Schumer amendment; a Feinstein amendment on standards, 1 hour, equally divided; a Kennedy amendment, 90 minutes, equally divided, on teacher quality; a Kerry amendment on quality; a Boxer amendment on safety and protection in schools, 90 minutes, equally divided; a Wellstone amendment regarding school counselors, 90 minutes, equally divided; a Dorgan amendment regarding school report cards—which we have just considered—a Coverdell amendment; a Reid amendment; a Kennedy amendment regarding Pell grants; a managers' amendment; a Gramm amendment regarding the Federal Home Loan Board; a Hatch amendment regarding student loan interest; a Graham of Florida amendment, No. 2848, regarding school construction; and a Graham amendment regarding offsets.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we want to make sure if, in fact, there are relevant second-degree amendments, that will be fine—it is under a 20-minute unanimous consent agreement.

I also note that under the unanimous consent request dealing with the Wellstone amendment, he would have 45 minutes of the hour.

Mr. COVERDELL. We changed it. It is 90 minutes, equally divided.

Mr. REID. Yes. Furthermore, the Harkin amendment has been deleted. Did you note that?

Mr. COVERDELL. I do not have it.

Mr. REID. It was deleted. The only addition would be another Boxer amendment dealing with pesticides. She asks for 20 minutes on that.

Mrs. BOXER. Equally divided.

Mr. REID. Equally divided.

Mr. COVERDELL. Did you add a Harkin amendment?

Mr. REID. No.

Mr. COVERDELL. We have eliminated the Harkin amendment.

Mr. REID. But as a result of a note handed to me, we add a Senator Bingaman amendment dealing with teachers, for 30 minutes.

Mr. COVERDELL. Thirty minutes?

Mr. REID. For him.

Mr. COVERDELL. That would be an hour equally divided.

I assume the one on pesticides is education related?

Mrs. BOXER. Absolutely.

Mr. REID. Yes.

Mr. COVERDELL. All right.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object—and I will not object—I simply want to understand. I have been waiting since last night to offer an amendment on safety in schools related to gun violence. Originally, I was told I would have the first Democratic amendment up today. There was some objection on the other side. I wonder if I could get some idea from the other side of the aisle, if not from my own side—Senator REID has been trying to give me assurances of time—when I could finally get to offer that amendment.

Mr. REID. I say to the Senator from California, who has been here since yesterday, Senator KENNEDY has been doing many things today. With the permission of the majority—which we have already obtained—Senator KENNEDY is going to offer his amendment next. We would hope, following that, we would be able to go to the Boxer amendment.

Mrs. BOXER. Thank you very much, I say to my friends.

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

Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

Mr. KENNEDY. I send an amendment to the desk.

Mr. REID. Mr. President, if the Senator will withhold.

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

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

Will the Senator from Massachusetts renew his amendment request?

Mr. KENNEDY. Yes.

Has the pending amendment been temporarily set aside?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2872

(Purpose: To establish programs to enable States and local educational agencies to place a qualified teacher in every classroom)

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

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2872.

Mr. KENNEDY. Mr. President, I ask unanimous consent 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. KENNEDY. Mr. President, I understand we have a time limitation on this of 45 minutes a side.

The PRESIDING OFFICER. There are 90 minutes equally divided.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The Teacher Quality amendment would strike the underlying Coverdell K-through-12 tax breaks and authorize $2 billion for the Qualified Teacher in Every Classroom Act. The amendment would direct the $1.2 billion from the Coverdell bill to the teacher quality program, and the other would consist of an authorization for appropriations at a later time.

We have had a debate about the Coverdell tax bill over the last few days. One of the things we are asking the Senate to consider is whether we ought to be putting the $1.2 billion equally between the public and private schools, even though 90 percent of the children in this country go to public schools, or whether we can use those resources more effectively.

I believe they can be used more effectively. That is what this amendment is about. As an alternative to the Coverdell tax bill, I offer this amendment on behalf of my colleagues to say let us move our Nation forward to insist that we are going to have a well-qualified teacher in every classroom—that the key to enhancing academic achievement and accomplishment is not going to be subject to just any one single or simple solution but certainly among a handful of solutions. I suggest perhaps the most important one is to make sure that a teacher, who is before the 50 million children who are going through K through 12, is going to be well qualified to teach effectively with regard to the academic subject in which the teacher teaches. That is the purpose of this amendment.

It is reasonable to ask, where did you come up with these various proposals that you have in this qualified teacher amendment? I refer my colleagues to a very important study from 1996, the National Commission on Teaching and America's Future in Education. The board itself is made up of some of the most distinguished educators and is bipartisan in nature.

We have effectively incorporated in our amendment the series of recommendations this panel virtually unanimously recommended including: how to recruit individuals who will be the best for the students in this country; how we will maintain them by the development of mentoring programs; how we will ensure professional development and; how to utilize and expand some of the imaginative and creative efforts to develop teachers, including hometown teachers, which are developed within various constituencies, and expanding Troops to Teachers, which currently has 3,600 teachers nationwide.

What did this panel, made up of some of our best educators and most thoughtful teachers in the country, conclude virtually unanimously? This commission starts with three simple premises: First, what teachers know and can do is the most important influence on what students learn; second, recruiting, preparing and retaining good teachers is the central strategy for improving our schools; and, third, school reform cannot succeed unless it focuses on creating the conditions in which teachers can teach—and teach well.

Those are the principles. I wonder how anyone in this body could question those rather basic, common sense principles, a well-qualified teacher in every classroom. This study has indicated how that best can be done, and we have followed these various recommendations.

First of all, they talk about some problems. They are talking about education generally. Some problems are national in scope and require special attention. Critical areas such as math and science have long had shortages of qualified teachers that were only temporarily solved by Federal recruitment centers during the post-Sputnik years. Currently, more than 40 percent of math teachers and 30 percent of science teachers are not fully qualified. They recognize there has to be a particular focus on math and science teachers, and we incorporate that in our legislation.

Secondly, it talks about, how we distributed the funds, basically the same formula that was used by our Republican colleagues when they had a proposal to try to deal with the teacher shortage. That falls short for many different reasons. We had hoped to be able to get into that if we had continued our markup in our Health, Education, Labor, and Pensions Committee yesterday. Nonetheless, what we are basically doing is saying we will have a program in terms of recruitment, we will have a program in terms of mentoring.

We find there is a very important and significant contrast with the results of maintaining teachers with a mentoring program; we have 23% of teachers leave within their first three years of teaching, and 30–50% leave within the first three to five years. Yet 93% of teachers taking part in mentoring programs stayed on the job—far above the rate for new teachers.

Let's take what we know works. Let's make sure that when we are going out and recruiting the teachers, they are going to be recruited in the areas of most critical need; that is, in math and science. Let's make sure that when they go into the classroom, they are going to be well prepared in their courses.

This amendment will insist that these teachers are going to qualify according to the State requirements in the course they have selected. No other legislation is going to do that. It is going to make sure they have a mentoring program. We will also make sure that there is going to be professional development, that very important third factor this study has pointed out. They mention in this study that most U.S. teachers have no regular time to consult together or learn about new teaching strategies, unlike their peers in many of the European nation countries, which teach at a substantial time plan and at a higher level.

What this amendment is about is very simple and fundamental. We are saying it is a wiser use of taxpayer funds to move us to an effective program in terms of ensuring we will have a well-trained teacher in every classroom, rather than having the tax credits, only half of which will even be available to parents whose children will be going to public schools, the other half to the parents of children who will be going to the private schools.

Having well-qualified teachers is absolutely essential. Now, we can argue—and we have colleagues on our Health, Education, Labor, and Pensions Committee who say this really isn't a role for the Federal Government. We know we provide only 7 cents out of every dollar that comes from the Federal Government and goes into the local communities. It comes through the States—about 98 cents of the dollars that come through the Federal Government actually go into the classrooms themselves, according to the General Accounting Office.

What we are saying is, with a very limited amount of resources, we ought to target areas where there are very important needs and where there is a very sound and compelling case to be made in support of it. Certainly, I think that of all of the areas we are talking about in terms of classrooms today, we are all reminded by recent tragedies about the importance of safety and security in the classroom—we are reminded constantly about that issue.

Secondly, we are reminded that there is nothing more important than having

well-trained teachers. That is why we think this amendment is so important and so compelling.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the votes be postponed to occur in a back-to-back series at 2:15 today in the following order: No second-degree amendments in order prior to the vote, and 2 minutes prior to each vote for explanation. They are: Graham, No. 2870; Roth, No. 2869; Dorgan, No. 2871; Kennedy, No. 2872.

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

Mr. COVERDELL. For the information of all Senators, Senator DORGAN's will be a voice vote. Therefore, we expect 3 back-to-back votes at 2:15 today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself an additional 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, let me review specifically exactly how this amendment works. Our amendment provides the States with $1.7 billion by a formula—50 percent poverty, 50 percent population—to improve the teacher quality. States can keep up to 10 percent for State activities, including strategies to raise teacher salaries, reduce the number of teachers placed out of field, and reduce the number of emergency certified teachers.

Second, this guarantees that 56 percent of the funds that go to the States—$960 million—is for professional development and mentoring, which provides for 200,000 new teachers a year. We know we need 2 million teachers over the next 10 years, or 200,000 a year. This will provide the mentoring for those 200,000 teachers each year. Funds go by formula to the districts on the basis of 75 percent poverty, 25 percent population. That allocation, in terms of poverty population, is basically noncontroversial. It is basically the formula we have used in the past and is the formula being used even under the current legislation being considered.

This guarantees that 30 percent of the funds that would go to the States for competitive local recruitment programs in high-need districts, to recruit and train highly qualified candidates.

Next, it guarantees that teachers are trained to address the needs of children with disabilities. None of the other teacher programs or teacher training programs ensures that we are going to have teachers who will be able to teach children with disabilities—it is enormously important.

It holds the States accountable for having a qualified teacher in every classroom within 4 years of enactment of the law.

It requires that the first $300 million of the State grants go toward professional development, the mentoring and recruitment in the math and science area. There is an incredible need there. Ninety-five percent of urban districts report a critical need for math teachers; 98 percent report the need in science; 97 percent report a need for special education teachers. That is what the current reports are. That is why we have given focus in terms of the recruitment in math and science.

It also holds districts accountable for results. They must show progress in: improved student performance; increased participation in sustained professional development and mentoring; reduced beginning teacher attrition rate for the district and; reduced number of teachers who aren't certified or licensed and the number who are out-of-field teachers for the district.

Listen to what the Wall Street Journal reported on February 29:

> Schools turn to temp agencies for substitute teachers. Most school districts begin each day with a nerve-racking hunt for substitutes to fill in for absent teachers. With the tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Services, Inc. unveiled the first nationwide substitute teacher program four months ago and now handles screening and scheduling for 20 schools in 10 States.
>
> A school official in Edinburg, Indiana, says the contract the system signed this month with Kelly simply acknowledges ''they're more proficient than we are'' in the temporary help arena. Temp outfits generally charge schools a premium while paying subs at the same rate as before.

That is what is happening in the United States of America. That is what is happening. Last year, 50,000 unqualified teachers were hired across the country and are appearing before classrooms of children today—50,000 hired last year appearing before them today. We ought to be able to say, OK, we only have a limited amount of resources; how are we going to be able to expend those resources effectively?

I believe the case has been made about having a well-qualified teacher in every classroom, having smaller class sizes, having afterschool programs that do so much in terms of helping and assisting children in doing homework and keeping the children out of trouble—a program, I might point out, that still has a broad opportunity to reach hundreds of thousands more children.

It is important to make sure we have the new technology, so children are able to learn with new computers. Various studies show that it takes time for teachers to get up to speed—not just in using the computers, but in training the teachers to use computers in ways that are going to be consistent with the curriculum they are trained to teach. We are not doing that.

And then we know there is obviously the pathway in continuing in higher education. These are the components and the elements that are being offered out here. The bottom line on the issue of accountability has been to make sure the scarce resources that we have are actually going to be utilized in an effective way with effective results.

I recognize that starting in 1965 when we started the ESEA program, we expended a good deal of resources and we didn't have the kind of accountability we should have had. But what we have seen is that over the period, particularly since the last reauthorization, where we are beginning to make some progress—measurable progress—we will hear speeches that, oh, no, we are not making progress, we are falling further behind. Certainly, there are some schools where progress still hasn't been made. But if you are looking across the board, we are making measurable progress. I think we should find out what is happening, and what is best to continue that measured progress.

When we look over the range of different activities that are out there today, how can we measure the activities? One of the important ways we measure it is by the various programs such as Project STAR in the State of Tennessee, where students in smaller class sizes performed better than student in large classes in each grade from kindergarten throughout third grade.

The second one, which I think should be self-evident and obvious, is having teachers in front of classes who are qualified to teach in the subject matter.

The third is the afterschool programs that assist children with their homework, and offer availability and accessibility of computers to make sure they are going to keep up to speed with technology.

When we have limited resources and have an opportunity to focus some of these scarce resources on a needed national problem, we ought to be willing to consider what the overwhelming majority of thoughtful educators, Presidents, practitioners, and individuals who have studied education over the course of a lifetime have virtually unanimously recommended: Increasing teachers' knowledge of academic content and effective teaching skills through sustained, intensive professional development; mentoring programs to keep new teachers in the job; and recruitment programs to draw talented individuals into the teaching profession. That is really what our proposal does.

I see my colleague and friend, the Senator from New Mexico, Mr. BINGAMAN. I have stated many times, with the progress made in the various programs, that Senator BINGAMAN has been the leader in the Senate in making sure that whatever resources are going to be accounted for, are accounted for effectively in every one of these educational programs. He has done that in other programs as well but particularly in the education. We have incorporated his recommendations into this legislation. We know that at the end of the day we are going to have improved school performance, we are going to have teachers who are going to be able to teach and pass the State exams, and we know we are going to hold the States and local communities accountable.

I see him now. I would be glad to yield.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 25 minutes.

Mr. KENNEDY. I yield whatever time the Senator wishes.

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

Mr. BINGAMAN. Mr. President, I thank Senator KENNEDY for his leadership on this and all of the issues that relate to education that we deal with in the Senate. I commend him particularly for this amendment that deals with teacher quality and recruiting and training the people who go into the teaching profession.

I think it is clear from the experience in my State—that is the experience that I come from and understand a little bit, at least—that we have too few funds available for the training of teachers, people who are already in the workforce who need additional training, and people who are going into teaching. Clearly the Federal funds made available for that purpose meet a real need. Despite the fact a lot of money is spent on education nationally—I certainly concede a lot is—there are other pressures on local school boards. There are other pressures on States that tend to result in too little of the money going to train the teachers and going to upgrade their skill levels.

This amendment would ensure that at least a portion of the Federal funds we are providing to States for education go to this vital activity.

I think the amendment is absolutely crucial. I hope every Senator will vote for it.

When you look at all the factors that affect education, I think there are many studies which have concluded correctly that the factor, if you have to pick one, that is most significant in determining the quality of a child's education is the quality of the teacher and the training of that teacher to provide that instruction. This amendment goes directly to that. It says we need to keep our priorities straight when we spend public money. We need to be sure the funds go to what is most important in terms of improving the education of the children involved. That means training the teachers.

I compliment Senator KENNEDY very much for this amendment. I am very pleased to speak for it, and am very pleased to support it. I think this goes to the heart of what we are trying to do. It goes to the heart of the concern I hear all over my State from a lot of people about the inadequacies of our educational system.

We have a sad circumstance in my State. I have encountered something which we call a ''permanent substitute.'' I go to school districts and they say: OK, you are trying to ensure that more of the accredited teachers are actually accredited to teach in the subjects they are teaching. That is not our problem. Our problem is we have people teaching on a semipermanent basis in our classrooms, and we call them ''permanent substitutes.'' They not only are not qualified in the subject area they are being asked to teach, but they are not really qualified to be teaching. They haven't been accredited.

This is a sad commentary. You have to go through licensing procedures to be a hairdresser in our State. You have to go through licensing procedures to pursue virtually any career. We need to be sure we impose accountability on the teaching of professionals as well.

Teachers themselves want to see this happen. This is not an antiteacher proposal. This is something teachers themselves want to see more funds available for in training and upgrading their skills.

This is an amendment I strongly support. I commend Senator KENNEDY for proposing this amendment. I hope all Senators will review it carefully and will determine to support the amendment when it comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from New Mexico for his statement. He has, as I mentioned, enormously contributed in terms of these accountability provisions.

Professional development, mentoring, and the recruitment have been found to be important and significant in communities across the country. Let me mention some of the examples.

Since the late 1980s, New York City's District 2 has invested in sustained, intensive, professional development and made it the central component for improving schools. The district believes student learning will increase as the knowledge of educators grows—and it is working. The investment has contributed to steady increases in student achievement and in 1996, student math scores were second in the city.

According to a recent study, the longer California math teachers engaged in ongoing, curriculum-centered and professional development, that supported a reform-oriented teaching practice, the better their students did on the State math assessments.

This demonstrates what is happening out there. It is happening in too few districts. Let's make sure we are going to do it in other places across the country.

In the area of mentoring and recruitment, in Illinois, the Golden Apple Scholars Program recruits promising young men and women for teaching professions by selecting them during their junior year in high school, then mentoring them through the rest of high school, college, and 5 years of actual teaching. Sixty of the Golden Apple scholars enter the teaching field each year; 90 percent of them are staying in the classroom compared to 50 percent of others dropping out within their first five years.

These are young people, recruited locally, involved through high school, attending various kinds of meetings and conferences on education, furthering their efforts through college, coming back to their communities.

I have visited programs similar to this in Dade County, FL. They have had extraordinary success locally. That is what we are talking about.

Project Promise at Colorado State University recruits prospective teachers from fields such as law, geology, chemistry, stock trading, and medicine. Current teachers mentor these new recruits in the first 2 years of teaching. More than 90 percent of the recruits enter the field and 80 percent stay in the teaching for at least 5 years.

There are some very creative ways of recruiting. A North Carolina Teaching Fellows Program recruits talented high school students in the teaching profession with a minimum 1,100 SAT score, higher that 3.6 GPA, and in the top 10 percent of the class. The program provides $5,000 per year for 4 years to 400 outstanding North Carolina high school seniors who agree to teach for 4 years, following graduation in one of the North Carolina public schools or U.S. Government schools. They find they are retaining some 90 percent of these teachers.

There is a similar program called Teach Boston, a collaborative effort between Boston Public Schools, Boston Private Industry Council, and Boston Teachers Union. They created model future teacher academies in two Boston high schools.

There are different ways of doing this. We give local communities the flexibility in the development of the programs. We say to those who want to do this kind of a program in their local community that there will be some resources that will be available to them.

The Hometown Program provides $25 million to support the efforts of high-poverty school districts to recruit teachers as early as the high school to meet long-term teacher shortages. Currently, 20 districts—including Wichita, Milwaukee, Wayne County, North Carolina, and States, including South Carolina, Ohio, and Washington—have pipeline systems for long-term programs for teacher recruitment.

In South Carolina, between 35 and 40 percent of students who complete the State Teacher Cadet Corps either become or plan to become teachers. Currently, there are approximately 5,000 graduates of the Teacher Cadet Corps serving as teachers in South Carolina. Independent evaluators of the South Carolina program have found one former cadet entered college with a jump-start on the teacher education program, and two reported a higher rating than other teachers. They have raised standards for classmates in college.

In Wichita, KS, 70 participate in the Grow Your Own Teacher projects and completed their college education; 58 are currently employed as teachers in the Wichita public schools.

These programs are around the country but in too few places. We are saying we will provide some $25 million to support those programs that have worked.

Finally, the success of the Troops to Teachers. They have hired over 3,600 teachers nationwide. These teachers are likely to be in math and science, and more likely to be minorities than the general recruitment of high school teachers. There are more than 85 percent male, compared to 25 percent nationally—from the Troops to Teachers program. They are teaching in over 900 rural counties, 25 percent; 40 percent are in suburban areas; 40 percent in urban. They have an 82-percent retention rate, returning each year to teaching.

We have a significant expansion of that program. The opportunities are out there. California has hired nearly 300 teachers from the Troops to Teachers, including a former Navy pilot who used to hunt submarines and now faces two dozen kindergarten students. He says it does not pay as much but the job satisfaction is incredible. Florida hired 200 Troops to Teachers, including a former Navy instructor who now teachers honors algebra to high school students. The students say he gets excited and he definitely knows what he is talking about. The teacher took a pay cut but he enjoys the kids and enjoys the school.

Today, we are talking about Kelly Girls—or Kelly Men—as substitute teachers advertised in the Wall Street Journal this week. We are talking about limited resources.

We have recommended smaller class sizes, which are key and have demonstrated effectiveness; well-trained teachers, with the support of mentoring; professional development; afterschool programs; computer programs so children will not be left out or left behind; and strong accountability measures. We believe these are the ways we can make important difference in terms of enhancing the academic opportunities for children in this country.

My friend and colleague from the State of Washington has been our leader in moving this Nation toward smaller class sizes. Having visited a number of the schools in my own State of Massachusetts, it is making a major difference. We want to make sure that effort is going to be continued.

I yield such time as the Senator desires.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am delighted to be on the floor with my colleague, Senator KENNEDY, to talk about an issue that many think is the most important issue facing America today. That is the issue of education. We are finally in the Senate talking about issues that are relevant to families. As they sit at the kitchen table in the evening, they, too, understand education is absolutely critical to the future of this country.

We are finally today with this amendment talking about a measure which will ensure that every teacher in this country is fully qualified and has the tools and the support to help our children reach their full potential. For years, parents and teachers have been asking for support on teacher quality.

Last year, I came to the Senate floor to introduce a bill to help recruit, retain, and reward America's best educators. I am thrilled today to discuss many of the items in that bill. I hope we will have an up-or-down vote on this amendment so families across our country can see whether or not this Senate supports quality teaching.

I thank the Senator from Massachusetts for helping this day become possible and by leading to make education a front and center issue in this Congress, as it is in the classrooms and homes across America.

Before I discuss the specifics of the amendment, I wish to make another point loudly and clearly: Today there are thousands of world-class, high-quality teachers in our schools. They are professionals. They care deeply about the quality of our children's education. Any Member would be lucky to have our children in those classrooms.

However, the current system makes it harder and harder for teachers to do their best. Instead of offering them the support they need to make a difference—smaller classes, classrooms that are safe, afterschool care—this current system puts too maybe roadblocks in front of too many teachers.

We are here today to discuss teacher quality. I want my colleagues to keep in mind that we are not criticizing teachers. They are overworked and underpaid and not given enough respect. They are, indeed, heroes. We are trying to change the system to allow more teachers to become master teachers.

I hope throughout this debate my colleagues will refrain from attacking the very people who try their hardest day in and day out to help our children and do the right thing for our country. As I said many times before, teachers do one of the most important jobs in America, and we should make it easier, not harder, for them to do their best.

The amendment from the Senator from Massachusetts could not come at a better time because there are so many challenges to quality teaching, and those challenges just keep growing.

Teachers and parents have told me the main challenges are the three Rs: Recruiting great teachers, retaining great teachers, and rewarding great teachers. Statistics today show we need more educators to meet our growing student population. In fact, in the United States, we are expecting to face an unprecedented teacher shortage in the next few years. The National Center for Educational Statistics estimates we will need between 1.7 to 2.7 million new teachers by the year 2008.

One reason not many people want to go into the teaching profession is there are not enough incentives for recent college graduates to become teachers. With the wide range of employment opportunities available to young people today, to our college graduates, teaching is not the most attractive option. The teaching profession, as we all know, is just not a lucrative place to be. In the USA Today Teacher Survey, 69 percent of teachers said most people do not consider teaching to be an attractive career choice. So we are not attracting enough talented people into the teaching profession.

As I am sure has happened to many of my colleagues, I have gone into a classroom and asked: How many of you young people intend to be a teacher? Very few hands go up. But if you ask those young people: How many of you would become teachers if you knew you would get the training, the support, the money, and the respect that other professionals get? A lot more hands in those classrooms go up. So our first challenge is recruiting young people into the teaching profession. That is what this amendment does.

Next, we need to retain great teachers. When you think about it, there really is nowhere for a great teacher to go. If they move up, they move out of the classroom into administration or into another profession. While we need great administrators, we should do everything we can to keep our really great teachers in the classrooms. We need to give our teachers options such as becoming master teachers, so they can continue to grow while helping our kids in their classrooms.

There are a lot of reasons for this retention problem. Unlike any other profession, teachers do not have adequate access to continuous high-quality professional development, so we need effective, ongoing professional development programs that are aligned with local standards and curricula.

Finally, we need to reward our good teachers.

Mr. President, I have come to the floor to thank Senator KENNEDY for his leadership on the most critical issue we see facing our students today—making sure every teacher in every classroom is a quality teacher. I thank my colleague from Massachusetts, and I urge my colleagues to support this critical amendment.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I see the Senator from Minnesota. How much time do we have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KENNEDY. I have 5 minutes remaining.

Mr. WELLSTONE. I say to my colleague from Rhode Island, if he will give me 1 minute, I will be pleased for him to have the last 4 minutes.

Mr. REED. Surely. I yield 1 minute, or Senator KENNEDY does.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator KENNEDY for this amendment. I want to mention the part of this amendment I have had a chance to work on. I thank the Senator for letting me do this with him. It is the Teacher Corps part, where we basically put together a marriage of school districts that need teachers in certain areas along with schools of education. It is actually after students have already graduated, but they may want to go back and get certification, or they may be in their forties or fifties and go into teaching.

During that 2-year certification period, it will be tuition free if they agree to teach in these areas for 3 years. It is allocated to local needs, it puts everything together in a promising way, and it is good for inner-city and suburban schools. It puts the schools together with good teachers. Everybody agrees this is the key.

I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Kennedy amendment. Senator KENNEDY has focused on one of the critical aspects of education reform in the United States; that is, improving the quality of teachers in this country. Teachers want this kind of assistance. If you ask them, they are universally disappointed in their opportunities to improve their skills as teachers.

Just a few days ago, in this debate we supported, in large part, Senator COLLINS' amendment to allow increased tax preferences for educational courses teachers might take. But that is just the surface. The way to reinvigorate and reform schools in this country is to improve the professional development in the classroom—not in graduate schools, not in taking correspondence courses, but getting those teachers in classrooms watching other qualified teachers, giving them the opportunity to participate with their principals in developing curricula, developing their own skills and their own attributes.

That is what the Kennedy legislation does. It calls for the incorporation in our schools of professional development that is embedded within the curriculum. It is consistent, sustained, long-term, throughout the academic year—indeed, throughout the entire year.

What is happening today? The reality is, teachers spend between 1 hour and 8 hours during the academic year on professional development. Most times, it is gathering in a big hall listening to a lecturer who the superintendent of the system thinks makes sense, but in some cases the teachers are wondering why they are at that location.

We can change that. Indeed, we must change that. Unless we improve the quality of teaching—and I agree wholeheartedly with Senator MURRAY; we have excellent teachers in America—we will not respond to the challenges of this new century to prepare, in public schools, the best educated citizens of this country. Indeed, our first obligation has to be this effort to reform and reinvigorate and reignite the quality of excellence in our public education system throughout the country.

The underlying proposal does not do that. It essentially siphons off dollars to those, principally wealthy, Americans who choose to send their children to private schools. Our obligation, I believe very fervently, is to ensure there is a real choice so that, indeed, there are excellent public schools and an American family can choose those excellent public schools or a private, independent or parochial school. But until we have excellent public education throughout this country, we are failing in a fundamental obligation we have to our country and to our citizens.

One of the best ways to assure excellent public education is the way that has been suggested by the amendment of the Senator from Massachusetts, and that is to provide professional development that is sustained, embedded in a classroom, that calls upon mentoring, that calls upon all the things we are learning from the real world.

We are learning from observing places such as district II in New York City, which is committed to this type of professional development. I had a chance to visit with a school in that district and listen and watch the teachers as they discussed among themselves the issues that were critical as they developed new curricula, as they talked about new strategies. This is what is going to improve the quality of our teaching. When we do this, we will improve the quality of education throughout the entire country.

This is also what we heard at hearings during consideration of the ESEA. We heard experts from around the country, teachers from around the country, coming to tell us they need more support for this type of professional development. If we are really, fundamentally asking ourselves how we can improve education in this country, it is not through a tax credit device that will essentially subsidize, on average, wealthy Americans to send their children to private schools; it is investing in teachers in our public schools so they will be able to educate this generation of Americans to continue the leadership role of this Nation in the world in this new century.

I emphatically and fervently support the Kennedy amendment. I urge its adoption.

The PRESIDING OFFICER. All time now is controlled by the Senator from Georgia.

Mr. COVERDELL. Mr. President, I am glad the Senator from Rhode Island is here. I did not have a chance to respond to his remarks the other day on the education savings account, and we do have a fairly significant disagreement, beyond the philosophy, over some of the data. I think we are making headway on this.

The implication that the education savings account is a vehicle for people who drive around in limousines is inaccurate. The Joint Tax Committee has found the education savings accounts would be used 14 million times over, it would be used by 14 million families, 70 percent of whom have incomes of $75,000 or less.

More importantly, though, the point I want to make—and I am not going to dwell on this because I know we have our differences—is that several years ago the President and the Congress passed the higher education savings account. It was for $500. The criteria for the families who could use those accounts are the identical criteria being used for these education savings accounts. There is no difference.

I take some issue with the fact we in Congress and the President are applauding this wonderful account we have set up for higher education for $500, and yet on an identical scope of use for this savings account, it somehow gets into class warfare.

All that has happened is we have taken a $500 account we all passed and applauded and said it could be expanded to $2,000 or four times. If a family chooses to, they can use it in kindergarten through high school. The odds are the majority of them will use it just as the higher education savings account does, for college.

I did want to make that point. It has come up several times.

I am the only one who has time, but I yield a few minutes to my colleague from Rhode Island to respond.

Mr. REED. Mr. President, I respect the Senator's efforts to try to improve education. We may very well disagree on the philosophy.

In specific response to his question about the Joint Tax Committee studies, I think there is a difference between coverage and effect. The coverage might include a broad range of American families, from the very wealthiest to low-income families, but the effects—who gets the benefits—are decisively skewed toward very wealthy Americans.

That same tax analysis in 1998 showed that 7 percent of families who have children in private schools who use this provision will receive 52 percent of the tax benefit and the other 93 percent of the families will receive 48 percent.

Frankly, the way, as we all realize, the tax structure is established, tax credits and tax benefits are more beneficial to the higher income level, unless

they are particularly targeted to low-income citizens. These are not.

Essentially, what we have is, yes, low-income families and medium-income families will, in fact, be able to get some benefits. It has been estimated that over 4 years, this benefit to the average family is about $20. The benefit for very wealthy Americans will be significantly more.

Again, this might be more anecdotal than analytical. If you look at the population of students going to private schools, they generally come from upper-middle-income to upper-income families because of the nature of funding.

I know the Senator wants his time. Let me make a quick point. When we start making these comparisons between higher education and elementary and secondary education, not only do we have a principle difference, i.e., we have a fundamental obligation to elementary and secondary education, do we have the same to higher education? We can disagree about that.

The other thing we have to do is put it in context. The tax benefits in higher education are on top of Pell grants which are specifically directed at low-income parents. They are really, if you will, icing on the cake, and the cake is really Pell grants, Stafford loans—a whole panoply of higher education benefits which we supported for years and years. To make the transfer or analogy of it is just like what we do for higher education, it is not only philosophically questionable but also, in terms of the context, questionable. I thank the Senator for his time.

Mr. COVERDELL. Mr. President, I will respond briefly because the clock is running. The demographics in parochial schools and private schools—and we studied this very closely—are within 10 percent, the same as demographics in public schools. Parochial schools, for example, in New York, have identical demographics as the public schools. Sixty percent in parochial schools make $50,000 or less. The idea that people in these parochial or private schools are somehow a class of wealth is, I believe, not correct and cannot be substantiated, No. 1.

No. 2, 70 percent of the families who use this education savings account are going to be in public schools; 30 percent in private. The funds the Senator from Rhode Island describes are pretty much evenly divided. I suspect because people in private schools are still paying local property taxes for public schools, they have a higher hurdle, and it does make them save more. This is a debate we can continue at another time. I appreciate the Senator's response. I give him 1 minute.

Mr. REED. Mr. President, I am not familiar with the data about New York parochial schools, but I am very eager to look at it, if the Senator will provide it.

Mr. COVERDELL. I will be glad to.

Mr. REED. Second, it is one of those things: What do you measure? Do you measure parochial schools in New York City or are you measuring all the private schools, very exclusive schools? All I can speak to with great compulsion and experience is in my home State of Rhode Island, generally speaking, the parochial schools mirror some of the public school systems. But when you go to some of the private schools, that is not quite the case. I suggest if it is not limited to parochial schools, it is going to be taken advantage of.

Mr. COVERDELL. I will show the Senator the data. We all see private schools that stand out. That is what forms the image. I am saying when you look at all the private schools across the country, you come up with a lot of people who do not have many resources.

We will discuss this at a further time. To explain to my good friend from Nevada, I am going to talk for 5 minutes and then yield back our time. It would then be appropriate, in the queue of events, that we move to Senator BOXER.

Mr. President, with regard to the Kennedy amendment, which I have here, this amendment was laid down yesterday in the Health, Education, Labor, and Pensions Committee. It is the first amendment that was offered in the committee, and it is in the process of being discussed.

There are controversies in it. Folks on our side think, once again, it is a story of mandates and regulations and instructions to local schools about how to manage the affairs at the local level. The appropriate place for this amendment to be decided is in the committee of jurisdiction.

The other point I want to make, and I have made it repeatedly, is that this is about the fifth or sixth attempt by the other side to come to the Senate floor with what are very laudable ideas, but they are all constructed in a way that is either/or. If we adopt the Kennedy amendment or any one of these other five amendments we have been dealing with for the last several days, the main effect is to cancel the education savings account.

If we do that, we are saying to 14 million American families: Sorry, we are not going to let you create an education savings account. These happen to be the parents of 20 million children, which is almost half the school population. No deal; we are not interested in letting your families create education savings accounts that will direct money to your specific needs and, most important of all, they blow away, they open the safe and run off with $12 billion of savings that would occur with these education savings accounts for families to use for educational purposes anywhere from kindergarten through college and beyond college, frankly, if there was a disability incurred.

The amendment, while it may be laudable—maybe it will be adopted in committee—the way it is designed is to destroy the opportunity to empower 14 million families and parents who are raising 20 million children and their attempts to save money to help them get that job done.

Obviously, we will, once again, when the appropriate time for voting comes, oppose this amendment, not necessarily on its merits—the committee will decide that—but because its main purpose is to destroy the education savings account.

Mr. President, I yield back the remainder of our time on the Kennedy amendment. I believe the other side has chosen to go ahead with the Boxer amendment at this time.

Mr. President, I ask unanimous consent to set the Kennedy amendment aside, which was envisioned in the unanimous consent request we propounded a few minutes ago.

Mr. REID. Mr. President, I ask for the yeas and nays on the Kennedy amendment prior to it being set aside.

The PRESIDING OFFICER (Mr. BUNNING). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator from California.

Mrs. BOXER. Mr. President, I thank the managers for accommodating me. I have been waiting for a while.

AMENDMENT NO. 2873

(Purpose: To express the sense of the Senate on improving the learning environment by ensuring safe schools)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. SCHUMER, Mr. LEVIN, Mr. JOHNSON, and Mr. ROBB, proposes an amendment numbered 2873:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) Any education measure passed by Congress is undermined by violence in the schools.

(3) The February 29, 2000 shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that the tragic gun violence in America's schools continues.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings, and suicides.

(6) In the 10½ months since the shooting at Columbine High School in Littleton, Colorado, the United States Congress has failed to pass reasonable, common-sense gun control measures that would help to make schools safer, improve the learning environment, and stem the tide of gun violence in America.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by

implementing policies that will reduce the threat of gun violence in schools.

Mrs. BOXER. I thank the clerk for reading the amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, this is a very simple amendment. It is a commonsense amendment. It is an opportunity for the Senate to be heard on the issue of gun violence.

I thought we were making progress after Littleton when we passed—a month after Littleton—a number of very important, commonsense gun control measures. We have yet to see those measures come back to us for final passage. We have yet to see those measures come back to us from conference. We have yet to see an interest on the part of the majority to move these important, commonsense gun control measures.

I am hopeful that this sense of the Senate, which calls on the Congress to act by the year anniversary of Littleton, will have some meaning to people. I trust this will pass 100–0.

Children in schools have a right to be safe. It is very fundamental that they be safe, almost as fundamental as their right to a free public education.

A safe school is essential to ensuring an environment where children can learn. We can stand here, from morning until night, with great ideas on education. Governors can come up with their own proposals on education. Local school districts can do the same. But if there is a shooting in a school, no one learns. The only thing they learn is tragedy, at an age way too young to deal with it.

We have an unacceptable situation in our country. If children sit in a classroom wondering if they are going to hear gunshots in the schoolyard or in the hallway, they cannot concentrate on a math problem in their classroom.

Again, I know the Senator from Georgia believes very strongly in his education savings account legislation. I know that we all have issues we want to put forward: smaller class sizes, rebuilding our broken-down schools. We all have a tremendous interest in improving education. But it means nothing when violence invades our schools and children are hurt or they die—schools are closed; education is disrupted. None of it means much if we cannot at least ensure safety.

As we said in the resolution, in the last 12 months, at least 50 people have been killed or injured in school shootings. This week it was a little 6-year-old girl who was killed in an elementary school in Michigan. My God, what is it going to take for this Senate to act? A 6-year-old child gets a gun and kills a classmate. He got the gun because an adult left it lying around. There was no trigger lock.

We have a bill dealing with that; it has been tied up. I do not think that is a very radical proposal. I do not think it is a dangerous proposal to put a child safety lock on a gun. That child would have brought the gun to school, it would not have gone off, and a child would not be dead. We would not have to see these children, at a tender age—a tender, tender age—I have a 4½-year-old grandchild, and I just think about the horror of a child at that age, 5½ or 6 or 7 dealing with this kind of violence. It is wrong. It is unacceptable.

Last December, it was four middle school students who were injured by gunfire in a middle school in Oklahoma.

Last November, it was a 13-year-old girl who was shot in the head in a New Mexico school.

Last May, six students were injured at a high school in Georgia.

Of course, last April, 15 people died and 23 more were injured in Columbine High School in Littleton, CO. Anyone who has watched the followup stories in that community knows that the injuries done then are not fading. They have torn that community apart.

What are we waiting for? Sensible gun control legislation was passed by this Senate. The Vice President, AL GORE, cast a tie-breaking vote on closing the gun show loophole so people who should not have a gun would not be able to get a gun. I do not know what it will take for this Senate to act.

I see a couple of my friends who have come to the floor to discuss this issue with me.

Yesterday, there was a multiple shooting outside Pittsburgh.

There was a shooting in September in a Baptist church in Texas.

Last September, there was a shooting in the West Anaheim Medical Center in California.

Last August, there was a shooting at the North Valley Jewish Community Center's day-care center in Los Angeles. Will we ever forget those children, holding the hands of the police officers—babies trying to cope with what was going on.

Last April, there was a shooting at the Mormon Family History Library in Salt Lake City.

These bullets are randomly shot. It does not matter how old you are. If you are there, you are in trouble.

This is chaos, my friends. What did we do after Littleton? We came together. We passed gun control measures that are very sound. They are reasonable, they are moderate, and they will keep guns out of the hands of children. They will keep guns out of the hands of criminals. They will keep guns out of the hands of people who are mentally ill. They will not take guns out of the hands of people who need to have a gun to protect themselves, who are upstanding citizens.

So what are we waiting for? More and more of these deaths?

I ask my friends from California, Illinois, and Michigan how much time they would like to take on this? I am delighted to yield to them. Why don't they give me that information, and then we will set up an order.

Mrs. FEINSTEIN. If it is convenient, 10 minutes.

Mr. DURBIN. Five minutes.

Mr. LEVIN. Three minutes.

Mrs. BOXER. Done. Why don't we start with Senator LEVIN. I yield him 3 minutes of my time. We will then go to Senator DURBIN and then Senator FEINSTEIN. Then I will take it back and close the debate.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from California for raising the question of the proliferation of guns and gun violence in our schools as we debate education on the Senate floor. We should not be debating education without addressing the question of the gun violence which strikes so many of our schools.

It has now been almost a year since the deadly shooting at Columbine. The images of Columbine's teenagers clinging for life and screaming in terror are forever printed in our minds. Not many of us could forget the horror of those scenes as they unfolded before us on national television. Yet somehow it seems that Congress has forgotten the unforgettable.

Now, in yet another school shooting, the tragic, senseless death of another child—this time in my home State of Michigan —has reminded us of the terror of gun violence and the toll it takes on young people.

According to a press report, the shooting stunned even gun control advocates immersed in the details of school violence. If a 6-year-old can get a gun, they said, the problem is worse than anyone thought. The first grade shooting that occurred this week in Mount Morris Township near Flint, MI, is surely shocking because of the nature of the circumstances: An alleged 6-year-old gunman living in a house with easy accessibility to guns and little comprehension of the consequences of his actions. No one can really any longer claim shock or surprise that another young life was lost to gun violence. No one can any longer claim shock or surprise that another one of our children did not make it home from school.

We have known, long before Columbine, that gun violence claims the lives of 12 children, on average, each day. We know gun violence results in injury and death, destroys families, and causes lasting psychological and emotional harm. Buell Elementary's counselors will now try to cope with the trauma that comes when schoolchildren shoot schoolchildren. Too many other districts now know that violence and the fear of violence is not only devastating to the children and the families involved, it can also infect the learning environment. We cannot allow ourselves to become desensitized to the tragedies of gun violence. As a Detroit Free Press writer put it:

[At Buell] the first-grade classroom, so vibrant with the piping voices of children early Tuesday morning, had been commandeered by police detectives, searching for the meaning behind the unthinkable.

Congress must pass gun safety legislation before more children's voices are silenced by the sounds of gunfire and sirens.

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

Mr. LEVIN. I thank my good friend from California for her leadership. It is critically important that this issue be raised at this time.

Mrs. BOXER. I thank my friend from Michigan.

My friend from Illinois wanted 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I totally support this resolution.

Could one imagine the Senate today debating education and ignoring the obvious? When the front-page headlines, news story after news story, remind us that mere infants now have access to handguns, that a 6-year-old can take a handgun to school and kill your son, your daughter, grandson, and granddaughter, is this America? Is this the best we can do? I think we can do a lot better.

Senator BOXER challenges this Senate to go on record when it comes to school safety. I support her completely. It is important to talk about how you pay for schools. It is important to talk about the qualifications of teachers and how many kids are in a classroom and whether you have access to the Internet. But the most important question is whether you can send that little child you love to school in the morning and expect them to come home safely at night. That is why this resolution is important. Before we start talking about the finer points of improving education, let us first dedicate ourselves to safety in classrooms across America.

I will support her resolution. It should receive a unanimous vote. Who in the world can stand here and say we should not be on record against the school violence we find taking place more and more every single day? A little later on in this debate, I will offer a specific grant program through the Department of Education to deal with school violence and gun violence.

Make no mistake about it, that 6-year-old didn't go out and purchase that handgun. Some adult failed in their responsibility. I don't know the circumstances; maybe we will never know the circumstances. But time and again, children are getting access to guns with tragic results. Many times, they take them down from the top shelf in the closet and play with them, either harming themselves or another classmate or another one of their friends who ordinarily visits the home. Then the sad stories when they take them to school. What we saw in Michigan is not an exception; it is happening more and more.

My wife and I decided early on never to have a firearm in the house as long as our kids were small. We just thought it was too dangerous. That was our family decision. But even though we made that decision, it didn't cross my mind until much later to really wonder what the parents of my kids' friends had decided. That happens, too. Your little boy or girl goes to the house next door to play, and you don't know what those kids are doing. How many times do you pick up the newspaper and read about kids playing with guns and one kid being injured? It happens too often.

In this case, we are finding more and more that kids are picking up these guns and carrying them to school, where they find victims in their classmates and teachers. This isn't an isolated situation. Those who want to dismiss it and say, come on, you are just responding to a single headline, ignore the obvious.

The U.S. Department of Education, in the 1997–98 school year, found that 3,930 children in schools across America were expelled for bringing guns to school. Almost 4,000 kids in that school year brought guns to school across America. I am glad to say that very few of them resulted in death, but think about the potential for disaster and tragedy.

I sincerely hope—and I mean this, though I fought the gun lobby and the National Rifle Association every step of the way—that for once they will have a heart and the good sense to support this resolution that says, as a matter of policy, before we talk about education and its future, we will talk about the safety of kids in the classroom.

Take a look at the language in this resolution. In the last 12 months, 50 people killed or injured in school shootings in America. Every day, on average, between 12 and 13 children under the age of 18 die from gunshots, from homicides, drive-by shootings, accidental shootings, and suicides.

America has made a decision. We have decided as a nation that people can own guns, legally, constitutionally; they have the right to do so. But make no mistake, an obligation comes with the ownership of those guns, not just to buy them, not just to buy the ammunition, not just to own them and use them for sport or hunting, but to store them safely.

I have introduced legislation called the child access prevention law. It says that, as with 17 States across America, the whole Nation should be held to a standard where gun owners keep their guns away from kids. It is not enough to put it on the top shelf in the closet or to put it in a drawer by the night stand because, mark my words, kids are always going to find Christmas gifts and guns no matter where we put them.

And any adult owner who believes they have hidden them and the kids will never find them ignores reality.

Mrs. BOXER. I yield the Senator 1 more minute. I hope he will leave time for me to ask him a question.

Mr. DURBIN. Mr. President, I hope the Senate goes on record unanimously, on a bipartisan basis. If it doesn't, I hope families across America who are worried about the safety of their kids ask each and every Senator how we can vote against a resolution saying we are going to make it a national priority in the sense of the Senate to make schools safe and implement policies that reduce the threat of gun violence.

I yield for a question.

Mrs. BOXER. I just want to share with the Senator two numbers because he had a lot of important statistics. This is from Time magazine: Fifty percent of children ages 9 to 17 are worried about dying young, and 31 percent of children ages 12 to 17 know someone their age who carries a gun. I ask my friend to respond to that, and take as much time as he needs, and then we will yield 10 minutes to Senator FEINSTEIN.

Mr. DURBIN. Mr. President, it is a sad reality that with the proliferation of over 200 million guns in America, more and more children who, in my generation, would be the schoolyard bullies are now the kids bringing guns to school, and other children know it. They know about the easy access to these weapons. The kid who used to go out in the schoolyard and punch somebody in the nose now turns out to be the kid who brings the gun to school. It is a sad reality, one that every family in America faces.

I don't care if you live in California, Illinois, or Michigan; there is not a school district or a child we can be sure is safe today until we take measures to restore sanity to the classrooms across America, to protect not only the kids but the teachers and all of the parents who share, as we do, the love for these children.

I thank the Senator from California for her leadership.

Mrs. BOXER. I thank the Senator from Illinois for his leadership.

I yield to my colleague, the senior Senator from California, who, I think it is important to note, brought us our first victory on commonsense gun control several years ago with her assault weapons ban. She has kept on this issue continuously, and I am very honored that she is here to speak in connection with this sense of the Senate.

I yield to Senator FEINSTEIN for 10 minutes.

The PRESIDING OFFICER. The senior Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank my colleague, Senator BOXER from California, for her leadership and for this sense-of-the-Senate resolution, which I am very happy to support fully.

Today, I received a packet of letters. They are from fourth and fifth grade children. I want to read just a few parts of these letters:

My name is Nikki. * * * I am 11 years old. * * * No one in my household has a gun, not one of them. * * * One day, I saw a neighbor of mine get shot on her way to the candy house. She got shot 4 times. She got shot 3 times in her side and once in her leg. Now she's paralyzed for life. That really hurt me and a lot of other people. She was only 12 years old and she was a nice girl.

Here is another one:

I am Talia and I am 11 years of age. And when I'm coming home from school, I see little 13 year old teenagers playing with guns like it's a thing to do. I walk across the street to go get some ketchup for my cousin's house and I see people dragged into the * * * park.

* * * We're little kids. We need to live in a safer community and this is not safe. So write to all the gun stores and let them know what kids think about guns.

Here is another one:

My opinion is no people should have guns, because one day in the summer that passed this girl was in her house. Then a man dragged her out of her house up the stairs. After he punched her and shot her in the leg, she had a hole in her leg. The police and ambulance had to come and wrapped her leg up.

* * * I want the Senator to make guns no more. No more guns in this world.

Here is another one:

I am a fifth grader. And mainly every year I hear at least 20 gunshots. I am scared at night because I think it's going to be a drive-by. I even sometimes can't go outside to recess because gunshots are heard.

Here is another one:

My name is Justin. I am in the fifth grade.

* * * At night in my neighborhood there are gunshots and sometimes it keeps me awake. When I walk home from school, there is gangs in one spot and another gang in another spot.

Could you please help and make guns illegal? All the kids in my class want you to help. If you help, then I thank you very much.

Here is another one:

What I know about guns and gun control is to not let guns get into the wrong hands.

* * * What I want is to not let guns get in the wrong hands. To let it not go to people that just came out of prison to get payback. That is what I want and I hope you can do something about this and I want support of gun control laws.

Here is another one:

* * * When I was 3 years old, I saw a black and silver gun. When I saw it, I ran in my house and saw the person get shot by it. I was so scared I cried my eyes out. So please support us.

Another one:

* * * I think you should stop people from shooting other people. People should have to get a license and people should have to have a background check for getting guns. Please support gun control laws.

Another one:

* * * My experiences are hearing guns, like one day when it was my Aunt's birthday, we were all in the house looking out the window. We had seen this man on top of the hill. He had a gun. Then he just started to point it and then he started to shoot. We all had to drop to the floor. It was scary.

What I want is only the police to have guns because they're the only ones who's using them right. I want you to vote to have only police have guns, it's just right. And if police are not using them right, please take them away. I want gun control over guns.

Another one:

* * * I am 10 years old. And I have seen people shoot another person. One night I had heard gunshots. I looked out the window and saw a man running, and another man lying on the street. He was shot about fifty times. My uncle was shot on Christmas night on his way home from work.

Ladies and gentlemen of the Senate, this is the real world. This is what is happening out there. How can we stand by and not do anything?

I speak as a member of the Senate Judiciary Committee. I have been on this committee for as long as I have been in the Senate. I am a supporter of the juvenile justice bill. That day when we debated four commonsense, targeted gun measures—all of them, I thought, no-brainers—I was so proud to be a Member of this body. I remember that Senator JOHN ASHCROFT moved an amendment to say that youngsters, children, could not buy assault weapons. That was a no-brainer. It went through this body. The second amendment was on trigger locks. My colleague from California and others in this body have championed that—that is, that guns should have trigger locks. That way, a 6-year-old can't use the gun.

A 5-year-old from Memphis, TN, took a gun to school to kill his kindergarten teacher because the teacher gave him a ''time-out'' the day before. A simple $15 gun lock, or trigger lock, would have stopped that from happening. That was the second measure. Plugging the gun show loophole so that children from a school can't go to a gun show and buy a gun, no questions asked, was the third one.

The fourth one was mine, to prohibit the importation of these big clips that are coming in from all over the world by the tens of millions. Some of them are as big as 250 rounds.

Those are four simple, commonsense, targeted gun regulations. And what has happened? Nothing. The children from Columbine came here and they begged for help, as did the children in these letters, and what happens? Nothing. I talk to Members of the Senate and I ask, ''Why is nothing happening?'' They tell me that the Gun Owners of America are really resolved that they don't want any legislation.

We say the time has come to recognize that the majority of our people have certain basic rights—that our children have the right to go to school without fear, that our children have the right to sleep without hearing gunshots, that you have the right to walk down the street and not fear getting killed by a drive-by shooter.

In Los Angeles, in the last 16 years, over 7,000 people have been killed by drive-by shooters. That is what the plethora, the abundance, the avalanche of guns in this country is doing to the real world outside of this beltway.

I say to those who yield to this special, unrelenting interest that says, ''You either vote our way or we will defeat you at the polls,'' that the American people have had enough, and the time has come to pass some targeted, commonsense regulations.

The resolution of my colleague from California is a beginning. It at least puts us on record. Hopefully, if it should pass, it will send a message to the Judiciary Conference Committee of both these noble Houses. That message is: Pass the juvenile justice bill, and pass these four targeted measures.

I defy any Member of this House or the other House to tell me that the second amendment of the Constitution of the United States prohibits the regulation of firearms.

Let me add one thing. Today in gun shops all around this great country they are selling .50 caliber weapons, a military weapon, a weapon capable of sending a bullet 4 miles, a weapon capable of producing a shot that can go through a concrete wall. Tell me that we need weapons such as this in a civilized society. Tell me that the second amendment of the Constitution prevents us from regulating firearms. Tell me that these children begging to be safe and to not hear gunshots at night, to not get shot in the car, and not to stand in a living room and have a bullet come through their wall are wrong.

I thank the Senator from California for her good work. I add my support.

I yield the floor.*****- -Name: -Payroll No. -Folios: -Date: -Subformat:

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes.

Mrs. BOXER. Thank you, Mr. President.

I say to my friend from California how proud I am to have her support. She brought to the floor of the Senate today the voices of the children. How can we possibly have a bill dealing with education that doesn't address these voices begging us to act?

I am so pleased she took the time because I know she has another amendment which she has to get ready for. I appreciate the Senator coming over to the floor.

Thirteen children every single day are killed by gun violence—13 innocent lives. There is not one Senator who doesn't agree with the statement that our children are our future. How many times do we put that in our speeches?

I am saddened that I don't see Members from the other side of the aisle on the floor. I don't understand why we don't have unanimity in this. In April, it is going to be a year since the tragedy of Columbine. The vision of that tragedy is on everyone's mind—the young man, not even 18 years old, trying to get out of the window of a school library with his limbs dangling from the injuries he received, the faces of the parents, and the tearing apart of that community, which has been happening ever since that tragedy. If we don't act by that date, we don't deserve to be here.

I agree with Senator FEINSTEIN. This is harsh talk, yes. But what are we

here for if we are not protecting our citizens and our children? What could be more important? An education savings account that gives people $7 a year? That is lovely. Great. But what does it mean if they lose the child for whom they are saving this money?

This is in many ways, yes, an emotional issue. It is frustrating for so many of us.

Senator FEINSTEIN told you about the four commonsense gun control measures that were voted out of the Judiciary Committee and that passed on this floor. There was one more that requires the Federal Trade Commission and the Attorney General to study the gun industry's marketing practices for children. I think the American people would be stunned to know these manufacturers are now producing shocking pink guns and green guns and guns that look like camouflage. They are making real guns now look like toy guns. We used to have a problem with toy guns looking like real guns. Now they are making real guns look like toy guns. That needs to be studied, too.

This is an amazing place. I offered the simplest amendment to an appropriations bill that passed unanimously. All it said was, if you are obviously inebriated—in other words, drunk—you cannot walk into a gun store and buy a weapon. Talk about a no-brainer.

We already have a law that says if the vendor thinks you are high on drugs, you can't buy a gun. So we said: Gee, this must have been an oversight. And after a little bit of debate, the other side said: Oh, OK. That is fine. They asked if I thought there ought to be a breathalyzer test. No. Of course not; this is just common sense. If you walk in and you are, obviously, inebriated such that it is obvious to the vendor, he or she cannot sell you a gun. It passed unanimously. But something happened on the way out of the conference. When the bill came back—the appropriations bill for Commerce-State-Justice—guess what was missing? This amendment. A simple amendment such as that was dropped because the NRA didn't like it.

Let us not be vague about this. This is what it was.

We have to start thinking about the welfare of the people of this country, the welfare of the children of this country, the well-being of the families of this country, and the well-being of the students of this country ahead of some special interest group that has it in its head that because you would enact a few sensible gun control measures you are threatening the country. No one is threatening the country.

Our European friends look at us; they cannot believe it. Our Japanese friends look at us; they cannot believe it because of these rates of death.

To me it is not even common sense to argue with them that we are right and they are wrong. This is from 1996: New Zealand, 2 people were murdered by guns; in Australia, 13; in Japan, 15; in Great Britain, 30; Canada, 106 in that year; Germany, 213; and, in the United States, in that same year, 9,390 of us died by gunshot wounds.

What are we doing? Nothing is the answer. We are doing nothing because of a special interest that gives a lot of money.

This is a war that is going on in this country. In 11 years of the Vietnam war, which was a tragedy, 58,168 of our citizens were killed. Their families will never be the same and they have never been the same.

Mr. President, 58,168 of our brave men and women were killed in 11 years of the Vietnam war where this country came to its knees. Do you know how many gun deaths there were in America in 11 years? 396,572. Let me say that again: In 11 years of the Vietnam war, roughly 58,000 deaths; in 11 years of gun violence rampant in our country, 396,000-plus deaths.

Does it make any sense that our country would come to its knees over the Vietnam war—as we all did, whatever side one was on—and have the biggest debate we have ever had in the history of our country over a war—many Members got into politics because of that situation—and yet with 396,572 gun deaths in America over the same period of time we cannot get out of the conference committee five commonsense gun control measures?

It is not to be believed.

In 49 days it will be the 1-year anniversary of Columbine. In this sensible measure before the Senate, we are calling for the President, the Senate, and the House to work together and get these commonsense proposals into law. That must be the finish line. Mr. President, 49 days; that is a long time. It is enough time to do this job. After all, these proposals have gone through rigorous debate and they have passed.

It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in the schools.

Pretty simple.

I ask unanimous consent to have printed in the RECORD a listing of the recent school shootings in our Nation and, in addition, a list of the multiple shootings in general, in public places such as McDonald's.

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

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

RECENT SCHOOL SHOOTINGS

Date	Location	Deaths	Injuries
February 2, 1996	Moses Lake, Washington	3 (2 students; 1 faculty)	1 (student).
February 19, 1997	Bethel, Alaska	2 (1 student; 1 faculty)	2 (students).
October 1, 1997	Pearl, Mississippi	2 (students) (also killed mother at home)	7 (students).
December 1, 1997	West Paducah, Kentucky	3 (students)	5 (students).
March 24, 1998	Jonesboro, Arkansas	5 (4 students; 1 faculty)	10 (students).
April 24, 1998	Edinboro, Pennsylvania	1 (faculty)	
April 28, 1998	Pomona, California	2 (students)	1 (student).
May 19, 1998	Fayetteville, Tennessee	1 (student)	
May 21, 1998	Houston, Texas		1 (student).
May 21, 1998	Springfield, Oregon	2 (students) (also killed parents at home).	
June 15, 1998	Richmond, Virginia		2 (faculty).
April 20, 1999	Littleton, Colorado	15 (14 students; 1 faculty) (includes the shooters).	23 (students).
May 20, 1999	Conyers, Georgia		6 (students).
November 19, 1999	Deming, New Mexico	1 (student)	
December 6, 1999	Fort Gibson, Oklahoma		4 (students).
February 29, 2000	Mt. Morris Township, Michigan	1 (student)	

1999 MULTIPLE SHOOTINGS

January 14, office building, Salt Lake City, Utah: *1 dead; 1 injured.*

March 18, law office, Johnson City, Tennessee: *2 dead.*

April 15, Mormon Family History Library, Salt Lake City, Utah: *3 dead, including gunman (who was shot by police); 4 injured.*

April 20, Columbine High School, Littleton, Colorado: *15 dead, including the two teenage gunmen; 23 injured.*

May 20, Heritage High School, Conyers, Georgia: *6 injured.*

June 3, grocery story, Las Vegas, Nevada: *4 dead.*

June 11, psychiatrist's clinic, Southfield, Michigan: *3 dead, including the gunman; 4 injured.*

July 12, private home, Atlanta, Georgia: *7 dead, including the gunman.*

July 29, two brokerage firms, Atlanta, Georgia: *10 dead, including the gunman; 13 injured.*

August 5, two office buildings, Pelham, Alabama: *3 dead.*

August 10, North Valley Jewish Community Center, Los Angeles, California: *5 injured (postal worker killed later).*

September 14, West Anaheim Medical Center, Anaheim, California: *3 dead.*

September 15, Wedgwood Baptist Church, Fort Worth, Texas: *7 dead, including gunman; 7 injured.*

November 2, office building, Honolulu, Hawaii: *7 dead.*

November 3, office building, Seattle, Washington: *2 dead; 2 injured.*

December 6, Fort Gibson Middle School, Fort Gibson, Oklahoma: *4 injured.*

Mrs. BOXER. I am very proud that Senators came to the floor, with their

very busy schedules, on behalf of this amendment.

Again, I don't know whether the Republican side of the aisle will support this amendment. I hope they will. I cannot imagine why they would fail to support it. I want to have a vote on this. I want everyone to be on record. If they vote for this, they are saying that by April 20 we should have these proposals back before the Senate on the way to the President's desk.

How many more shootings is it going to take? How many more people have to write condolence notes or call parents and families? I trust, my friends, that we will not take any more time. We have done the heavy lifting. We have had the debate. We have had the Vice President in the Chair. He has cast the tie-breaking vote so that we can close the gun show loophole. God bless him for that. Without him in that Chair, that would not have happened. Closing that gun show loophole means people who are mentally imbalanced, people with a criminal record, people who are underage, will not get guns.

I could spend a long time on this floor reading more into the record about these instances that have occurred in our Nation, but I think I have said what I have to say. I trust the other side will not offer a second-degree amendment to this. I trust the other side will reach over and take the hand of those on this side of the aisle who believe it is important to work on this in a bipartisan fashion.

How much time remains of the 45 minutes?

The PRESIDING OFFICER. Two minutes and 40 seconds.

Mrs. BOXER. I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum with the time being counted equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I will use my leader time in discussing the Boxer amendment for a moment.

First, I came to the floor to commend Senator BOXER for her amendment and applaud her for her leadership in drawing attention once again to this very important matter. This amendment simply highlights the fact that students can't learn when they are afraid.

Why are they afraid? They are afraid because too many communities and too many children live worried that today's playground will be tomorrow's crime scene. This week's tragedy in Michigan is just one more bloody reminder of this phenomena.

As the President stated today, now is the time for us—for the Administration, for the Congress—to do its part to respond. So, I say with as much heartfelt emphasis as I can, now is the time for Congress to stop stalling.

It was on May 20 of 1999 that the Senate passed the juvenile justice bill. That was over 9 months ago. It was on June 17 of 1999 that the House passed the juvenile justice bill. That was over 8 months ago. After waiting weeks, on August 5 of 1999, almost 7 months ago, the juvenile justice conference had its first, and regrettably, only meeting.

We are still stalled, with a phantom conference, today. Stalled in that conference are measures that will help keep guns out of the hands of criminals and children, help keep schools safe, and provide some balance, some degree of confidence that children can go to school more safe and more secure than they are today.

What are we talking about? We are talking about handgun safety locks, something that could have easily helped this week. We are talking about a measure to close the gun show loophole. We are talking about a juvenile Brady bill. And we are talking about the banning of the importation of high-capacity ammunition clips, once and for all. That is what we are talking about.

On virtually every one of these issues, the overwhelming majority of the American people said: Why didn't you do this last year or years before? Why is it now, the year 2000, 9 months after the Senate began this debate, and we still have yet to act? How many more children must die? How much more must we and the American people endure? We need to stop listening to narrow special interests and pass these commonsense gun safety measures now.

The tragedy in Michigan should shock us all into action; although Columbine and Jonesboro, and countless other shootings have not seemed to prompt Congress into action. Just think, a 6-year-old girl lost her life, lost her life, because a young boy, who probably still doesn't understand the consequences of his act, had access to a deadly weapon. The truly sad fact is these tragedies happen every day in this country and do not generate the news attention this particular incident did. If they did, we would all be in the Chamber today. If we had a daily roll-call of those who no longer are living as a result of our inaction, we would all be called to action. Thirteen children under the age of 19 are killed with guns every single day, and other children suffer from witnessing those deaths and fearing for their own lives.

I just listened to the letters by children read by Senator FEINSTEIN. All you have to do is listen to one of them. All you have to do is imagine a child sitting down writing that letter. A child should be writing about baseball and soccer and all the good things that happen in school. But they are writing about fear. They are writing about guns. They are writing about violence. They are writing about death. I do not know how much more tragedy this country has to endure before Congress wakes up.

This amendment simply asks us to recognize we need to act now. This amendment should be more than just a sense-of-the-Senate resolution. It should be a call to action. Today, we lay down a marker that if by April 20, the anniversary of the Columbine tragedy, the Congress has not sent the President a juvenile justice bill that includes commonsense gun safety measures, we have failed. We have failed. That is what this amendment is all about. That is the endeavor in which I hope all my colleagues will join.

This does not have to be, and is not, a partisan issue. This is an education issue. It is a family issue. It is a life or death issue. I hope we all realize its consequences.

I yield the floor.

Mr. KENNEDY. Mr. President, it has been almost a year since the tragic shooting at Columbine High School. In literally dozens of cases since then, youths have brought guns to schools, and there have been at least four school shootings since Columbine. Yet in spit of wake-up call after wake-up call after wake-up call, Congress has failed to act.

It is time for Congress to finish the job we began last year and pass the gun control provisions in the juvenile justice legislation. Students, parents, and teachers across America are waiting for our answer.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from criminals and children.

We need to close the gun show loophole.

Above all, we need to require child safety locks on firearms, so that we can do all we can to prevent the senseless shocking first grade shooting that occurred two days ago in an elementary school in Michigan.

The Senate passed such legislation with overwhelming support last year. The House of Representatives also passed its own version of this legislation. It is time for House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

Every day we delay, this critical problem of gun violence affecting schools and children continues to fester. This is not a new problem, but as this week's events have shown, it is an increasingly serious problem, and Congress cannot look the other way and continue to ignore it.

The public overwhelmingly supports more effective steps to keep guns out of the hands of criminals and juveniles. We cannot accept ''NO'' for an answer from the National Rifle Association. It is long past time for Congress to face up to this challenge. The continuing

school shootings are an urgent call to action to every Member of Congress. Will we finally do what it takes to keep children safe? Or will we continue to sleepwalk through this worsening crisis of gun violence in our schools and our society?

The lack of action is appalling and inexcusable. Each new tragedy is a fresh indictment of our failure to act responsibly.

We have a national crisis, and common sense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress cannot enact this needed legislation now. This month the citizens of this country deserve better than what this do-nothing Congress has given them so far.

Mr. LEAHY. Mr. President, I support Senator BOXER's sense-of-the-senate amendment that Congress pass effective juvenile justice legislation by the one year anniversary of the Columbine High School tragedy—April 20, 2000. Unfortunately, the Senate-passed Juvenile Justice legislation has been languishing in a House-Senate conference for months.

Sadly, another school shooting is in the news. In Mount Morris Township in the State of Michigan, a six-year-old boy fatally shot a six-year-old girl at an elementary school. As a father and grandfather, it breaks my heart to hear about a first grader shooting one of his fellow classmates. And yesterday a deranged man shot five people in a McDonalds in Pittsburgh, Pennsylvania.

I have owned firearms for many years and often enjoy target shooting with my friends and family in Vermont. I understand that the vast majority of gun owners in Vermont and around the country use and enjoy their firearms in a responsible and safe way.

I am, however, deeply disturbed by the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, and Georgia is simply unacceptable and intolerable.

It pains me even more to now add the Michigan elementary school shooting to this growing list of schoolyard shootings. This tragic incident of school violence took the life of a 6-year-old, Kayla Rolland.

What we should be doing is redoubling our efforts to enact the Hatch-Leahy juvenile crime legislation and its sensible public safety provisions that passed the Senate last May with 73 votes. I do not fault Senator HATCH. I know that he is doing what he can on this and that he shares my frustration that the House-Senate conference committee has been stymied in our effort to report that measure back to the House and Senate for final passage.

I again urge the Republican leadership in the House and Senate to pass that bill without further obstruction and delay. Let the Congress act and do what it can to help end this senseless violence. Six-year-olds killing other 6-year-olds is unthinkable but now, tragically, all too real.

For more than two years, I have worked with other Senators to craft responsible and effective juvenile crime legislation to curb this senseless violence. Last May, the Senate passed the Hatch-Leahy juvenile justice bill, S. 254, by a strong bipartisan vote of 73–25.

Our comprehensive legislation provides states and local governments with resources to fund programs to prevent juveniles from committing crimes and to properly handle juvenile offenders if they commit crimes.

Our balanced approach to juvenile justice also includes provisions to keep children who may harm others away from guns. These provisions include: bans on the transfer to juveniles and the possession by juveniles of assault weapons and high capacity ammunition clips; increased criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans on prospective gun sales to juveniles with violent crime records; trigger locks to be sold with all handgun sales; background checks on all firearm sales at gun shows; and increased federal resources to enforce firearms laws by $50 million a year.

But the majority refuses to move ahead with final passage of a juvenile justice conference report. In fact, the majority even refuses to reconvene the House-Senate conference to meet to discuss the bill.

The members of the juvenile justice conference have met only once—on August 5, 1999. That one meeting of the House-Senate juvenile conference was more than six months ago.

It is shameful that the majority refuses to act upon a final juvenile justice bill. A bill that would help keep guns out of the hands of children and criminals, while protecting the rights of law-abiding adults to use and enjoy firearms.

Mr. ASHCROFT. Mr. President, I support the objective of the Senator from California that the Senate should do all it can to implement policies ''that will reduce the threat of gun violence in schools.''

I would like, however, to note that the amendment contains an erroneous factual finding. This amendment states that ''Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings and suicides.'' That is incorrect.

According to the 1997 statistics collected by the National Center for Health Statistics there were 4,205 firearms-related deaths of persons aged 0 to 19, 85 percent of whom were between the ages of 15 and 19. Thus, the daily average stated in this amendment is young adults and children under the age of 20, not under 18 as this amendment says.

Of course, this number is far too high regardless of whether it is young adults and children under 18 or under 20. It is a national tragedy either way, and the Senate should do all it can to reduce that number. I just want to make the record clear, consistent with my belief that the Senate has an obligation when it makes findings of fact to be accurate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the manager of the bill, the Senator from Georgia, has graciously agreed to allow 5 minutes of the time on this amendment to be yielded to the Senator from Virginia to speak on behalf of the Graham amendment which was a second-degree amendment to the Roth amendment.

Mr. ROBB. Mr. President, I thank the distinguished Senator from Georgia. Since I am, in effect, speaking for the other side, I am particularly grateful. I am in wholehearted support of the Boxer amendment. I commend the Senator from California for all she has done to raise our consciousness with regard to school violence, and the very difficult environment that is created for learning if we cannot guarantee our children go to their classrooms with relative safety.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2869

Mr. ROBB. Mr. President, I would like to spend a moment talking in support of my colleague from Florida, Senator GRAHAM, in his efforts to maintain at least a semblance of fiscal discipline at a time when many of our colleagues are thinking primarily about how to spend the surplus on new programs or major tax cuts. As the baby boomers head toward retirement, we have a responsibility to address their future needs. The current Social Security and Medicare programs simply are not equipped to handle our aging population. We need to strengthen these programs, but we cannot do that with our current national debt. Conventional wisdom has always been, in times of prosperity we save for the bad times. It is hard to fathom more prosperous times than we are currently enjoying. Yet we continue to avoid making tough choices that will prepare us for the future.

Until we muster the political courage to strengthen Social Security and Medicare, we need to focus on paying down the debt. There are three ways to pay for our priorities. We can borrow from our parents by using the Social Security trust fund, we can borrow from our children by adding to our Nation's debt, or we can pay for our priorities ourselves. In my view, the only responsible approach is to pay for our priorities ourselves. How can we even consider tax cut legislation that is not paid for when we have not even determined how much of the budget should be allocated to tax cuts?

We are still several weeks away from the actual debate on the budget resolution and even further away from an agreement. If we are going to vote tax legislation off the floor before the budget resolution is in place, it should be paid for. That is the only responsible thing to do.

Currently, the public debt is more than $5.75 trillion. In order to maintain this debt, we need to dedicate billions of dollars to making interest payments. Last year alone we paid over $230 billion in interest payments on the publicly held debt. Can you imagine what we could do if we were able to use even one-tenth of this money on our Nation's schools?

We can argue all day about the proper role of the Federal Government in public schools, but I assume we all agree something needs to be done. We owe it to our children to give them the best head start possible. Mr. President, $230 billion would go a long way toward solving this problem.

We need to remember that the surplus is what we have left over once we have met all our obligations. We have not yet decided what our obligations are, so how can we know how much our surplus is going to be and how much extra money we are going to have?

I urge our colleagues to support the Graham amendment when it comes up for a vote. I yield any time that may be allotted to me.

I thank the Senator from Georgia for his courtesy.

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

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

Mr. AKAKA. Mr. President, I rise to associate my remarks with those of my colleagues over the past few days while we have discussed S. 1134, the education savings accounts bill. I am pleased that education has been raised as a priority by this body. Education will continue to be a high-profile issue as we continue to work on the Elementary and Secondary Education Act, which the Health, Education, Labor, and Pensions Committee has started to markup. At this time, I would like to talk about a number of related issues that need to be addressed from the Federal level.

I began my career as an educator. I taught music, social studies, math, and other subjects in Hawaii's classrooms. I ran schools as a vice principal and principal. In my current position, I still come in direct contact with students who travel thousands of miles from my great State of Hawaii to tell me what is good and what is bad about their education. It is no surprise that the bulk of these students are in public school, since 90 percent of American students are served by the public school system. When I ask students what makes the biggest difference in how they learn, they talk about teachers who motivate and the commitment they put into subjects. When asked about how their education can improve, students lament the poor conditions of playgrounds and classrooms, overcrowding in classrooms, the lack of proper textbooks, and the need for more and better computers.

My colleagues have touched on these, and many other problems, as they debated amendments to S. 1134. I supported the amendment offered by my colleague from Virginia, Senator ROBB, which sought to authorize $24.8 billion in school modernization bonds and a $1.3 billion grant and zero-interest loan program for urgent school repairs. The modernization bonds would build or modernize 6,000 schools and the grant/loan program would finance about 8,300 urgent repair projects. Although states have addressed some of these needs, students are still learning in substandard conditions.

The Federal Government can assist with these projects. This has been acknowledged through the inclusion of a school construction provision in S. 1134. Unfortunately, this provision will only help a handful of schools in need, as opposed to the comprehensive assistance that would have been made available if the Robb amendment were adopted.

Regarding the conditions in Hawaii's schools, 73 percent need to upgrade or repair buildings to good overall condition, 57 percent have at least one inadequate building feature—such as a condition related to plumbing or electricity—and 78 percent report at least one unsatisfactory environmental factor such as poor air quality or ventilation. Because of Hawaii's temperate climate, we do not have to worry about having to heat our classrooms in the winter. However, we face other challenges such as corrosion due to the amount of salt in the air from the ocean. Funding in the Robb amendment would take into account the differences across states and provide assistance for the myriad of problems facing our schools.

The Campaign to Rebuild America's Schools tells me that Hawaii faces a $955 million cost for school modernization—nearly 80 percent for infrastructure and more than 20 percent of that for technology needs. The school modernization initiative would provide Hawaii's schools with $63 million to meet some of these needs. I will continue to work with my colleagues to pass this legislation.

I have also been a long-time supporter of class size reduction efforts. I voted for the Murray amendment, which would continue the help to communities to hire 100,000 quality teachers to reduce class size in lower grades. I was pleased to see the second installment of this initiative funded through last year's appropriations process, which will provide Hawaii with more than $6 million in fiscal year 2000. The President's budget request for fiscal year 2001 would increase this funding to Hawaii to more than $8 million.

Our students deserve the best possible learning environment. Larger classes of 30 or 35 students tend to be noisier, have greater potential to be disruptive, and provide less teacher time to each student, compared to classes with fewer students. Many students are struggling through courses, and some of this can be attributed to their presence in larger classes. Impending teacher shortages will compound this problem, as well as will record school enrollments that will only increase, into the new millennium. The class size reduction initiative would help mitigate these problems facing our school-age generations.

I support other amendments that were taken up and are anticipated to S. 1134, and I commend my colleagues for their work on this bill. These include Senator ABRAHAM for working to provide more computers and increased technology in classrooms and Senators GRAHAM and HUTCHISON for encouraging individuals to transition their careers into teaching. I also support Senator WELLSTONE in his ongoing effort to look at the levels and effects of child poverty.

Mr. President, I would like to make a final point about worthy legislation in this area. I have a bill, S. 1487, the Excellence in Economic Education Act, that would work to boost economic literacy in the country. I will not offer my bill as an amendment to S. 1134 at this time, but I intend to do so when the Elementary and Secondary Education Act comes before the Senate. In this debate about education, I must highlight the need for us to educate Americans, starting from a young age, about the importance of many aspects of economic education: personal finance, consumer education, entrepreneurship, career and retirement planning. It is important for our students to have a practical understanding of economics to help them in their daily lives, and my bill would help. It provides funding directly to the State and local level by giving grants to economic education councils and centers nationwide through the National Council on Economic Education. It also provides assistance on the national level to boost resources developed by the National Council that help states and schools teach economics to teachers and students. I hope that my colleagues will support my effort to pass this legislation during ESEA debate.

Mr. President, I am glad to have this opportunity to talk about the importance of education. We must continue to make significant investments in the future of this country, and we can accomplish this by magnifying the resources that we provide to education.

To finish my remarks, I would like to comment on one more thing that I hear

from Hawaii's students. I am frequently impressed by the thoughtful ideas and expressions of concern voiced by the young men and women I meet. Students talk about issues that are surprisingly values-based: the need to treat one another with kindness and respect. Or, as we say in Hawaiian, ''malama'': to take care of, to care for, or to support. With all of the tragic incidents at our schools, I hope that our students can achieve a better understanding of the value of human life so that these incidents can be reduced. America's youth should strive to understand why we must treat others as we would like to be treated. Some of this helpful dialogue is occurring naturally, initiated by the students themselves, in our schools. We must do what we can to support our young people as they tangle with these often overwhelming and disturbing issues.

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

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

Mr. COVERDELL. Mr. President, under the previous unanimous consent agreement, I believe a voting order has been established to begin at 2:15.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2870

The PRESIDING OFFICER. According to the understanding, there will be 2 minutes evenly divided before we vote on the amendment. The first vote is on the amendment of the Senator from Florida.

Who yields time?

Mr. COVERDELL. Mr. President, I ask unanimous consent that the prescribed time for debate before this vote be vitiated and we proceed with the vote.

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

The question is on agreeing to amendment No. 2870. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—25

Akaka	Dodd	Lieberman
Baucus	Graham	Mikulski
Biden	Hollings	Robb
Boxer	Inouye	Rockefeller
Breaux	Kerrey	Torricelli
Bryan	Kohl	Voinovich
Byrd	Lautenberg	Wyden
Cleland	Leahy	
Daschle	Levin	

NAYS—73

Abraham	Feinstein	McConnell
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Murray
Bayh	Gorton	Nickles
Bennett	Gramm	Reed
Bingaman	Grams	Reid
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Harkin	Sarbanes
Campbell	Hatch	Schumer
Chafee, L.	Helms	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Conrad	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Johnson	Specter
Crapo	Kennedy	Stevens
DeWine	Kerry	Thomas
Domenici	Kyl	Thompson
Dorgan	Landrieu	Thurmond
Durbin	Lincoln	Warner
Edwards	Lott	Wellstone
Enzi	Lugar	
Feingold	Mack	

NOT VOTING—2

McCain Moynihan

The amendment (No. 2870) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I ask unanimous consent that the votes on the Roth amendment, which will be next, and the Kennedy amendment be limited to 10 minutes.

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

Who yields time on the amendment?

AMENDMENT NO. 2869

Mr. ROTH. My amendment increases from $500 to $2,000 the annual ESA contribution. It makes the educational savings account permanent. It would make employer provided educational assistance permanent. It removes all tax increases and makes this a pure education tax cut bill.

America has waited for this education savings plan for 3 long years. This legislation brings it home today. My amendment makes sure it stays there for families, not just for today but for tomorrow and all the days that follow.

I yield the remaining time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2869. 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 Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—59

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

NAYS—40

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

NOT VOTING—1

McCain

The amendment (No. 2869) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2871

Mr. COVERDELL. Mr. President, I believe under the unanimous consent agreement, the next order of business is the Dorgan amendment. I have conferred with Senator DORGAN. He has agreed to a voice vote. I yield back the proponents' and opponents' time. I, of course, oppose the amendment.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 2871.

The amendment (No. 2871) was rejected.

Mr. WELLSTONE. Mr. President, may I ask one question? What happened to our 10-minute votes? Can we try to do these in 10 minutes?

AMENDMENT NO. 2872

The PRESIDING OFFICER. Under the previous order, the next amendment is the Kennedy amendment No. 2872.

Who yields time on the Kennedy amendment?

Mr. FITZGERALD. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are there 2 minutes to a side or 1 minute to a side?

The PRESIDING OFFICER. One minute per side.

Mr. KENNEDY. Mr. President, as we all know, there are scarce education resources. The Federal Government only

provides 7 cents out of every dollar. The question is: How are we going to use those scarce resources?

This amendment is basic and fundamental. It says we need a well-trained, qualified teacher in front of every classroom in America. That is what this amendment provides. We know we need 2 million teachers over the next 10 years. We are training 200,000. This last year, we employed 50,000 unqualified teachers.

The situation has become so desperate that the Wall Street Journal now shows the ad of Kelly Services which unveiled for the first time nationwide substitute teachers.

This amendment is simple. It provides assistance to local communities to recruit qualified teachers, provides current teachers with professional development, and it provides 200,000 new teachers a year with trained mentors. My amendment also holds States and schools accountable for the results.

This seems to be a wiser way to expend scarce resources than the underlying bill, and I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have several points to make. This amendment was laid down in the Health, Education, Labor, and Pensions Committee today. There are controversies. It embraces the idea of Federal intervention, but that will be settled in committee, A.

B, this is about the fifth time we have had to deal with an amendment that makes moot the entire debate we have had for the last week and a half because it removes the funding from the education savings account, sweeping away 14 million people, 20 million students who will benefit, and, more importantly, $12 billion in new resources that will be volunteered by these families for education.

We ought to do the same thing we have done with all these amendments that make moot the proposal for which we have been fighting. I will vote against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2872.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—39

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

NAYS—60

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

NOT VOTING—1

McCain

The amendment (No. 2872) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, there probably will not be any other votes until 6 or after. It has taken us an hour and 15 minutes to cast one 20-minute vote and two 10-minute votes. Both sides are really suffering from this. If it is a 10-minute vote, let's vote in 10 minutes.

If there is any remaining time on our side on the Boxer amendment, I yield it back.

The PRESIDING OFFICER. Time is yielded back.

AMENDMENT NO. 2874 TO AMENDMENT NO. 2873

(Purpose: To express the sense of the Senate on improving the learning environment by ensuring safe schools)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment to the Boxer amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 2874 to amendment No. 2873.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

AMENDMENT NO. 2874, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending second-degree amendment be modified to reflect a first-degree status and that the time restraints be limited to 10 minutes equally divided on both amendments, and following the use or yielding back of time the amendments be laid aside with votes occurring at a time to be determined by the two leaders and no second-degree amendments be in order to either amendment.

I further ask unanimous consent that the votes occur in relation to the Coverdell amendment to be followed immediately by a vote in relation to the Boxer amendment and that no other amendments relative to guns be in order other than the Durbin amendment which replaces the Reed amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I apologize to my friend, but I was preoccupied speaking to another Senator. We will have to go over the unanimous consent request again.

Mr. COVERDELL. Would my colleague like me to read the request again?

Mr. REID. Please.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending second-degree amendment be modified to reflect a first-degree status and that the time restraints be limited to 10 minutes total, equally divided, on both amendments. That means we

would each have 5 minutes before our amendment. And following the use or yielding back of time, the amendments be laid aside with votes occurring at a time to be determined by the two leaders and no second-degree amendments be in order to either amendment.

I further ask unanimous consent that the votes occur in relation to the Coverdell amendment to be followed immediately by a vote in relation to the Boxer amendment and that no other amendments relative to guns be in order other than the Durbin amendment which replaces the Reed amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended. What the Senator from Georgia has read is just fine, but due to the grace of the Senator from California, she has agreed to allow Senator BINGAMAN to offer the Kennedy amendment next. That would be the next amendment that would be offered. Senator BINGAMAN has asked for 8 minutes on his side.

After that, for the information of other Senators, following that will be, of course, the Feinstein amendment. Senator FEINSTEIN has been here all day waiting to offer her amendment. After that, Senator LANDRIEU; Senator LANDRIEU is going to make a statement for approximately a half an hour. She will not require a vote, she has indicated to us. Following that, there would be an amendment by Senator JOHN KERRY, and he has asked for 7 minutes on his side. Following that, would be Senators SCHUMER, BOXER, DURBIN, and WELLSTONE.

Mr. COVERDELL. I have no objection. That is basically just embracing the order of amendments on the other side.

Mr. WELLSTONE. Mr. President, reserving the right to object, I want to be clear that I will have a second-degree amendment to the Feinstein amendment.

Mr. REID. You have a right to do that.

Mr. COVERDELL. Mr. President, I suggest that the unanimous consent request be so modified.

The PRESIDING OFFICER. Is there objection to the request being so modified? Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring and Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

Mr. COVERDELL. Mr. President, I suggest to anybody trying to figure out their schedule that we are not likely to see any votes until 6 or after. We would begin with the Coverdell-Boxer amendments and then follow down the amendments as enumerated by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2875

(Purpose: To increase funding for Federal Pell Grants)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator REED, and Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. KENNEDY, for himself, Mr. BINGAMAN, Mr. REED, Mr. FEINGOLD, and Mr. WELLSTONE, proposes an amendment numbered 2875.

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

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

The amendment is as follows:

Strike section 101 and insert the following:

SEC. 101. FEDERAL PELL GRANTS.

There are appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator WELLSTONE be added as a cosponsor of the amendment.

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

Mr. BINGAMAN. Mr. President, I yield myself 4 minutes of the 8 minutes allocated for advocating this amendment. Then I will defer to Senator FEINGOLD.

This amendment is very straightforward. It would provide an additional $1.2 billion for the Pell Grant Program. I think all of us who have paid any attention to Federal support for education know that the one program that is most helpful to those trying to go to college in our States is the Pell grant. We have a great many young people in this country—and some of them not so young—who are taking advantage of this program. In fact, we have nearly 4 million people in this country who receive Pell grants every year. The average size of those Pell grants this year will be a little over $2,000. This amendment says, let's take the funds that were otherwise provided as a $5-per-student tax benefit in this pending bill and increase by $400 the maximum grant for Pell grants. The current limit on what can be provided in the Pell grant is $3,300 per year. We say, let's raise that to $3,700 per year.

Now, most students don't get that maximum amount, but we want to have the opportunity there for them to get the maximum amount, if possible. The estimate we have is that, today, the maximum grant permitted under the Pell Grant Program is 86 percent of the 1980 value of the Pell grant in constant dollars. The simple fact is that we are not keeping up with the increase in the cost of higher education. We used to provide substantial support by providing grants and much less in the way of loans. In the time I have been in the Senate, we have seen that change dramatically. Now we provide loans but little in the way of grants. This amendment would help to correct that to some small degree. This is very meaningful for my State. Over $64 million, this year, goes to Pell grants, and that amount would increase if the amendment I have offered on behalf of Senator KENNEDY and the other Senators is accepted.

The average family income for families whose children are taking advantage of the Pell Grant Program is $14,500 a year. So if a Senator is concerned about getting the money to where it is most needed—to the families who most need that money for education—this amendment will do that. It takes money that otherwise is being spread to many people who are much better off than that and concentrates it where the families need it the most—in this case, the families who are eligible for Pell grants.

This $400 increase will translate into 96,000 new recipients of Pell grants this next year. In May of 1999, the Health and Education Committee that Senator JEFFORDS heads and of which Senator KENNEDY is the ranking member passed a bipartisan resolution to increase the basic Pell grant by $400, which is exactly what this amendment does.

We have a chance with this amendment to make good on that promise with real money for a change and not just a resolution. I urge my colleagues to vote to put aid to needy college kids ahead of the tax breaks that are provided in this bill for families or individuals who are much better off.

Mr. President, I yield the remainder of my time to Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment of Senator BINGAMAN and Senator KENNEDY to raise the maximum individual Pell grant to $3,700, an increase of $400.

Higher education is one of the most vital keys to open the door to success in this country. Without a college degree, or significant postsecondary education, it is a lot harder to find a successful path through today's labor market. Without Pell grants, many individuals simply can't consider college. Without a college degree or serious postsecondary training, some employers won't consider hiring these individuals.

In general, workers with a bachelor's degree are much better off financially compared to less-educated workers. In 1998, the average male college graduate earned about 92 percent more than the average high school graduate.

While I commend the supporters of this legislation for their desire to promote increased access to an affordable higher education, I think their approach is seriously flawed. Specifically, I take exception with those who believe that the education IRA component of this legislation is the best way to help increase accessibility to affordable education. Instead of helping those truly in need, as Senator BINGAMAN has said, this provision would disproportionately help the most affluent families and provide little or no assistance to low- and middle-income families.

A Treasury analysis concluded that 70 percent of the tax benefits from this provision would go to the top 20 percent of all taxpayers. Now, in sharp contrast to these targeted tax breaks, Pell grants provide essential financial assistance to those who are truly in need. Unfortunately, the individual Pell grant award has not kept pace with the rising cost of a postsecondary education. In fact, I have been told that the maximum Pell grant has declined in constant dollars by 14 percent over the last 20 years.

This decline is even more significant when we look at the rising cost of a college education. Over the past 10 years, tuition alone has increased by 41 percent at 4-year private colleges, and 53 percent at 4-year public colleges and universities. What is even more troubling about the trends of increasing tuition and decreasing grant value is how students, especially low-income students, make up the difference between aid and tuition. Because of a decreasing real value of assistance, such as the Pell grant, more and more students are relying on debt to finance their college education. Last year alone, the number of students who took out non-Federal loans increased by 25 percent. These loans inevitably are, in large part, the reason students are leaving college with more and more debt every year.

One of the other concerning trends is the emergence of a widening educational gap between the rich and poor. Statistic after statistic illustrates that students from low-income families are pursuing a postsecondary education at a much lower rate than individuals from upper- and middle-income families. By supporting an increase for the Pell Grant Program, Congress has a chance to address this growing disparity. After all, Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it.

The Pell Grant Program is vital to paving the way to an affordable higher education. I look forward to working with my colleagues to support a real increase in the individual Pell grant award. I thank my friend from New Mexico for his leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Your side had 8 minutes?

Mr. BINGAMAN. Yes.

Mr. COVERDELL. I will keep my remarks within that same constraint.

Let me say that every year since the Republicans gained the majority we have worked to increase the maximum Pell grant. For more than 7 years, the Pell grant maximum fluctuated between $2,300 and $2,400. Last year, the President's budget cut the Pell grant. But we have been dedicated on this side.

This is about the seventh time I have lost track of an amendment that has come from the other side. They may have a laudable goal, but the underlying goal is to make moot the central premise of the legislation we are discussing, which is to allow families to set up education savings accounts.

If you take the amendment the way it is constructed, it obliterates the possibility to set up these education savings accounts, which means 14 million people will not set up an account who otherwise would. Of the 20 million children in school, almost half the population will not be beneficiaries of the account that otherwise would. But, more importantly, $12 billion that would be accumulated voluntarily in these accounts to help education at every level—kindergarten through college—would go away similar to snuffing out a candle. It makes no sense to do that.

The Senator from Wisconsin cited statistics from the Treasury Department that we can't get but the Joint Tax Committee finds incorrect, which is that 70 percent of all benefits from these savings accounts will go to families making $75,000 or less.

I will tell you why that is undoubtedly the correct analysis—because the people who would open these savings accounts are identical by criteria to those who can open up the college savings account the President and the Congress passed several years ago. It is identical. The same families who can use those accounts are the ones to whom these accounts would apply. I don't think the President or the Congress passed an education savings account for people driving around in black limousines. It was means tested to help the middle class or less, and the identical means testing applies to this amendment that this amendment would obviate.

I yield the floor. I believe the next order of business is Senator FEINSTEIN.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on the amendment that was just offered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the pending amendment is a set-aside.

Mr. REID. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

The Senator from California.

AMENDMENT NO. 2876

(Purpose: To provide for achievement standards and assessment of student performance in meeting the standards)

Mrs. FEINSTEIN. Mr. President, on behalf of Senators SESSIONS, BYRD, and LIEBERMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN) for herself, and Mr. SESSIONS, Mr. BYRD, and Mr. LIEBERMAN, proposes an amendment numbered 2876.

Mrs. FEINSTEIN. 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 appropriate place, insert the following:

SEC. ___. ACHIEVEMENT STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE.

In order to receive Federal funds under the Elementary and Secondary Education Act of 1965 each local educational agency and State educational agency shall—

(1) require that students served by the agency be subject to State achievement standards in the core curriculum, to be determined by the State, for all elementary through secondary students; and

(2) assess student performance in meeting the State achievement standards at key transition points, such as grades 4, 8, and 12, before promotion to the next grade level.

SEC. ___. POLICY PROHIBITING SOCIAL PROMOTION.

(a) POLICY.—No education funds appropriated under the Elementary and Secondary

Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

(b) DEFINITION.—In this section, the term ''practice of social promotion'' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

(c) WAIVER PROHIBITED.—Notwithstanding any other provision of law, the Secretary of Education may not waive the provisions of this section.

Mrs. FEINSTEIN. Mr. President, today Senators SESSIONS, BYRD, LIEBERMAN, and I are offering an amendment to address one of the most significant detriments to good education in our public schools. That is the practice of passing children on to the next grade regardless of whether they make passing grades. It is called social promotion. While this practice may be politically correct, it has, I believe, become the single most important factor leading to the decline in quality of public education in America.

Under our amendment, in order to receive Federal funds, States would be required to prohibit the practice of social promotion and adopt achievement standards in the core academic subjects. Decisions about how to implement a nonsocial promotions policy would be left to the States and localities.

Implicit in the amendment is that remedial education is necessary and can be provided through a number of different Federal, State, and local sources.

This amendment is carefully written so that implementation is left with State and local governments. For example, State and local officials would decide all specifics of promotion policy and the criteria for passing and holding back students, achievement standards, subjects that constitute the core curriculum, grades when students would be tested, grading methods, testing methods, and remedial education.

The amendment defines social promotion as a formal or informal practice of promoting a student from the grade for which the determination is made to promote or not to promote to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

The amendment covers elementary through secondary grades—grades 1 through 12. It is carefully crafted so that reform changes could be made incrementally, grade by grade, or in any fashion the State or local school districts see fit.

Social promotion misleads our students, their parents, and the public. Even educators have concluded that it doesn't work.

Let me give you the conclusion of a study conducted by the American Federation of Teachers. I quote:

Social promotion is an insidious practice that hides school failure and creates problems for everyone: For kids who are deluded into thinking they have learned the skills to be successful, or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation; and for society that must deal with the growing proportion of uneducated citizens unprepared to contribute productively to the economic and civic life of the nation.

The American Federation of Teachers has said that social promotion is rampant and that only 22 States have standards in the four core disciplines of English, math, social studies, and science that are well grounded in content and that are clear and specific enough to be used.

They surveyed 85 of the Nation's 820 largest school districts in 32 States representing one-third of the Nation's public school enrollment.

None of the districts in the AFT national survey has an explicit policy of social promotion. But almost every district has an implicit practice. According to the U.S. Department of Education, a third of students across the United States perform below the basic level of proficiency; 15 percent who graduate from high school cannot balance a checkbook or write a letter to a credit card company to explain an error on a bill.

Mike Wright, a San Diegan, told the San Diego Tribune he continued to get promoted from grade to grade and even graduated from high school even though he failed subjects. At the age of 29, he enrolled in a community college to learn to read.

Let me talk for a moment about social promotion in Los Angeles.

School officials decided they would end the practice. That is the good news. The bad news was that if it were done all at once, they found that one-half of the entire student population —350 students—would have to be held back. More than two-thirds of eighth graders would be flunked if social promotion were fully ended.

The problem was so massive that they have had to scale back their plans and implement the new policy more slowly. They have taken a multistep, phased-in plan, and this legislation is structured to give school officials the flexibility to do just that.

I would like to read a letter sent to me yesterday from the superintendent of that school district, a man who was superintendent of public instruction when I was mayor of San Francisco and whom I respect greatly. He points out:

One of the solutions is to institute an intensive program of standards-based promotion, eliminating the dastardly practice of social promotion that has advanced the student from one grade to the next without having learned what was required in his current grade. In its initial phase, we are targeting the second and eighth grade and focusing on reading, because that is the foundation of all learning. Our program is very practical in design, and is based on classroom space, materials, professional development, and the availability of staff.

It would be my proudest hope that we can and will provide the education for our children of poverty that they deserve. These are the disadvantaged, who in this district are predominantly children of color. I see the end of social promotion as a way to ensure that all children will have the basic skills to become contributing Members of their community.

The Governor of California, Gov. Gray Davis, has endorsed our amendment. In a February 29 letter to me he wrote:

I write to express my support for your amendment that provides for achievement standards, assessment of student performance in meeting those standards, and an end to the practice of social promotion. As you know, improving education in California is my first, second, and third priority. Last year, I sponsored the California Public Schools Accountability Act which established a comprehensive high stakes school accountability system, the various components of which will be phased in over the next several years. Your amendment will provide an added impetus to reinforce our State's commitment to ensuring the achievement of all students.

Mr. President, at least half of my State's 5.6 million students perform below their grade level. California ranks 36th out of 39 States in fourth grade reading proficiency, 32nd out of 36 States in eighth grade reading proficiency, 41st out of 43 States in fourth grade math performance.

Let me speak about Chicago, the major city of the Presiding Officer. On June 1, I took a group of top-level California educators and experts to Chicago and spent the day discussing what was being done. In Chicago, they have abolished social promotion. They have established content standards. They test student performance in meeting the standards. They have adopted a core curriculum, teacher lesson plans. They evaluate schools on a regular cycle. They intervene with failing schools. They have performance criteria for teachers and principals and they put in place extensive remedial and afterschool programs providing the very necessary help for struggling students. The Chicago school district is 90 percent minority and 90 percent poverty.

If it can be done in Chicago, it can be done everywhere else. The results are there: Reading, up 12 percent; math, up 14 percent. Scores are improving.

Chicago stands as an example, but it takes political will and courage to make these changes. Our legislation provides the incentive.

I yield 10 minutes to my cosponsor, the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from California and appreciate being able to work together with the Senator on this

important piece of legislation and with the others who are cosponsoring it.

I think this Senate will come together, both sides of the aisle. The time has come. We know social promotion, the concept of moving kids along when we have failed to make sure they have learned the basics of the course level in which they should be operating, is the wrong thing to do. I believe that very strongly. I think the American people understand it and care about it.

We need to identify, at the earliest possible time, children who are falling behind. If we do not have a core curriculum, if we do not have standards, and we cover up or we deny what is happening when we know students are not getting the required amount of knowledge in school, it is time to confront this.

In some ways we are utilizing that psychiatric principle called ''enabling.'' We are enabling bad behavior to successfully continue unacceptable behavior, unacceptable performance by a school system, unacceptable performance by students.

It is time to confront that, not because we want to be mean or harsh but because we love these children. We care about the children. If we love them and if we care about them, we will set reasonable and tough standards; we will insist they adhere to them. When we find out they are not consistently adhering to them, we find ways to get them to the level they need.

Maybe their parents need to be more involved. Some say: I didn't know Billy was that far behind.

If we end social promotion, they will know; if there is testing, they will know. Maybe they need a member of the family to help with the homework. Maybe a tutor would be appropriate. Something has to be done. The school systems are going to have to participate better, also.

We had an incident in Alabama not long ago where a former all-pro football player could not pay his child support and could not get a job. He said the reason he couldn't get a job was because he couldn't read and write.

Such a sad statement. Too often in America we are passing kids along who have not learned how to read and write effectively. They are not going to be able to perform effectively in the commercial sector, and they are not going to be able to care for their families effectively.

Alabama has adopted one of the toughest programs in the Nation. The Fordham Foundation says it is the toughest. They have tested the 4th, 8th and 11th grades. We will do that this year. We want to know at what level the children are operating. A 60-person commission is undertaking right now a detailed study on how to implement the end of social promotion. It is something that ought to be done around this country. We want our education system in Alabama to be better. I want it to be better all over America. I know we can do that.

There are a number of things we have to recognize when we ask: Is this really a problem; do we need to confront this?

American 12th graders rank 19th out of 21 industrial nations in mathematics achievement and 16th out of 21 nations in science. Our advanced physics students rank dead last.

Since 1983, 10 million Americans have reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math. Almost 25 million have reached the 12th grade not knowing the essentials of U.S. history.

In 1992, a Department of Education survey found between 21 and 23 percent—more than 1 out of 5—or 40 million of the 191 million adults in this country were in the bottom 5th of literacy assessment proficiency categories.

We are saying we do care about education. That is not always reflected in how much money we spend. I hope we can continue to spend more. We increased the budget this year substantially over last year, and we will increase the education budget next year.

Kansas City brought their per pupil spending up to $11,700 and brought down the student teacher ratio to 13–1 without seeing any increase in test scores.

What is it that we are about? I think children respond to challenges. I think children reach up to the level they are asked to reach, that they are expected to reach. If we set reasonable standards and we challenge students to meet them, and the teachers are motivated to make sure the children reach certain standards, and parents get engaged because they know what the tests are going to be like and they want to be sure their children meet those standards, this will increase learning more in this country than any other thing we can do.

I am pleased to support this legislation with the Senator from California. I think it will have broad support in this body.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). Who seeks recognition? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do my colleagues have?

The PRESIDING OFFICER. The Senator from California controls 13 minutes. The opposition has 30 minutes.

Mr. WELLSTONE. Mr. President, I shall not take all my time. I will be interested in hearing from my colleagues. Then I will have a second-degree amendment after this debate is over.

I hope Senators will look at the empirical evidence. I appreciate the sentiment behind this amendment, but I think it is profoundly mistaken. Part of the language reads:

> No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

Then it goes on to be a definition.

I want my colleagues to carefully examine the evidence. I want to offer a second-degree amendment which says these provisions would apply as long as we make sure every child has the same opportunity to learn.

We had testimony in the HELP Committee from Dr. Hauser, who is a professor of sociology at the University of Wisconsin at Madison. He has received numerous awards. He also serves on the Board of Test and Assessment for the National Research Council. He is a prolific writer, a very key researcher in the field.

Can I summarize his findings? His findings related to social promotion:

> Students who have been held back typically do not catch up. Low-performing students learn more if they are promoted even without remedial help than if they are held back. Students who have been held back are much more likely to drop out before completing high school. The long-term costs of holding students back are high to students and to school systems. The negative effect of holding students back are often invisible to those who make retention decisions because they occur many years later.

I now wish to move on to some of the critical findings. There is abundant evidence which shows that this practice of high stakes testing and holding kids back as young as age 8 has not only been unsuccessful but it is also harmful. It is ethically questionable, basically, to experiment with our children. I am going to cite evidence. Maybe my colleagues can refute it. I am not sure they can.

First of all, low-achieving students do better academically if they move forward with their peers rather than if they are held back. Dozens of studies over the past two decades have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school. That is the evidence.

I quote from ''Using Standards and Assessments To Support Student Learning,'' Linda Darling-Hammond and Beverly Falk. Linda Darling Hammond addressed our caucus. She is a distinguished professor at Stanford University. This piece was in the Phi Delta Kappan, November 1997. A scientific review of 63 controlled studies of grade retention through the mid-1980's revealed that 54 of the 63 yielded overall negative effects of retention.

The best of these studies have shown the negative effects of retention. The authors concluded that ''[o]n average, retained children are worse off than their promoted counterparts on both personal adjustment and academic outcomes.''

I am just giving my colleagues the evidence.

Ignoring educational research, too many of us and too many school districts have continued to hold out retention as educational reform instead of the failed approach that it is.

In Chicago, they tried to do this in the 1970s and 1980s, and it failed. Then

they decided to do it again. Here is some of the data that is now forthcoming:

In 1998, researchers Ann McCoy and Arthur Reynolds at the University of Wiconsin-Madison completed longitudinal studies on the population of the Chicago students retained in grade. Their report, cited above, found ''[f]or all achievement comparisons, retained children consistently underperformed their promoted [low-achieving] peers, and usually significantly. No positive effects of grade retention were detected.''

There is no evidence that this works.

They concluded that grade retention is, at best, an insufficient intervention strategy for promoting student achievement and, at worst, it impeded children's academic success and should be substantially modified or replaced by programs and policies which demonstrate effectiveness . . .

On January 21, 1999, the New York Times reported that a whopping 5,500 Chicago students are repeating the third grade and 964 are repeating the third grade for a second time.

The Washington Post reported on August 1, 1999, that 1,300 15-year-old Chicago students were sent to ''academic halfway houses between the eighth and ninth grades'' because of failing scores.

The evidence from all of the studies is that retention leads to increased school dropouts. ''Researchers at the University of Wisconsin also found that 30 percent of those who were retained dropped out of school compared to 21 percent of those students who were not,'' controlling for academic ability; thus, there was a 42-percent increase in dropping out. That is from a piece titled ''Grade Retention Doesn't Work,'' Arthur Reynolds, Judy Temple, Ann McCoy, Educational Week, September 17, 1997.

The August 21, 1999, New York Times reported preliminary results showing that 35 to 40 percent of the third, sixth, and eighth graders who took standardized tests at the end of mandatory summer school in New York City had failed to make the required score . . . Predictions are that many other students will be held back.

Chicago showed similar results following mandatory summer school during its first 2 years. Summer school has not moved a large extent of these low-achieving students to acceptable levels of performance. They are held back, and when they are held back, they do not do better; they do worse.

Research does show that there are preventive measures that do work, that if you put the emphasis—are we surprised?—into early childhood development, it makes a huge difference.

Researchers found preschool participation was associated with a 24-percent reduction in the rate of school dropout and that participation for 5 or 6 years was associated with a 27-percent reduction in the rate of early school dropout . . .

My second-degree amendment, which we will get to, says that the provisions of this section will not apply to any child who was not afforded by the State educational agency or the local educational agency an opportunity to learn the material necessary to meet the achievement standards. I do not know how colleagues can be opposed to it. I hope we will put the two amendments together.

When I offer the second-degree amendment, I will list specifically what I have in mind. Again, I have cited study after study which shows retention has not worked. I have cited study after study which show it leads to increased dropout. I have cited study after study by the best people in the country, including those who testified before our committee and addressed our own Democratic caucus, that this is a mistake. Then what I said is, at least let's make sure these children have the same opportunity to achieve these results, to pass these tests, before we make this operational.

I will yield the floor and listen to my colleagues, but when we look at what is going on with these tests and the assessments, I hardly think retention has been a successful strategy.

I ask unanimous consent that a letter from the NAACP Legal Defense and Educational Fund, which is adamantly opposed to the direction of this amendment, be printed in the RECORD.

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

SEPTEMBER 1999.

NAACP LEGAL DEFENSE & EDUCATIONAL FUND OPPOSES ''QUICK FIX'' REPEAT-A-GRADE POLICIES FOR LOW-ACHIEVING STUDENTS BECAUSE ABUNDANT EMPIRICAL RESEARCH SHOWS GRADE RETENTION TO BE UNSUCCESSFUL AND EDUCATIONALLY HARMFUL, LDF CALLS FOR HIGH QUALITY, EARLY AND COMPREHENSIVE EDUCATIONAL INTERVENTIONS

So-called ''end social promotion'' proposals to require schools to hold low-achieving students back in grade until they meet certain standards—often an arbitrarily set score on a standardized test unrelated to instruction provided in the classroom—have been gaining popularity recently as a viable instrument of school reform. Chicago leads the list of school districts that have recently adopted retention-in-grade policies. This approach unquestionably is targeted primarily for disadvantaged youth in failing schools. But retention in grade is not new. Despite its apparent drawing power, districts that have recently embraced, such as Chicago and New York City, often have a record as recent as the 1980's of trying it and abandoning it—for good reason. They learned that holding children back in grade decreased achievement and increased drop outs.

Numerous empirical studies establish that in the vast majority of cases, retention causes serious harm to those who are retained. Thus, current efforts to promote retention-in-grade as a sound and useful educational practice warrant strong opposition. Where abundant evidence shows that an educational practice is not only unsuccessful but also harmful, it is at best ethically questionable to continue to experiment with it on children.

For students who are facing learning difficulties, LDF calls instead for interventions that have shown promise such as high quality early childhood education, increased instructional time, high quality teaching, standards and corresponding curricular materials, smaller classrooms, parental involvement programs, and adequate resources.

Large numbers of children, especially minorities and the poor, are retained in grade now. While there are no national statistics on the numbers of children retained in grade, available data show that ''among children who entered school in the late 1980's, 21 percent were enrolled below the usual grade at ages 6 to 8; 28 percent were below the usual grade at ages 9 to 11; 31 percent at ages 12 to 14; and this rose to 36 percent at ages 15 to 17 . . . [M]inorities and poor children are the most likely to be held back . . . by ages 15 to 17, 45 percent to 50 percent of black and Hispanic youth are below the expected grade levels for their ages.'' (''What if We Ended Social Promotion?'' Robert M. Hauser, *Education Week*, April 7, 1999.) General estimates are that by the time children reach the third grade, one in five has been retained. (''Grade Retention and School Performance: An Extended Investigation,'' Ann McCoy and Arthur Reynolds, Institute for Research on Poverty, University of Wisconsin-Madison, 1998). In large, urban districts upwards of 50 percent of the students who enter kindergarten are likely to be retained at least once before they graduate or drop out. (''Retention Policy,'' Nancy R. Karweit, *Encyclopedia of Educational Research*, Vol. 3, 6th Edition, 1992.)

Low-achieving students do better academically if they move forward with their peers than if they are held back. ''Dozens of studies over the past two decades have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school.'' (''Using Standards and Assessments to Support Student Learning,'' Linda Darling-Hammond and Beverly Falk, *Phi Delta Kappan*, November 1997.) A scientific review of 63 controlled studies of grade retention through the mid-1980's revealed that 54 of the 63 yielded overall negative effects of retention, and the best studies showed the largest negative effects of retention. The author concluded that ''[o]n average, retained children are worse off than their promoted counterparts on both personal adjustment and academic outcomes.'' (''Grade Level Retention Effects: A Meta-Analysis of Research Studies,'' (C.T. Holmes, in *Flunking Grades; Research and Policies on Retention*, eds, L.A. Shephard and M.L. Smith, 1989).

Ignoring educational research, politicians and school districts continue to hold out retention as a promising educational reform, instead of the failed approach that it is. Ironically, despite research showing that retention failed to improve academic achievement in the Chicago Public Schools in the 1970's and 1980's, in 1996, Chicago again adopted a strict retention in grade program for students in the third, sixth, eighth and ninth grades. Those who fail to make a set score on a norm-referenced, standardized test, the Iowa Test of Basic Skills, are held back.

In 1998, researchers Ann McCoy and Arthur Reynolds at the University of Wisconsin-Madison completed longitudinal studies on populations of Chicago students retained in grade. Their report, cited above, found, ''[f]or all achievement comparisons, retained children consistently underperformed their promoted [low-achieving] peers, and usually significantly. No positive effects of grade retention were detected.'' They concluded that grade retention is at best an insufficient intervention strategy for promoting student achievement . . . [and] [a]t worst, grade retention impeded children's academic success and should be substantially modified or replaced by programs and policies with demonstrated effectiveness.'' Chicago presses ahead nonetheless. On January 21, 1999, *The New York Times* reported that a whopping 5,500 Chicago students are repeating the third grade and 964 are repeating the third grade for the second time. *The Washington Post* reported on August 1, 1999, that 1,300 15

year old Chicago students were sent to ''academic halfway houses between the eighth and ninth grades'' because of failing scores.

Retention leads to increased school drop outs. Researchers at the University of Wisconsin also found that 30 percent of those who were retained dropped out of school compared with 21 percent of those students who were not. Thus, retention was associated with a 42 percent increase in dropping out. (''Grade Retention Doesn't Work,'' Arthur Reynolds, Judy Temple, and Ann McCoy, *Education Week*, September 17, 1997.) A 1996 study found that only 24 percent of retained students in their study graduated compared to 52 percent of their low-achieving peers. (''Is Grade Retention an Appropriate Academic Intervention? Longitudinal Data Provide Further Insights,'' S.R. Jimerson and M.R. Schuder, June 1996.) In 1994, a large-scale, longitudinal study with extensive statistical controls, including test scores, examined the effect of grade retention on 5,500 students whose school attendance was followed from 1978-79 to 1985-86. That study found that students who were currently repeating a grade were 70 percent more likely to drop out of high school than students who were not (Douglas Anderson study, cited in Hauser above.) A similar study conducted in 1998 using longitudinal data for almost 12,000 students and controlling for academic achievement, including test scores and grades, found that being held back before the 8th grade increase the relative odds of dropping out by the 12th grade by a factor of 2.56. (R.W. Rumberger and K.A. Larson, *American Journal of Education*, 1998).

LDF urges comprehensive approaches to improve the academic performance of low-achieving students. LDF recognizes that the problem policy makers attempt to address with retention is a difficult one. What can we do to improve the academic achievement of students who are performing at low levels? Simply moving them on the next grade is not the answer. LDF supports an approach that keeps students in age-appropriate settings while providing immediate and intensive interventions to help them master the necessary skills.

Some lessons are evident from recent experience, such as the fact that summer school alone is insufficient. The August 21, 1999, *New York Times* reported preliminary results showing that approximately 35–40 percent of the third, sixth and eighth graders who took standardized test at the end of mandatory summer school in New York City had failed to make the required score. School Chancellor Rudy Crew is quoted as saying, ''It's that absolute. I am not letting kids go forward if they did not pass the tests.'' Predictions are that many thousands of students will be held back. Chicago showed similar results following mandatory summer school during its first two years. Clearly, summer school alone is not effective in moving a large percentage of low-achieving students to acceptable levels of performance.

Research does show that preventative measures are critically important. A recently completed longitudinal study of the Chicago Child-Parent Center program showed very positive results. The program provides child education and family support services from preschool through second or third grade in 20 sites in Chicago's poorest neighborhoods. Researchers found that preschool participation was associated with a 24 percent reduction in the rate of school dropout and that participation for 5 or 6 years was associated with a 27 percent reduction in the rate of early school dropout, relative to less extensive participation. (''Can Early Intervention Prevent High School Dropout? Evidence from the Chicago Child-Parent Centers,'' Judy Temple, Arthur Reynolds, Wendy Miedel, August 1999.) Other studies have shown the benefits of quality teacher preparation and smaller class size. (''What Matters Most: Teaching for America's Future,'' Report of the National Commission on Teaching and America's Future, New York, 1996; Ronald F. Ferguson, ''Paying for Public Education: New Evidence on How and Why Money Matters,'' *Harvard Journal on Legislation*, Vol, 28, Summer 1991).

Stifling educational opportunities for thousands of low-achieving students by making them repeat a grade is not only unfair, it is unwise. LDF opposes punitive schemes that try to flunk our way our of the effects of failing schools instead of providing children with the means to experience the positive and continuous educational progress necessary to become productive citizens interested in life-long learning and self-improvement.

Mr. WELLSTONE. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I think Members can now see the Catch-22. Of course, retention without remedial education is not going to work, but there is not one who can say that our public education system is working with the policy of promoting youngsters even when they are failures, of never coming to grips with failure and then promoting them and graduating them when they cannot read or write, multiply, divide, add, recognize China on a map, or count change in their pocket. How do they get a job in the workplace of this new millennium? They do not.

That is why we have had employers come in to us and say: You have to raise the H–1B quota. We need more foreign nationals from other countries because we cannot hire public school graduates who can think, who can do what they need to do, and more and more employers have to provide remedial education which should be the job of the public school system.

I went to public school for all of my elementary school. There was a policy of no social promotion, and youngsters learned. There was remedial education. Districts are putting that back into play now.

We have different statistics. My staff yesterday talked with the superintendent of the Chicago school district, and these are the figures we were given:

No. 1, in 1996, 20.5 percent of students performed at or above national norms in 9th and 11th grade reading. In May of 1999, 32.5 percent of students performed at that level. That is a 12-percent increase in performance.

No. 2, he told us elementary reading scores are at their highest since 1990. In 1996, 26.5 percent of students were at or above national norms. In 1999, 36 percent were. That is up 10 percent.

No. 3, math scores are up, too. In 1996, 30 percent of children scored at or above national norms in elementary math. In May of 1999, they had risen to 44 percent. That is up 14 percent.

During this time, the very mayor who put this system into effect was up for reelection, and the people of Chicago reelected him. The day I was there, there was no question in my mind what parents thought about this program. They liked it. They wanted their children to learn, particularly parents of students of color. They know this is the only way their children are going to get the kind of education they need.

The President of the United States has called for ending social promotion. The Secretary of Education has prepared guidelines for educators on ending social promotion and guidelines for using Federal funds to adopt sound promotion policies.

In 1998, the California Legislature ended social promotion. Districts are now implementing it. For example, San Diego school officials will now require all students to earn a C overall average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades for high school graduation.

I have a hard time understanding how people can speak against having accountability and excellence as a goal in public education, how they can rationalize this to say that the system that has brought us to be the 39th among 41 industrialized nations in education is one that we should not change.

Studies show that title I moneys are not producing the dividends we had hoped they should. Better those funds be spent on remedial education for poor children, better they be spent in teaching youngsters the basic fundamentals than spent diffusely throughout school districts and not achieving any change.

Public education, as we know it today, is in deep trouble. The Achilles' heel of education is this path of least resistance: Simply promoting a youngster regardless of whether they are in school, whether they are a truant, whether they are getting Ds or Fs, and not worrying about it because next year the light may go on and they might learn. I think the facts are clear, the light does not go on.

I tell you, I do not buy this business about increasing dropouts because you work with them in remedial education. I do not buy that at all. I think that unless our schools have basic standards, hold teachers and students accountable for performance, public education, as we know it today, will simply continue to sink below the waves.

I am proud that the largest State in the Union has taken some steps. I think if we were to target and provide the incentive that title I moneys from the Elementary and Secondary Education Act would only go to schools that were willing to observe accountability, and were willing to put in remedial education, and were willing to see the grades mean something, and that students are able to master basic core fundamentals, we would have the enlightened workforce of the future, which would mean that we would not have to continue to increase H–1B

quotas to bring foreign nationals into this country to carry out some of the finest occupations we have that should be going to our own students.

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

Mr. WELLSTONE. Mr. President, how much time does my colleague from California have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. There is 15 minutes more in opposition under the control of Senator COVERDELL.

Mr. WELLSTONE. I think that is my time. I am the one opposing the amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I heard the Chair say that 15 minutes was controlled by Senator COVERDELL, but that is not the case. I think if you check with the Parliamentarian the time is controlled by whoever is in opposition to the amendment. At this time, that would be Senator WELLSTONE.

Mrs. FEINSTEIN. May I make a point of inquiry, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota is correct. He has 15 minutes more.

Mr. WELLSTONE. I thank the Chair.

Mrs. FEINSTEIN. Point of inquiry: How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mrs. FEINSTEIN. Six minutes. I thank the Chair.

Mr. WELLSTONE. Mr. President, first of all, it would seem to me that if we are talking about children doing well—and we want to look at the evidence about what makes for a good education and equal opportunity for every one of our children—then the second-degree amendment that I have to this amendment would be agreed to.

What I am simply saying with the second-degree amendment is: Let's make sure, in fact, every child has had the opportunity to learn the material that is necessary to meet the achievement standards. Don't we want to make sure that every child has had that opportunity?

I talk about how a child has to be taught by fully certified or qualified teachers as defined by the State; that the child's parents have multiple opportunities for parental involvement; that the child has access to high instructional materials; that the child has the opportunity to reach the highest performance level, regardless of income or disability; that the child receives the services for which the child is eligible under title I of the Elementary and Secondary Education Act; that the child receives proper bilingual education and special education services; and that the child has good early childhood development. Let's get real. If you do not do that, then we already know which children are going to fail. I am saying, before you start failing third graders and holding them back, let's make sure every third grader has the same opportunity to do well.

Does anybody on the floor of the Senate want to argue that you do not need to do that first? When Secretary Riley testified, he said: Yes. Let's have standards, but let's also make sure every child has the same opportunity to meet those standards.

This is incredible. We do not make the investment in early childhood development. We do not have the title I money. We do not put the money into bilingual education. We do not make sure these children have the same support services. We do not do enough to help children who are in some schools where they do not have the good teachers and they do not have adequate resources.

Without doing that, and without making that commitment to every child having the same opportunity to learn—it is called equity; it is called equality of opportunity—then what we do is we fail these students. And then we pound our chests and say: We're being rigorous, and we have done something good for these children. That is my first point.

My second point is, in all due respect, the superintendent from the Chicago schools can say one thing, but I say to the Senator from California and other Senators, I have come out on the floor and I have combined the best evidence of studies around the country.

Again, I go to Robert Hauser, who is an acknowledged expert. He testified before our HELP Committee. Here are what his findings were related to retention: Students who have been held back, they don't catch up. You are not doing them any favor. Low-performing students learn more even if they are promoted, even without remedial help, than if they are held back. Students who have been held back are much more likely to drop out of school.

In all due respect—we talk about Chicago—there was an independent study done, the 4-year Evaluation Report of the Chicago Public Schools Leadership by Parents United For Responsible Education and the Chicago Association of Local School Councils. This is what they found on retention: rising dropout rates, declining enrollment citywide, increased instructional time devoted to testing for the tests. That is another thing the teachers are ending up doing, testing for the test. Just rote drills, memorization.

Then, drawing from the NAACP Legal Defense and Educational Fund letter, which pulled together such important research, the fact is, there is abundant evidence that—frankly, I have not heard any of my colleagues refute any of it—not only has retention been unsuccessful but it has been harmful.

I cited a number of different studies. I cited the work of Linda Darling Hammon, who addressed us Democrats. In fact, I asked her about this. She said that as we look at dozens of studies that have been done over the past two decades, they have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school.

Then I went on and talked about work that the professor had also done with Beverly Falk. Then, I went on and quoted from another study: ''Grade Level Retention Effects: A Meta-Analysis of Research Studies,'' C.T. Holmes, in Flunking Grades: Research and Policies on Retention, that concluded that on average retained children are worse off because of retention.

Then I went on and quoted about four or five different studies of what has been going on in Chicago and New York and quoted from the Washington Post and the New York Times and pointed out that the summer school remedial program didn't even help these kids.

We don't have the evidence that retention has helped these kids because there isn't the evidence. The evidence is the retention has had a harmful effect on these kids. These kids don't do better; they do worse. They drop out of school. It has a devastating impact. If you keep them in age-appropriate settings, you move them on, but you give them the additional help. We should do that. If you want to make sure by the time they graduate they are, indeed, qualified, do that, but don't do something that is harmful.

Given the evidence, I don't know how we can support this amendment unless my second-degree amendment is accepted, which says, again, the provisions of this section shall not apply to any child who was not afforded by the State educational agency or the local educational agency an opportunity to learn the material necessary to meet the State achievement standards.

Do my colleagues mean to tell me they are going to vote for retention when the evidence shows it is harmful and they won't even vote for an amendment that says, let's make sure that at least every child has the same opportunity to pass these tests before we fail them and hurt them? That is unbelievable.

I would be interested, if my colleagues have a lot of evidence from across the country that retention has been a great reform that has helped these children who have been retained, who have been flunked as young as age 8. I see no evidence.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I just read statistics given to me by the superintendent of public instruction of Chicago which showed a 12- to 14-percent improvement in core curriculum grade scores since Chicago ended the policy of social promotion and put in motion remedial education and decreased class size and also set some standards holding students accountable for performance and teachers accountable for performance as well.

I have a very difficult time with what the Senator from Minnesota is saying because he is essentially calling this a policy, in a sense, of guaranteed retention. It is not that at all. It is a policy that says there should be standards; that there should be achievement levels set in each of the grades; that there should be a minimum pass requirement for promotion; and that schools should mean something in terms of learning.

The problem with the amendment is it obfuscates our amendment. It prevents a clean vote on our amendment, and in effect it would destroy our amendment because it sets up a series of seven conditions which would make it virtually impossible to enact our amendment.

For example, the child was taught by fully certified or qualified teachers as defined by the State. In my State, we probably have 30,000 teachers who are not certificated. This would mean under this provision, California should not go ahead and abolish social promotion, put forward standards of accountability for teachers and for students, which, of course, California is now in the process, by the Governor's statement, by the legislature's action, and by individual school districts, of beginning to do.

Secondly, that the child's parents had multiple opportunities for parental involvement. I don't know what multiple opportunities for parental involvement are, but it is not just opportunities for parental involvement. It is multiple opportunities for parental involvement, which gives a basis, again, to essentially poison what we are trying to achieve.

In addition, that the child has access to high-quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve the highest performance level, regardless of disability, income, and background, that is something we would all subscribe to, but when it is put in this form, it becomes a way of avoiding accountability and avoiding performance.

We do not tell a State or a local jurisdiction how to do this. This is up to them. As I have tried to point out, Los Angeles is now doing it in an incremental fashion, in a grade-by-grade fashion. I suspect that schools throughout this country would implement accountability and standards in a different way. That is fine with me. But what this amendment says is, we are not going to waste taxpayers' money by providing money when there is no evidence it is going to provide the remedial education or the kind of opportunity for students that the framers intended in the first place.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mrs. FEINSTEIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague says: What the Senator has said is that the child has to be taught by fully certified or qualified teachers.

You don't have that. You don't have the certified or qualified teachers, but you are willing to go ahead and flunk these kids.

I am saying the children who are in classes as young as age 8, who don't have fully certified and qualified teachers, probably ought not to be flunked and held back because other kids in other schools who had highly qualified and certified teachers were able to pass those tests. Don't Senators think we should include an amendment which would say every child is going to have the same opportunity to pass these tests? That is an incredible argument to make. To make an argument to Senators, wait a minute, Senators, you can't vote for the Wellstone second-degree amendment because he is saying there have to be qualified and certified teachers before we flunk these third graders, that is unbelievable. That is exactly the point of my amendment.

Let us have the standards, but let's make sure all the children have the same opportunity to achieve those standards. If the second-degree amendment is accepted, if passed, then we have an amendment that talks about standards, but we also have an amendment that makes sure these children have the same chance to reach those standards.

I hate to say this but, one more time, I have presented about 10 different studies. I have presented the best testimony we have had in the Senate. I have presented the best testimony we had in our Senate Democratic conference about retention. Again, we had what the superintendent of the Chicago schools said.

Well, I gave the Senate a different report, a 4-year independent evaluation: rising dropout rates, declining enrollment citywide. Then I have drawn on the best research from around the country, and the Senator from California and the Senator from Alabama have not refuted any of it.

I don't want to repeat it again, but please vote on the facts. What did they show? Students who have been held back typically don't catch up. Actually, low-performing students learn more if they are promoted even without remedial help than if they are held back. Students who have been held back are much more likely to drop out.

With all due respect, there is not a shred of evidence that my colleagues have presented which shows retention works.

Again, I have a second-degree amendment which says, let's at least make sure every child has the same opportunity to pass these tests, determining whether or not they will pass a grade. That seems to me to be reasonable. Let's make sure they have certified teachers. Let's make sure we fund it properly, fund title I. Let's make sure we have the bilingual education fund so the kids who come from homes where English is a second language, such as the Hmong children in St. Paul, have a chance. Why would that not be accepted?

And the second point I made is, right now, what we have out here is an amendment that says retention is really good, it is all about rigor but there is not a shred of evidence that it works for these children. In addition, it is an amendment which doesn't recognize that these children aren't going to do well unless we get it right on the prevention piece.

I have a second-degree amendment that talks about what we should do. I ask unanimous consent that I may send my second-degree amendment to the desk.

Mr. SESSIONS. I object. I don't believe it is time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, if I may inquire of my friend from Alabama, we have approximately 4 minutes left. We would like to say that he can offer that amendment when that time has expired, but is there any reason he can't offer it now?

Mr. SESSIONS. He has the floor. He can use his time or not. I believe the Senator from Minnesota can use his time or not.

Mr. WELLSTONE. Will the Chair notify me when the time has expired—when the other side's time has expired?

The PRESIDING OFFICER. Yes.

Mrs. FEINSTEIN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

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

AMENDMENT NO. 2878 TO AMENDMENT NO. 2876

(Purpose: To provide a limitation regarding the policy prohibiting social promotion)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2878 to amendment No. 2876.

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

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

The amendment is as follows:

On page 2, after line 23, add the following:

(d) LIMITATION.—

(1) IN GENERAL.—The provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

(2) OPPORTUNITY.—A child shall not be considered to have been afforded an opportunity to learn under paragraph (1) unless—

(A) the child was taught by fully certified or qualified teachers as defined by the State;

(B) the child's parents had multiple opportunities for parental involvement;

(C) the child had access to high quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve to the highest performance levels, regardless of disability, income, and background;

(D) the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

(E) if necessary, the child received proper bilingual education and special education services; and

(F) the child had the opportunity to receive high quality early childhood education.

Mr. WELLSTONE. Mr. President, this is an amendment I think Senators can vote for and I think feel comfortable about because, on the one hand, you can vote for the first-degree amendment, but you can also vote for the first-degree amendment with the understanding that the provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

I am simply saying, let's make sure every child is afforded the opportunity to do well on these achievement standards. This says: ''the child has been taught by fully certified or qualified teachers as defined by the State; the child's parents had multiple opportunities for parental involvement.''

My colleague asked what that meant. That means to understand what homework is about, make sure you know when you can come in, understand what the standardized tests are about, understand how the child's performance is being measured. We are all for parent involvement.

Next is: ''the child had access to high quality instructional materials and instructional resources''—how can anybody be opposed to that?—''to ensure that the child had the opportunity to achieve the highest performance levels, regardless of disability, income, and background; the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act . . . and if necessary, the child received proper bilingual education and special education services, and that the child had the opportunity to receive high quality early childhood education [developmental child care].''

Colleagues, even if you don't believe me, all I have to tell you in this debate is, I presented all kinds of evidence suggesting that retention has been harmful and hasn't worked. I never was refuted at all. Now what I am saying is that even if you want to go in that direction, at least let's make sure that every child has the opportunity to do well in these tests and to achieve, that there are highly qualified instructors and certified teachers, that we have followed through on title I commitment, that we make sure they are the same resources.

Don't you think we want to make sure children in our schools have the lab facilities and the textbooks and the good teachers, that there has been good pre-K education? Let's make sure every one of our children has had the same opportunity to achieve. That is what this amendment says. I hope there will be 100 votes for it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will speak in opposition to the second-degree amendment proposed by the Senator from Minnesota.

First and foremost, as everybody knows who has been participating in this debate and can understand how the system works, the second-degree amendment, as proposed, would gut Senator FEINSTEIN's and my first-degree amendment. It would simply make it impossible to enforce. Of course, that is what the Senator from Minnesota desires. He is not for testing or accountability or the end of social promotion.

I respect that position. But his President, the President of the United States, in his State of the Union Address, to a cheer from the audience, called for an end of social promotion. It is something whose time has come and gone. It is time to care about children and to care about the billions of dollars we are spending on education. And we are going to spend more next year than we did this year. But if we care about what is happening with it, we have to ask if there is some accountability. We can't simply allow children to go on and on, be promoted, and end up being an all-pro football player who can't read and write. That is happening in America, to a lesser degree mostly, but to a sad degree too often throughout this country. We are not making sure children are meeting minimum standards. When we do so, problems arise. They have to be confronted.

Right now, we are denying the problem. We are enabling an inefficient system to continue. We refuse to do what is required to point out to everybody who is not meeting minimum standards. Once we find that out, then we can all get together and do something to fix it. There is plenty of money in the Elementary and Secondary Education Act—soon to be passed, I hope—that will provide a continual flow of money for disadvantaged schools throughout America, so we can improve that system.

This amendment is nothing more than a gutting and an elimination and a wiping out of the total intent of the Feinstein-Sessions amendment. It will not allow an end to social promotion in America. Our amendment will. But it will allow the States to decide how to do it. If the States decide to have different standards for children who have difficulties, or disadvantaged or special education kids, they can do so. We are not saying how they ought to do it. But if we care about those children, we have to know, ourselves, whether or not they are learning. If they are not learning, we have to confront that fact. We can't enable this unacceptable behavior to continue. Some of it is on the part of the kids, some of it is on the part of their parents, and some of it may be a poor school. We have to end that.

We care about our children. I think Senator FEINSTEIN has made it clear that she cares about them. I do. I want to see the system improved. I am convinced that we must move to eliminate the passing along of kids who are not meeting the most basic of standards. That is why I will oppose the Senator's second-degree amendment.

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

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. WELLSTONE. Mr. President, all this amendment says is let's have the standards, though I presented a lot of irrefutable evidence about retention not working and even being harmful. I understand the politics of some of these votes. It is not a pretty picture if anybody cares about the evidence.

This second-degree amendment requires that if you are going to have these tests and these standards which determine whether or not a child as young as age 8 passes or not, or is held back, especially if retention is so harmful, and there is no evidence it is helping children—I thought we were trying to help the children—at least let's ensure we have met the standards that all these children have had the opportunity to pass these tests and do well.

My colleague from Alabama says I am trying to gut the amendment because by this amendment we want to ensure these children are taught by fully certified and qualified teachers. If that guts his amendment, his amendment should be gutted.

To make sure the child has had access to high-quality instructional material, to make sure the child has received the services for which the child was eligible under title II, to make sure the child has received adequate bilingual education, to make sure the child has had the opportunity to receive high-quality early childhood education, this is a no-brainer, colleagues.

We all know this is critical to making sure the children do well in school. My colleague was referred to those who graduate and have a third-grade reading level. What I am talking about is critical to that. Let's make sure that before we fail all of these children and act as if that is doing something great for them, why don't we make sure those children also have the same opportunity to do well and to pass our achievement tests.

Is it too much to ask other Senators to vote in favor of certified and qualified teachers, making sure there is parental involvement, making sure there are good instructional materials, making sure we live up to our title I commitments, and making sure there is adequate bilingual education?

Colleagues, you know this is critically important. Let's vote for ''standards.'' That is the way you view it. But let's also vote for equality of opportunity for all of our children.

I especially thank the NAACP Legal Defense and Education Fund for all of the research they have pulled together that I have been able to present today about why it is so important that we pass the second-degree amendment and meet the test of decency. This is true equality of opportunity for our children. If you do not do that, then what you have done is very harmful. It is brutal.

I reserve the remainder of my time.

Are my colleagues prepared to yield the remainder of time?

I am prepared to yield the remainder of my time.

Mr. SESSIONS. Mr. President, I will use 2 minutes and then yield.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the second-degree amendment provision of this section—that is, the end of social promotion—shall not apply to any child who is not afforded by the State educational agency an opportunity to learn the material necessary. I don't know what that means. That can mean almost anything to anyone.

One of the requirement that has to be in the amendment or this bill does not apply is that a child has the opportunity to receive high-quality early childhood education. What does that mean? It means anything anybody says it does.

The President of the United States says it is time to end social promotion. The overwhelming majority of American people believe so. Certainly the people on this side of the aisle believe so. I believe a majority on that side of the aisle believe so.

Let's not go with some meddling second-degree amendment that will, in effect, undermine the import of the amendment Senator FEINSTEIN has offered. Let's not do that. Let's send a clear message that we care about children and we want to confront them at an early age and find out whether or not they are meeting basic standards. If they are not, let's start helping them. We are not going to put them in jail if they are not meeting standards. We ought to set about to find out who is not meeting those standards and start helping them. That is what it is all about. That is what we need to do.

I yield the floor.

Mr. WELLSTONE. Mr. President, let me conclude this way.

I think there is a bitter irony here. There is no evidence the retention works, and there is a certain amount of evidence that it is harmful. We should let the States decide, for those colleagues who worry about States and States making decisions. This amendment requires States to do retention, and if they do not do retention, then they are not going to get education funds.

That is flaw No. 1. I think some of my colleagues would be troubled by that. Frankly, I think my colleague from Alabama would be troubled by that.

If the States decide, on the basis of what they know, not to do the retention because of all of the evidence, we are now saying: You have to do it, States, or we will cut off Federal money.

That is unbelievable. This amendment should be defeated for that reason. The Federal Government ought not to be doing that to States, especially given the evidence.

The second point my colleagues are bothered by is my second-degree amendment which says let's make sure every child has the same opportunity to do well in these achievement tests. Let's make sure these children are taught by fully qualified teachers, that there is parental involvement, that they have good instructional material, that we live up to our commitment on title I, that we make sure the child has had the opportunity to receive good early childhood development, that there is bilingual education available.

My colleagues are telling Members to vote against this? We are all for that.

The evidence says retention doesn't work and can be harmful. If your State decides it doesn't want to do that, it doesn't matter because now if Members vote for this amendment, they are telling States they have to have retention of students, even if it is harmful. If they don't do what they think is right, we will cut off Federal funds.

Do Members want to vote for that?

I have a second-degree amendment I think colleagues should vote for because it makes elementary sense. Let's make sure these children have the same opportunity for achievement on these tests. If we don't do what I suggest in this amendment and don't make that commitment, what we will have done to children will be very harmful, brutal, and unconscionable.

I yield back the remainder.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I conclude by explaining why this amendment is so impractical. It says children have to have multiple opportunities for parental involvement.

I don't know what that means.

Mr. WELLSTONE. I defined that twice. I didn't know the Senator would speak against the amendment. I talked about the amendment three times.

Mr. SESSIONS. The Senator does not define it in the statute. They won't know what the Senator said on the floor.

Mr. WELLSTONE. We want to make sure parents know what the homework requirements are, know what the standards are.

Mr. SESSIONS. I reclaim my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. What is the balance of my time?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. SESSIONS. I appreciate the concern of the Senator from Minnesota, but I say to the Senator, parents would get a lawyer and sue: You can't hold my child back; you didn't call me enough times.

The amendment doesn't say how many times.

Or my child didn't have an opportunity to receive a high-quality early childhood education.

Well, you had kindergarten; that was not enough.

This amendment does not say what it is. It will turn it into a conglomeration of things that are not healthy.

I note, as Senator FEINSTEIN from California so eloquently said, we are not saying what the standards are. The States can set standards that require parental involvement. I hope they do. I hope they do a lot of things that are not mentioned by the Senator from Minnesota in setting a fair, objective standard for testing.

However, we do need some objective standards for testing. If we do so—as Chicago has found, as California will be moving toward, as Alabama will move very soon to accountability and the end of social promotion—we will find that students are learning more because they are challenged. There is an incentive there. Parents are going to know certain standards must be met. Teachers and principals will know it. The children will know it. They will respond and meet the challenges.

We will end this slide in which we spend more and more money and get less and less productivity.

From 1960 to 1990, we tripled the amount of money spent on education in America. It went up every single year. But SAT scores declined 73 points.

In Kansas City, they spent $11,700 per pupil. They raised education figures consistently to reach this very high level; they had a teacher-pupil ratio of 13–1, without raising test scores for the kids.

We have to challenge children because we care about them. We care about America. We cannot continue to move children through the system when they do not know how to read and write and perform effectively in this society of which we are a part. I wish we could do it kindly, without having to tell people: Sorry, you didn't meet the standards; you have to take this course over again.

Oftentimes that is what we have to do. It is the way life is on the football field or in a military unit. You have to meet certain standards. We are in a world that demands first rate competition. If we are not prepared, we will lose out. I am concerned about it. All of America is concerned. I think we can make progress toward that goal.

I believe we should reject this amendment to the underlying amendment proposed by Senator FEINSTEIN and myself. With that, we can send a message to America that we will have

some accountability, that we will encourage children to improve. When we recognize that large numbers of students are not meeting those standards, we can redirect resources to find out exactly what that problem is and rectify it.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BINGAMAN. Mr. President, I would like to take a moment to state that I agree with the position of my distinguished colleague from California on the issue of social promotion. We must end this practice. Far too many of our young people are graduating without the skills that they need to secure good jobs because they are being passed from grade to grade without accountability for what they have learned. Many young people are also dropping out of school because they find themselves in high schools without the knowledge that they need to succeed in that forum. I am a strong supporter of efforts to end this practice.

I have voted for legislation in the past that would have given States and local districts incentives to eliminate social promotion policies. I currently am cosponsoring legislation, based on a proposal from the President, which seeks to end social promotion in all our schools. I must vote against Senator FEINSTEIN's amendment, however, because it would cut all federal funding for education to a State based on this sole issue and provides no flexibility on the State or local level. If this amendment were to become law, we would be imposing a strict requirement without providing adequate resources to achieve the goal. As the Elementary and Secondary Education Act moves to the floor, however, I will work with my distinguished colleague from California to develop legislation that addresses this critical issue.

AMENDMENTS NOS. 2859 AND 2824, EN BLOC

Mr. COVERDELL. Mr. President, I ask unanimous consent the following two amendments be considered en bloc: The amendment introduced by Senator KERRY of Massachusetts, No. 2859, relating to AmeriCorps; the Hatch amendment, No. 2824, relating to the marriage penalty and student loan interest deduction.

These amendments have been cleared on both sides. I ask unanimous consent the amendments be agreed to, any statement relating to these amendments be printed, and that the motions to reconsider to be laid upon the table.

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

Mr. HATCH. Mr. President, my amendment addresses a specific and serious problem for Americans repaying student loans. Many of our colleagues may not be aware of it, Mr. President, but there is a severe marriage penalty lurking in the deduction for student loan interest expense that Congress enacted in 1997.

This marriage penalty arises because, when Congress established the deduction for student loan interest, we targeted it so that only taxpayers with incomes below a certain amount could use it. For single taxpayers, that income threshold is $40,000. For taxpayers with Adjusted Gross Income above $40,000 the deduction begins to phase out. The deduction is fully phased out over the next $15,000 of income, so that when a single taxpayer's income reaches $55,000, there is no deduction allowed.

For married taxpayers filing a joint return, there is a different threshold—$60,000. This is where the deduction begins to phase out, and it is gone at an income level of $75,000. This is the heart of the problem, Mr. President. Because the threshold for married taxpayers filing a joint return is less than twice as high as the threshold for singles, there is a marriage penalty.

Let me illustrate the problem with an example. Let's consider a couple from my home state. Dave and Joann met at Utah State University and married right after graduation last year. Dave is the assistant manager of a grocery store an earns $38,000 per year. Joann is a computer programmer making $40,000 annually. These are not high income people, Mr. President, although their income puts them in the 28 percent marginal tax bracket.

Dave and Joann each borrowed to finance their education, and each has $2,000 in interest expense from their student loans. The full $2,000 interest expense would be fully deductible if they were single, saving them each $560 in taxes. However, simply because Dave and Joann are married, and their combined income exceeds $75,000, they lose the full $4,000 student loan interest deduction.

Unfortunately, the $1,120 marriage penalty inherent in the student loan interest deduction is only the tip of the marriage penalty iceberg for Dave and Joann. This is only one of at least 66 marriage penalties that resides in the Internal Revenue Code. Not every one of these 66 marriage penalties affect every married couple in America, but many couples are hit with at least one, and often more than one, marriage penalty. In our example here, Dave and Joann are hit with two other marriage penalties.

As you can see, the total amount of marriage penalty affecting Dave and Joann is a whopping $2,650. This means their tax burden is 27 percent higher than it would be if they were single, Mr. President! This is simply not fair. It is poor tax policy, it is poor education policy, and it is poor family policy. Taxpayers should not pay more in taxes just because they are married.

The other marriage penalties affecting Dave and Joann stem from the fact that the standard deduction for married couples is less than twice the amount of the standard deduction of singles, and from a similar problem that exists in the tax rate schedules. These two marriage penalties are not the subject of this amendment.

I will note, however, that H.R. 6, the marriage penalty alleviation bill passed by the House in early February, would correct most of this marriage penalty for Dave and Joann. I know that Chairman Roth plans to take up marriage penalty legislation in the Finance Committee in the next few weeks. I look forward to working with him to solve these other problems.

The marriage penalty problem the House bill would not correct, however, is the one inherent in the student loan interest deduction. The solution to this marriage penalty is simple. This amendment merely increases the income threshold for joint returns to $80,000, twice the level of the single taxpayer threshold.

The marriage tax penalty problem is a complex one. We are not going to solve it all at once. I am gratified to see the Congress focusing on this important family issue, and I hope we can see real progress on alleviating the problem this year.

This amendment is a good place to start. Some might argue that this is relatively minor marriage penalty. And, compared with some of the other ones. maybe it is. However, it is not small to Dave and Joann and to the millions of young Americans who pay more in taxes simply because they have formed the basic unit of society—a family.

This small step today will eliminate the marriage penalty that hurts married taxpayers who are repaying educational loans. Then, in a few weeks when the Finance Committee takes up broader marriage penalty legislation, we can address some of the other problems.

The amendments (Nos. 2859 and 2824) were agreed to en bloc, as follows:

AMENDMENT NO. 2859

(Purpose: To exclude national service educational awards from the recipient's gross income)

On page 21, between lines 3 and 4, insert:

SEC. 204. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) IN GENERAL.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

''(e) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARDS.—

''(1) IN GENERAL.—Gross income for any taxable year shall not include any qualified national service educational award.

''(2) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARD.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

''(B) LIMITATION.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an

individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

AMENDMENT NO. 2824

(Purpose: To amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the phaseout of the education loan interest deduction)

At the end of title II, insert:

SEC. . ELIMINATION OF MARRIAGE PENALTY IN PHASEOUT OF EDUCATION LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Subparagraph (B) of section 221(b)(2) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking ''$60,000'' in clause (i)(II) and inserting ''$80,000'', and

(2) by inserting ''($30,000 in the case of a joint return)'' after ''$15,000'' in clause (ii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the Feinstein-Sessions amendment, No. 2876.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the Wellstone amendment No. 2878.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, before the Senator from Illinois takes the floor, I alert my colleagues that following Senator DURBIN, Senator LANDRIEU is expected to be here to make her presentation, Senator BOXER, Senator JOHN KERRY, and Senator SCHUMER. That will complete the work for today except for the final vote on the bill. We would hope everyone would be here as quickly as possible.

The two leaders have told Members we will complete all amendments and final passage tonight, so the quicker we get to these amendments, the quicker we get out of here.

Mr. COVERDELL. Mr. President, I move that the pending amendment and the Feinstein amendment be laid aside for sequential voting later this evening.

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

AMENDMENT NO. 2879

(Purpose: To reduce violence in schools)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2879.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REDUCTION IN SCHOOL VIOLENCE.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Reduction Act''.

(b) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The U.S. Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57 percent of the expulsions were high school students, 33 percent were in junior high and 10 percent were in elementary school.

(c) GRANTS.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to:

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) APPLICATION.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) PUBLIC SERVICE ANNOUNCEMENTS.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this Act, there are authorized to be appropriated funds of up to $7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

Mr. DURBIN. Mr. President, the headlines in our morning papers are a sad reminder: America Faces a National Gun Crisis.

USA Today is published across America. This morning's paper, on its front page, speaks of the shooting of a little 6-year-old girl in Mount Morris Township, MI. Her name was Kayla Rolland. Her parents sent her to the first grade. She never came home.

Turn the page and find on page 3:

Pa. Gunman Flies into a Fatal Rage.

Firearms are easy to come by—for 6-year-olds and psychotics. That is the state of affairs in America today. The violence in America is not confined to mean streets. It is in our homes, it is in our fast food restaurants, and, yes, it is even in our schools. We passed legislation several years ago to make certain that Congress and the American people would know, on an annual basis, about the evidence of gun violence in our schools. From the school year 1997 and 1998, the Department of Education reports to us grim statistics about what we face as a nation. Let me recount for you what they have told us.

The U.S. Department of Education's recent report on the implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–1998 school year, almost 4,000 children. Nationwide, 57 percent of the expulsions were high school students, 33 percent were junior high, 10 percent were elementary school. That means almost 400 elementary students were expelled for bringing firearms to school. These children were as young as 6 years old.

In this situation in Mount Morris, MI, Kayla Rolland, this beautiful little girl, was gunned down by a 6-year-old killer. In my home State of Illinois, 86 students were expelled during the year in question for bringing a gun to school: 49 high school students, 31 junior high school students, and 6 elementary school students.

In Illinois, firearms are the leading cause of injury and death to children. The next most common cause is car crashes. On average, 364 children die every single year in Illinois from guns, almost 1 child every single day. Do not believe for a moment this is a story unique to Illinois. The tragedy of Kayla Rolland was in Michigan. Another tragedy yesterday occurred in Pennsylvania.

If you follow the headlines in the paper, you will see a sad reminder on a regular basis of infants and children who have access to guns: ''Eighth Grader Takes Principal Hostage''; ''5–Year-Old Girl Shoots Herself In The Head,'' in New Orleans; in Chicago, ''Girl Killed In An Accidental Shooting''; Kansas City, ''6–Year-Old Accidentally Shoots 1–Year-Old Cousin To Death''; Memphis, ''Angry 5–Year-Old Takes A Gun To School''; Miami, ''15–Year-Old Takes Gun To School, Injures Himself In Horseplay''; in Cleveland, ''4–Year-Old Caught Again For A Second Time With A Gun At Day Care.''

Did he say 4 years old? Yes, a 4-year-old with a gun at day care; a 5-year-old accidentally shoots to death a 10-year-old boy in Grand View, MO; a child brings guns to school in Topeka, KS—on and on and on. What I am addressing today is not an exception. It is becoming a rule. It is becoming a sad reality in America.

We talk a lot about education on the floor of the Senate, as we should. It may be America's highest priority. But before we start talking about funding education and paying and training teachers, before we talk about smaller class sizes, before we talk about modern buildings and new technology, for goodness' sake, should not we first talk about the safety of our children in the schools themselves?

It is unfortunate that this Congress is in virtual denial about the crisis which I have described. We have had an opportunity ever since Columbine High School, and even before, to pass sensible gun control legislation. We have

failed to do it. America faces a national epidemic of gun violence. Guns are a deadly social virus. The same USA Today in its editorial page spells this out so well:

> Guns are a deadly social virus that can strike down children like the horrible diseases of old.

And yet this Congress refuses to acknowledge it. We refuse to consider even the most basic commonsense gun control. Because this Congress refuses to seriously consider any efforts under law to keep deadly firearms out of the hands of children and convicts, I urge my colleagues to, at the very least, consider as an alternative the amendment which I offer today. It is an amendment which tries to give families across America fair warning of the scourge of gun violence and what it can do to so many families. Guns kill 34,000 Americans every year; between 12 and 13 children every day. They kill more teenagers than any natural cause. The American people, especially mothers in suburban areas who are sending their children to school, want some assurance that their children will come home at the end of the day.

That is why I am offering this amendment. It creates the School Violence Reduction Act. What will it do? It is simple. It establishes a grant program for the U.S. Department of Education to develop and disseminate model programs to reduce violence in schools. I would much rather these dollars, the $7 million part of this amendment, be used for other purposes—to buy computers, to train teachers, to reduce class size, to modernize school buildings. But I say to those who follow this debate, we have to deal with the basics, the safety of our schools, before we can consider even the process of education. We need to educate students about the dangers associated with guns. I am sad to report we have to start at the earliest ages to educate them.

We need to provide information about safe gun storage to children and their parents. The amendment provides funds for public service announcements and other information to reduce violence in our schools. Six-year-olds do not go out and buy guns, not in the ordinary course of events. The guns are left lying around the house.

I read some about this child's situation in Mount Morris, MI. It is clear this child lived in a terrible situation, exposed to things with which no adult could cope. This tiny little boy, for whatever reason, faced the life of a dysfunctional family, of drugs, God knows what kind of abuse, and exposure to guns on a regular basis. But that is not the only way kids come by guns. Kids come by guns when parents are neglectful, when they are negligent, when they do not meet their obligation to store guns safely.

The President, after this situation in Michigan, renewed his call for a national standard for trigger locks to make sure if a child gets his hands on a handgun he can't shoot it and kill someone, some other innocent victim or himself. But we can't do that in Congress. That is beyond us. The gun lobby will not stand for it.

The idea of putting safety devices on guns is something the National Rifle Association will not buy. So let us at least try, through our schools, to create public information and education efforts so families across America at least know that there is a right way to store guns safely, out of the hands and out of the reach of children.

We passed legislation last year, when Vice President Gore came to the floor of the Senate and broke a tie, which dealt with some of the problems we have in our country involving guns: for background checks at gun shows, the amendment of Senator FEINSTEIN of California to reduce the importation of these high-capacity magazine clips from overseas into the United States, things that move us down the road toward protecting Americans from the abuse of guns. Trigger locks: Senator KOHL of Wisconsin has been a leader on that as well.

What happened to this legislation? Dead on arrival in the House of Representatives. There has not even been a conference committee on this bill. Yet day in and day out we read these terrible headlines.

I looked in the face of this little girl, Kayla Rolland, and saw so many thousands of little kids I have seen across my State of Illinois, kids I have seen in the day-care classes with my 3 1/2-year-old grandson. This beautiful little girl is no longer with us because of someone who was negligent in handling a gun and because of a 6-year-old who took a gun to school.

There are so many who do this across America on a regular basis that we have to come to grips with this challenging national situation. I urge my colleagues, whatever their opinion of gun control, to at least, at the very least, join me in this effort to create a program so schools across America, on their own, with a voluntary application, can receive assistance from the Federal Government to deal with this gun violence. I believe this is a step in the right direction. I believe it will give to many schools the resources they need to educate the children and the parents and all who will listen to the public service announcements about the reality of reducing gun violence in our schools.

I pray to God this is the last story we will read in the year 2000 of another infant, another child who lost her little life because of this kind of gun violence, because of the negligence of a gun owner or someone who possessed a gun so a child could come in contact with it.

History tells me it will not be the only story of the year. It will be one of many.

To those parents who think it is not their problem, I am sorry to report it is. If you do not have a firearm in your house, can you ever be sure your little child's playmate does not have a firearm in his house? Can you ever be certain the child sitting behind your son or daughter at school does not have a handgun in his backpack?

That is the reality of America today. That is the national gun crisis we face. There have been a lot of suggestions about improving education in America. This bill suggests one of the ways to do it is to save families on average $7 in this tax benefit package if they will send their children to public schools. Before we start saving less than $10 when it comes to education, let's talk about saving the lives of our priceless children in our schools.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I sincerely hope my colleagues will join me in this effort.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I commend my friend from Illinois. A long time ago, he and I talked about the importance of having a school safety fund where if schools felt they needed assistance, whether it was to purchase equipment—a metal detector—whether it was to teach the children about how to resolve their differences without violence, that we should set this up in a way that local schools could put together their own programs.

I want to ask my friend this: There is a lot of talk around here of local control. Isn't this what my friend is doing, he is designing a grant program so if school districts decide they want to partake, if they have this problem, they have an opportunity to do so?

Mr. DURBIN. The Senator from California is absolutely right. It is totally voluntary. There is no Federal mandate involved. If a school district says they are concerned enough about this problem that they want to put together a program that is going to try to educate children about the danger of guns, that is going to try to educate parents about the safe storage of guns, public service announcements to encourage trigger locks, then they can apply for these funds. It is only $7 million, which by Federal standards is a very small amount of money.

I hope it will give some school districts the resources they need to step forward and protect children from needless tragedies which we read about every day.

Mrs. BOXER. I ask my friend another question. As I read these hair-raising accounts of what happened in Michigan with this little baby of 6 years old bringing a gun to school, shooting a child, and then actually after it was done, coloring something, drawing some pictures, having no concept he committed this murder, if you will, I think this points out to us that kids do not understand what gun violence can really do.

I commend my friend and ask him if he has read those accounts and how chilling it is and how appropriate it is

to have a vote on this. As my friend said, the underlying bill gives $7 a year. Now they want to give help to people even in higher incomes while our kids are losing their lives. I am very pleased my friend has offered this amendment, and I am proud to join him.

Mr. DURBIN. I thank the Senator from California who earlier offered a sense-of-the-Senate amendment as to whether we are going to make a concerted and dedicated effort to reduce violence in the schools. Her leadership on this issue in her State and across the Nation has been a model for all of us. This program I am suggesting is a very modest approach as well. It is a $7 million grant that is available, and when you consider these headlines which I went through earlier about children coming to day care with a gun, a 4-year-old caught a second time bringing a loaded handgun to day care in Cleveland, OH.

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

Mr. DURBIN. Mr. President, I ask unanimous consent for 30 additional seconds.

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

Mr. DURBIN. Mr. President, I say to those in the Senate, regardless of your position on gun control, I hope we all concede we need to get the resources to schools, parents, and families so they can do their best to protect their kids and try to eliminate a senseless tragedy such as we saw in Michigan this week and, sadly, we have seen repeated across America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Durbin amendment be set aside and the Senator from Massachusetts, Mr. KERRY, be allowed to offer his amendment with a 14-minute time agreement equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KERRY. What was the agreement on time? I am sorry, I could not hear you.

The PRESIDING OFFICER. Fourteen minutes.

Mr. KERRY. Fourteen minutes equally divided.

AMENDMENT NO. 2866

(Purpose: To amend the Higher Education Act of 1965 to provide scholarships for future teachers and loan forgiveness and cancellation)

Mr. KERRY. Mr. President, I ask unanimous consent that amendment No. 2866 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2866.

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

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

The amendment is as follows:

At the appropriate place, add the following:

TITLE ___—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. ___01. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

''SUBPART 9—SCHOLARSHIPS FOR FUTURE TEACHERS

''SEC. 420L. STATEMENT OF PURPOSE.

''It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

''SEC. 420M. SCHOLARSHIPS AUTHORIZED.

''(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies.

''(b) PERIOD OF AWARD.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

''(c) USE AT ANY INSTITUTION PERMITTED.—A student awarded a scholarship under this subpart may attend any institution of higher education.

''SEC. 420N. ALLOCATION AMONG STATES.

''(a) ALLOCATION FORMULA.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

''(b) AMOUNT OF SCHOLARSHIPS.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

''SEC. 420O. AGREEMENTS.

''The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

''(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

''(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

''(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

''(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

''SEC. 420P. ELIGIBILITY OF SCHOLARS.

''(a) SECONDARY SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this subpart shall—

''(1) have a secondary school diploma or its recognized equivalent;

''(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

''(3) have been admitted for enrollment at an institution of higher education; and

''(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

''(b) SELECTION BASED ON COMMITMENT TO TEACHING.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

''SEC. 420Q. SELECTION OF SCHOLARS.

''(a) ESTABLISHMENT OF CRITERIA.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

''(b) ADOPTION OF PROCEDURES.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

''(c) CONSULTATION REQUIREMENT.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

''(d) TIMING OF SELECTION.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

''SEC. 420R. SCHOLARSHIP CONDITION.

''The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

''SEC. 420S. RECRUITMENT.

''In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

''SEC. 420T. INFORMATION.

''The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

''SEC. 420U. APPROPRIATIONS.

''There are authorized to be appropriated, and there are appropriated, to carry out this subpart $10,000,000 for each of the fiscal years 2001 through 2005, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.''.

SEC. ___02. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) FEDERAL STAFFORD LOANS.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking ''for 5 consecutive complete school years'';

(2) by amending paragraph (1) of subsection (c) to read as follows:

''(1) AMOUNT.—

''(A) IN GENERAL.—The Secretary shall repay—

''(i) not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

''(ii) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

''(B) SPECIAL RULE.—No borrower may receive a reduction of loan obligations under both this section and section 460.''; and

(3) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.''.

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking ''for 5 consecutive complete school years'';

(2) by amending paragraph (1) of subsection (c) to read as follows:

''(1) IN GENERAL.—The Secretary shall repay—

''(A) not more than $5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

''(B) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A).''; and

(3) by adding at the end the following:

''(i) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.''.

Mr. KERRY. Mr. President, I thank the Senator from Georgia, and I thank the Senator from Nevada for their assistance in moving things along. I will try not to take very long. In fact, I want to say a few words about the schoolchild my friend from Illinois was talking about. Let me try to get through the substance and see where I am timewise before I do that.

Whatever the dynamic we are locked into in the Senate, it is clearly not promising or anything substantive to pass. Our friends on the other side of the aisle have decided that nothing substantive with respect to education will fundamentally pass. Yesterday we passed a study on welfare offered by Senator WELLSTONE, but every other effort to deal with education is preordained.

I understand in standing up here the fate of this amendment. Notwithstanding that, I want to make it clear, and I think my colleagues who preceded me have made it clear, that these are the real issues that face the country and these are the choices the Senate ought to be making. If our colleagues simply choose to dismiss them out of hand, then that is a reality the American people, I hope, will begin to digest at the appropriate time, which is obviously election time in this country. There may be another chance when we will deal with some of these issues. We certainly hope there will be. But not being guaranteed that opportunity, we have to take this opportunity now.

Everyone in this country knows we have a teacher shortage of remarkable proportions. We are supposed to hire some 5 million teachers over the course of the next 10 years, 2 million of them in the next 5 years. If one looks at an article that appeared in the Washington Post at the beginning of this school year, it tells us the story of some of that hiring. A principal in Northern Virginia was so desperate for teachers to begin the school year that she was wooing shoppers at Wal-Mart in an effort to find people to teach in her school.

The last thing the parents of our children and our school administrators want is an unprepared, unqualified, uncertified adult simply there supposedly to fill a quota and ''teach,'' and I put quotes around that.

If we continue on our present course, we are going to face many similar stories. But we know because of the pressures of attrition, the pressures of the classroom itself, the lack of pay, and other problems attendant to teaching today, we are losing many more people than are coming into the profession. Thirty to 40 percent of the people who teach leave within the first 3 to 5 years. We have a remarkable rate of loss and a remarkable rate of turnover.

We also know we have an incredible shortage of teachers who teach in the field for which they may have gone to school or in which they have a degree. Again, I am not going to take up all the time, but the statistics with respect to teachers who are qualified to teach math or science is extraordinarily distressing, not to mention other subjects that people also come to teach.

The amendment I offer today addresses this by seeking to address the question of how do we create an incentive to draw people into teaching.

I met with young people this morning, interns in my office, about 15, 16 of them. Not one of them is planning to be a teacher or is even thinking about it.

When I speak at colleges and universities there may be whatever number of people in the room, and I ask them: How many of you are planning to be teachers? You are lucky if you get one or two or three hands going up because most people cannot afford to do it based on the loans they have at the end of their schooling. Also, many of them find the opportunities of the private sector simply too great, too alluring, so they are drawn away from teaching. Thirdly, our school systems today, because of the lack of adequate resources, structures, support, curriculum, reform standards, and other things, are not particularly enticing to many young people in terms of a career option.

We have to offer greater incentives to attract people, particularly measured against the marketplace. Therefore, the current law already forgives $5,000 in student loans after 5 years in teaching.

My amendment seeks to recognize the reality of that principle, which we have already adopted, that an incentive works. But recognizing that, the second reality is that because of the marketplace, the incentive isn't strong enough. So we need to find a way to add an additional incentive. My amendment would provide an additional $5,000 in forgiveness for teachers after 2 years of teaching, providing additional relief for those who are faced with leaving teaching in order to make more money.

In addition, we would offer a grant for States to be able to establish a program to provide college scholarships to students with SAT scores or grade point averages in the top 20 percent of each State's high school graduating class. That would be in return for a commitment by the individual to become a State-certified teacher for a period of 5 years.

We have always tried to attract people into our military service by offering them, either through the Service academies or through ROTC or through the GI bill, the opportunity to be able to have payment in exchange for a service that we value greatly: Service to country.

Here we are trying to apply the same principle, and we are trying to draw some of the top students. Those who have performed the best in high school will have an opportunity to have college scholarships so they can go to college, not come out with the burden of debt and, indeed, dedicate 5 years of their life to teaching in return.

In a sense, it is a GI bill for teaching. I hope my colleagues will recognize this principle and the value of it.

The teacher shortage our schools are facing now will pale in comparison to what we're looking at over the next 10 years as large numbers of teachers are expected to retire and enrollments are expected to increase. The pressures of attrition, of retirements, will only be compounded by the impact of hundreds of other important education improvement efforts taking root all over the country, whether it's class-size reduction or higher standards for teachers, and that too will exacerbate the teacher shortage.

So what do we do about it? We must pass legislation that helps increase the supply, and the quality, of teachers in this country. And to do that, we must make the teaching profession more attractive to our young people and to those many thousands of people who are certified teachers but have left the profession because of financial constraints.

The amendment I offer today addresses the teaching crisis plaguing our Nation's schools and impairing our children's ability to learn and succeed.

My amendment will provide full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs with loan forgiveness of up to $5,000 after 2 years of teaching and an additional $5,000 after 5 years of teaching.

I know the Congress believes loan forgiveness is an important way to attract and retain qualified teachers, because current law already forgives $5,000 in student loans after five years of teaching. My amendment would provide an additional $5,000 in forgiveness for teachers after 2 years of teaching, providing relief for teachers who are faced with leaving teaching to make more money, and providing an incentive for them to continue in the field. Coupled with increased ongoing education opportunities that are the focus of so many Senators, particularly my colleague from Massachusetts, who has contributed so much to the education debate over the years, Senator KENNEDY, coupled with increased professional development opportunities that I hope we will enact, we have the capability of recruiting and retaining thousands of highly qualified teachers around the country.

My amendment would also provide grants for states to establish a program to provide college scholarships to students with SAT scores or grade point averages in the top 20 percent of each state's high school graduating class in return for a commitment to become a state certified teacher for 5 years. States would contribute 20 percent of the funds for the scholarships. This amendment would also establish a national hotline for potential teachers to receive information on a career in teaching.

Demand for teachers is so great that it is projected that 50,000 unqualified teachers have been hired annually on emergency or substandard licenses. And the situation is most severe in poor urban and rural areas. According to the National Center for Education Statistics, these districts have such a hard time recruiting and retaining qualified teachers that 39 percent of their teachers have neither a college major or minor in their primary field of course work.

What does this mean for our children's education? In urban schools where children are already crippled by an unfair playing field, a lack of adequate resources, too often the teachers they do have are unqualified. And over the next 10 years the situation will get even worse, virtually guaranteeing that the percentage of unqualified teachers in these schools will increase.

I ask you this: How are our young people supposed to get engaged in the learning process if they only have warm bodies in their classrooms? Who will answer the questions that children have about their lessons if the teachers themselves are not sure of the answers? I have heard from people all over my state, deans of engineering schools in my state, high school administrators, parents, about a decrease in the number of young people interested in pursuing math, science, and engineering degrees after they graduate from high school. Is it any coincidence then that the greatest shortage of teachers in this country is in the areas of math and science? No wonder our young people are seeking math and science degrees in lower numbers. They aren't excited about these subjects because the teachers weren't there to get them excited, to provide them with good instruction, to encourage them on. And I won't even get into the shortage of hi-tech workers before us now and that we are in dire need of greater numbers, not fewer, of graduates in math, science, and engineering.

I can guarantee you that this additional loan forgiveness and a scholarship program are necessary, that the existing laws will not recruit the numbers and quality of students we need. Thirty to fifty percent of all new urban teachers leave the teaching profession within the first 3 to 5 years of teaching. And while we can't be sure that all of these young teachers leave because of inadequate salaries and blossoming student loans, when you look at the data you can be sure looming students loans and low paying comprise a great deal of the incentive for these teachers to leave.

We need to attract the best and the brightest teachers into our public schools to cultivate the minds of our children. But can we realistically expect those students graduating from 4-year institutions and saddled with thousands of dollars in student loans—the average private college students graduates with $14,000 of loans that must be repaid—to enter career where they can expect a starting salary that barely reaches the mid-twenties? How can we expect our young people to turn their backs, particularly in this booming economy, on higher-paying jobs as analysts, in technology companies.

Consider the case of Bridgewater State College, which was the first college in Massachusetts to obtain accreditation under the new National Council for the Accreditation of Teacher Education standards. One-fifth of Bridgewater State students go on to become teachers in Massachusetts and throughout the country. But these students graduate with an average of $8,693 in student loans that must be repaid. And that is from a public school, where in-state tuition is just $8,000. A student graduating from a private college, of which there are many in my state, faces a average of $14,000 in loans to be repaid.

Now, we all know that first-year teachers are poorly paid. The average starting salary is in the mid-twenties. it is simply too difficult for young teachers to make ends meet when, in addition to paying rent, buying groceries, maybe saving for graduate school, or for a car, they must also pay back these loans.

We must act on this legislation now. If not because we are facing an imminent teacher shortage, then because of the rising cost of tuition. From 1990 to 1996, average tuition for a full-time resident undergraduate student rose 43.8 percent, but during that same period, the consumer price index rose only 15.4 percent. And at the same time, Mr. President loans are comprising a greater percentage of student's tuition than grants or income. In the early 1980s, loans covered about 40 percent of total aid. Now, loans cover 58 percent of total aid and during that period, grants went from covering 55 percent of total aid to just 40 percent of total aid. Mr. President, we must address this issue. We must provide assistance to aspiring teachers. We must act now.

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

Mr. KERRY. I ask my colleague from Georgia if he would mind if I took a moment, maybe 3 or 4 minutes, to say something about the shooting in Michigan. May I ask for 4 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I yield 4 minutes to the Senator from our time.

Mr. KERRY. The Senator is very generous. Knowing the outcome of this vote, I know the Senator does not have to expend a lot of eloquence to defeat me. I am very appreciative for his consideration.

Thank you very much, Mr. President.

YOUNG LIVES IN CHAOS

Mr. KERRY. Mr. President, today there was an article on the front page of the Washington Post. I thought the words captured in the caption really summarize the situation that the Senate needs to stop and think about much more seriously as we come into the budget deliberations for this year.

The title of the story is: ''A 'Life in Chaos' Shaped Young Shooter.'' The description in the story talks about the life: Living in a place where drugs are rampant, where a gun is under a pillow, where parents are not paying attention. Literally, they define this as a life in chaos.

I have come to the floor many times over the course of the last few years to talk to my colleagues about exactly that: the difference for children between a life in chaos and a life lived in order, in structure.

The fact is, this child in Michigan, who saw fit to pick up a gun and shoot another student of the same age in their classroom, is tragically not an aberration in the context of life in America today. There are countless numbers of children living lives in chaos.

One-third of all of our children in this Nation begin life in a deficit because they are born into a parenting situation where there is only one parent, born out of wedlock. With the failure rate of marriages, when you add to

the one-third that begin life that way, maybe as many as 45 to 50 percent of America's children are being raised in a single-parent structure.

Too many kids who are raised with even two parents are often the victims of lives in chaos, where the parents are not paying attention, where there are not afterschool programs, there are not early start programs, there are not child-care programs.

Children, 5 million strong a day, are let out of school to go back to apartments and homes where there is no adult until 6 or 7 in the evening. We know that 5 million children are let out of school and returned to apartments and homes in that situation.

I know of cities in Massachusetts where, tragically, because of the situation in a housing project or the situation of a single parent who is struggling with two jobs, working to make ends meet, and they do not have a proper child care situation, children are also being raised in a kind of chaos.

Talk to any child psychologist anywhere in the world, and they will tell you the negative impact that kind of chaos or disorder or lack of structure has on children.

My prayer is that in the course of the next weeks, when we have the opportunity in this budget, in a year of surplus, in a year where we are talking about huge sums of money in tax rebate, and too much of it going back to people who already have more than most people in America, I hope that in that context the Senate is going to do the business of this Nation in helping parents to be able to parent and helping children to be able to live lives in order, not lives of chaos. There is no greater mission for this country.

Mr. President, I ask unanimous consent that this article from the Washington Post be printed in the RECORD.

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

A 'LIFE IN CHAOS' SHAPED YOUNG SHOOTER

(By William Claiborne)

MOUNT MORRIS TOWNSHIP, MICH., March 1—The 6-year-old boy who shot and killed a first-grade classmate in an elementary school here Tuesday was living in a rundown crack house just blocks from the school—without even a bed to sleep on—and leading a ''life in chaos,'' authorities said today.

Two men living in the house were arrested last summer on charges of breaking into and burglarizing a house down the street in this gritty, unincorporated neighborhood just north of Flint in central Michigan, neighbors said.

Another man, who police said kept a .32-caliber revolver under a blanket in his bedroom—the weapon that authorities say the boy stole and used in shooting 6-year-old Kayla Rolland once in the chest—was a fugitive being sought on drug charges and for possible indictment for involuntary negligent homicide before he surrendered to police late this afternoon. The 19-year-old man, who has not been identified by police, was held on outstanding warrants.

When police raided the house Tuesday night and seized drugs and a stolen 12-gauge shotgun, they arrested a third man, identified as the boy's uncle, on an outstanding felony warrant for concealing stolen property. The uncle, identified as Sirmarcus B. Winfrey, was also held in connection with the seized drug cache and the shotgun. He is the brother of the boy's mother.

Genesee County Prosecutor Arthur A. Busch said the boy, whose name has been withheld because of this age, ''comes from a very troubled home. . . . It is obvious to me he is the victim of the drug culture and a home that is in chaos.''

Nonetheless the boy's mother Tamara Owens who police say has a criminal record, and his father, Dedric Owens, who is in jail on a parole violation, appeared briefly in Genesee County Probate Court today asking for custody of the boy and his 8-year-old brother. The father, appearing in court in handcuffs, said he was sorry for what happened but added, ''I miss him and I can't wait to see him.'' He said he was seeking custody for when he is eventually released from jail.

Speaking briefly in court, Owens said, ''I'm very sorry for what happened to the child and the family. I wish it would never had happened. There's nothing I can do about it.''

Probate referee Peggy Odette denied the custody requests, saying that there was evidence the mother had a background of drug use. But she said Owens, who sat quietly in court and wept occasionally during the brief proceedings, would be allowed supervised visits with the boy while he is in state custody. The boy and his brother are living with an aunt.

The parents' custody requests were made after state children's services officials filed a petition for state custody on the basis of alleged parental neglect. Busch said the petition would go to Family Court for a hearing.

Busch said the boy, who along with his brother apparently had been passed from house to house after their father was sent to prison on a home invasion conviction, was incapable of forming an intent to shoot his classmate and should not be prosecuted for that reason.

''Especially after the detectives say that he has not appreciated what has happened, that he takes this as, well this is something that happens like on television,'' Busch said at a news briefing at County Court in Flint.

After police questioned him, the boy ''just sat there drawing pictures,'' said Township Police Chief Eric King.

The prosecutor said there is ample case law, supported by a recent U.S. Supreme Court decision, that youths under 7 years old cannot be prosecuted on felony charges. ''He is a victim in many ways and we need to put our arms around him and love him,'' Busch said.

Genesee County Sheriff Robert J. Picknell said today that he interviewed the boy's 29-year-old father Tuesday night at the county jail. The father was paroled on Dec. 20 from a home invasion sentence but two months later was back in custody for the parole violation.

Picknell, in a telephone interview, said the father told him that, after being evicted from her house, the boy's mother dropped off the youngster at the crack house about 10 days ago to live with his uncle. The move followed a series of behavior problems at the Theo J. Buell Elementary School, where Kayla was shot as three first-graders and a teacher watched in horror Tuesday morning.

Branch said the shooting followed a quarrel ''and maybe a scuffle'' between the boy and Kayla at the school the previous day, but he insisted that he had no information indicating the boy went to the school with the intention of shooting the girl.

Picknell noted that Owens, whose name had been withheld to protect the boy until today's Probate Court appearance, said his son told him he had been suspended three times this school year, once for stabbing another pupil with a pencil and twice for fighting.

When asked about the suspensions, Ira Rutherford, superintendent of the Beecher School District, declined to comment, saying information about the boy's behavior is confidential. Rutherford said that ''seriously disturbed'' youths are referred to mental health programs for help, but he declined to comment when asked if the boy had been referred to such a program.

Rutherford also said he thinks the boy may be too young to come under a 1984 Michigan law requiring the expulsion of students who violate gun prohibitions, even though the law appears to cover pupils of any age. He said he would not speculate where the boy may attend school if he is not charged, even as a juvenile.

Picknell said the father was aware of the known drug house at 1102 Juliah St., around the corner from the school, and that when he heard about the shooting on a radio newscast, he immediately had a ''sickening feeling'' that his son may have been involved. Picknell said Owens told him that shortly after he was paroled in December, he saw his son and asked him why he committed the offenses that led to the suspensions.

''He said that the kid told him he did it because 'I hate them.'" Picknell said.

Picknell said Owen's suspicion that the boy was involved in the school shooting was heightened because of his knowledge that guns were always kept in the house for protection and for trading for drugs.

Picknell said he was troubled by the fact that the suspensions did not prompt educators to seek special help for the boy, or at least lead to a referral to child protection services for an investigation into his home life.

''If he [the father] could figure it out so quickly, why can't we, the police, the educators and the psychologists?'' Picknell said. ''All the warning signs were there, but we are not very good about recognizing them,'' the sheriff said.

Today there was nobody at the Juliah Street house, a one-story bungalow with an old car on cinder blocks on the muddy front lawn. But a neighbor, who said she was too afraid of reprisals to give her name, said there was a lot of traffic in and out of the house late at night and that the occupants ''never went to sleep.'' She said that even before two occupants were arrested in connection with the burglary nearby last summer, residents had complained to the police about drug dealing in the house, but that no action was taken.

Another neighbor, Tammy Fortin, who said she coincidentally is related by marriage to Kayla, said, ''It's a drug house. There are so many in this area that I'm scared for my kids, and the cops won't do anything about it.''

Fortin, who said her husband's brother is Kayla's stepfather, said the dead girl was a ''very well-behaved little girl, loved by everybody. It's just an awful tragedy.''

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

Mr. KERRY. Mr. President, I yield the floor.

AFFORDABLE EDUCATION ACT OF 1999—Continued

Mr. REID. Mr. President, I ask unanimous consent that the Kerry amendment be set aside so the Senator from California, Mrs. BOXER, can offer her amendment at this time.

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

Mrs. BOXER. Mr. President, I am happy to do this in 5 minutes or maybe, at the most, 6.

I thank my friend from Georgia, my friend from Nevada, and my friend from Louisiana, who graciously agreed I could go ahead of her.

AMENDMENT NO. 2880

(Purpose: To require schools that receive Federal funding to notify parents of certain pesticide applications on school grounds)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2880.

Mrs. BOXER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, add the following:

SEC. ____. PESTICIDE APPLICATION IN SCHOOLS.

(a) IN GENERAL.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA LIST OF TOXIC PESTICIDES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) LIST.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) PARENTAL NOTIFICATION OF TOXIC PESTICIDE APPLICATIONS IN SCHOOLS.—

(1) IN GENERAL.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) NOTICE.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) INCORPORATION OF NOTICE.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

Mrs. BOXER. Mr. President, I am very hopeful that this amendment, unlike the other one that I have pending, will get the support of my friends on the other side of the aisle.

For a long time I have been talking about the need for a children's environmental protection act. It is very important we understand that our children are not little adults; they are quite different from adults. They are growing; they are changing; and certain exposures are much more harmful to them than they would be for us.

My amendment does two things. It gives parents notification before toxic pesticides are applied in their children's schools. It also requires the Administrator of the Environmental Protection Agency to distribute to schools its guide on the establishment of a least-toxic-pesticide policy. In other words, we have already got the work done. Here it is. It talks about how we can lessen the bad impact on our children by using the kinds of products that will harm them the least. Right now, the EPA does send this out, but it is a spotty situation; they don't send it to all of the schools.

What we are asking for is a 48-hour notice so parents know that these substances are being sprayed, if they are, in fact, toxic, and if they are, in fact, a product that could harm the children.

Of course, what we really want to do is lower the use of toxic pesticides. That would be the very best thing we could do. That is our ultimate hope. That is why we are encouraging the Environmental Protection Agency to work with our schools. But, unfortunately, we have very toxic products being sprayed on our schools today.

Why is it important that parents know this is occurring? Because pesticides, by definition, are meant to kill living things. Exposure to pesticides has been linked to cancer, neurological disorders, and learning disabilities. A common insecticide schools currently spray on baseboards and floors to kill cockroaches and ants—it has an active ingredient called chlorpyrifos—is classified by the EPA as a nerve toxin. Since we know some of these common pesticides contain a nerve toxin, we have to ask what are the effects of our children's exposure to nerve toxin.

The acute effects of this type of toxin include headaches, dizziness, mental confusion, and vomiting. We know potential effects include decreased neurological performance. We know that because there have been some studies about which I will discuss.

These risks are much more prevalent in children than adults because, again, children are not little adults; they are different. A 1993 National Academy of Sciences report, Pesticides in the Diets of Infants and Children, documented what has long been known by children's health professionals: Children are at greater risk to experience the harmful effects of pesticide exposure than adults. The National Academy explained that children face greater exposure to pesticides because, pound for pound of body weight, they eat more food and drink more water and breathe more air than adults. In other words, they are smaller and therefore their intake is greater as a proportion of their body weight.

Children are rapidly growing, and their developing systems are more vulnerable to harmful effects of pesticides. I referred to a study. A study conducted in Mexico had children exposed to these very harmful pesticides make a drawing of a stick figure. I have that in the cloakroom, if anyone is interested in looking. The children who were exposed to the pesticides could not put together a stick figure. The ones who had no exposure were able to do it as a normal child would. That study certainly helps demonstrate why we should encourage schools to adopt the least toxic pesticide program.

I will close with this: My amendment is not some new idea, because many schools in my home State go beyond what is provided for in this amendment. For example, in the San Francisco, Los Angeles, Mendocino, and Arcata school districts in California, they have all adopted policies to prohibit the use of these toxic pesticides. I am not even going that far. My amendment merely requires, if we are going to use them, let the families know in advance.

We should try to help schools get off of these products. My amendment takes the first step toward reducing the use of toxic pesticides in schools nationwide by encouraging schools to adopt similar policies to those I have cited in my home State.

I think it is important, since we look to parents to protect their children, that those parents have the information and can decide how to proceed. Maybe if they find out there is toxic spraying going on, they will get together and try to come forward with a different brand of pesticide. All in all, I think we are giving parents more tools to be able to control the lives of their children and what their children are exposed to.

I am very hopeful that the Republican side of the aisle will reach across the aisle and accept this amendment. If they do so, I will not require a recorded vote; a voice vote will do just fine.

I ask my friend from Georgia does he have any information as to whether this amendment will be able to be accepted and disposed of by a voice vote at this time?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, if I might respond to the Senator from California, I am not 100 percent certain. As I told her when she came to the floor, it appears that that will be acceptable; in which case, we will do a voice vote. But I am not totally certain

yet. I am sure I will be by the time we start voting.

Mrs. BOXER. I thank my friend very much because I think we could all be proud of this amendment. It is quite simple. Again, we are giving parents information they should have, and we are essentially telling the Environmental Protection Agency to do a better job of getting this booklet out to all the school districts.

I thank my friends for their indulgence and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Boxer amendment be set aside and Senator LANDRIEU be allowed to speak for 30 minutes.

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

The Senator from Louisiana.

AMENDMENT NO. 2867

(Purpose: To promote teacher and principal quality and professional development)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk on behalf of myself, Senator LIEBERMAN, and Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. LIEBERMAN, and Mr. BAYH, proposes an amendment numbered 2867.

Ms. LANDRIEU. Mr. 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.'')

Ms. LANDRIEU. Mr. President, I offer this amendment on behalf of Senator LIEBERMAN, Senator BAYH, and myself. Others may be joining.

The amendment has to do with improving the quality of teaching in our public schools, to provide resources to our States and our local communities to help teachers gain additional professional skills to help them do a better job in the classroom.

The amendment will provide an additional $1 billion to States and local governments. It will encourage States to design their own initiatives. Many States are well on their way in this regard and are seeing great progress. Other States and other communities have a long way to go.

I am not going to spend my time right now relaying all the statistics in this regard, only to say that a large percentage—by some estimates, 40 percent; in some communities, 50 percent—of the teachers teaching in public elementary and high schools are not certified and, by the standards set by their own local communities and States, not qualified to teach a particular subject matter.

In particular, we have had a shortage of teachers in the math and science areas. Although we have made great progress in that particular area in the last couple of years, we have a way to go.

On the general issue of education, I thank my colleague from Georgia for his handling of this issue. I say to both of the leaders and to my colleagues, I hope we will stay on the issue of education. It is the most important issue to the American public. Whether our children are in public school or not, as taxpayers, as parents, as grandparents, as young people, this issue is weighing heavily on the American people today. They want the proper and appropriate response from Washington. They want us to discuss it, but, more importantly, they want us to act.

Whether we agree to pass this bill or not, one thing is clear in our minds: We all agree that elementary and secondary education in America is in need of reform. We must accelerate the progress and the reforms that are underway.

It is simply taking too long. We are not making enough progress in the areas where we need to, satisfied with the status quo. It is not because public schools aren't working, it is that they are just not working well enough for the children and families who need them the most and depend on them the most. And we have reams and reams and reams of material to back up this statement. We all agree that the current rate of student achievement is simply not satisfactory for a large number of our students.

Again, there are many public schools that are working well. There are many classrooms—hundreds and thousands—that are functioning beautifully. Yet, under the status quo, many students are being left behind, many districts left out, many States not meeting the goals.

We must begin in this year, the year 2000, to consider new ways to help increase the quality of learning for our youth. We are not alone in this sentiment in the Senate or in the House. Pick up any newspaper or magazine daily and you will see articles on the need for reform and the need for new testing results and smaller class size. School construction has been in the daily headlines for months—in fact, years. Speak to any parent and they will tell us about the need for change. Talk with teachers who are in the classrooms.

Of the eight goals set by the National Goals Panel in 1992, which many of us and many Governors and grassroots leaders worked on, not one has been satisfactorily accomplished to date.

Admittedly, some of the goals were quite lofty—if you will, reaching for the stars. Nonetheless, in the 6 years after a tremendous amount of work, a tremendous amount of money, we are not making significant progress. Up to 28 categories were chosen to monitor these 8 goals in the United States as a whole, and we have improved in only 12 of those categories. We have made no progress in 11, and we have actually declined in 5.

Here is the National Education Goals Report which contains all of these details. They are discouraging, in my opinion. I am happy to see that we have made significant progress in increasing our math and science scores. But we have gone down in some very important areas—in teacher certification; reading scores at the 4th grade, 8th grade, and 12th grade levels have not appreciably improved. According to the National Commission on Teaching in America, fewer than 75 percent of all teachers have been licensed specifically in their area.

This is not the kind of reform—or at least the pace of reform—we should accept, or we need to accept, or we need to embrace. We need to say, yes, while we are doing some things very well, we have to accelerate the pace of reform and make some fundamental changes.

My husband and I are building a house here on Capitol Hill, and it has been a wonderful experience—if we can get through this without fighting too much and all of the things that go along with building a house. It sort of reminds me of this debate. We spend a lot of time in the Senate and House floor giving speeches about specific areas. We talk about school construction, early childhood education, teacher quality, or new reading programs, which are all good. It is like talking about redesigning a window or redesigning a kitchen or redoing a living room. I am talking about something many of us feel strongly about—a new foundation.

We need to build a ''bigger house'' so that all the children can find a place in this house. We need to build a much better house. You can't do it by arguing about the size of windows, or the color of the carpet, or the decor of the living room, which is how we are spending a lot of our time here. We need to talk about fundamental, foundational change in the way the Federal Government helps to reform and accelerate the pace of reform in America today.

Let me outline a few principles that I think are very important.

No. 1, in my opinion, we can't do this in the piecemeal manner in which we have been approaching it—whether it is a great idea for a new tax gimmick or scheme, or a good tax policy, depending on how you look at what we have debated, whether it is about a specific amendment, or school construction, or a new bond issue that will give us interest-free loans for our local governments or even extend the debt.

We need to accept the fact that comprehensive reform is necessary. We have that opportunity in this Congress. As we go to the reauthorization of the Elementary and Secondary Education Act, which is now in committee and being debated in our Education Committee, it is my great hope that out of that committee and to this floor will come not a piecemeal approach, but a fundamental, foundational approach that would have a couple of components: One, that we would trust our

local government and our Governors and our mayors and our legislators, and that it would be a bipartisan trust, and say that many Governors—not all—have been making considerable headway in their States with new accountability standards, new innovation, pressing hard to make sure the resources get to the classroom.

One of the great changes we need to make in a comprehensive way is saying that we don't have all the answers, and we don't want to micromanage, that we want to trust our local government officials and give them the flexibility they need toward this accelerated reform about which I am speaking. We need to reward them for their performance, reward them for being successful. Stop rewarding failure. Stop giving more money to the schools that have poor results, and start encouraging our local officials through the way we fund elementary and secondary education, and base our funding on the rate of improvement so each school area competes against its own standards; and when a school fails, encourage the local system, when there is a failing, to take real measures. Don't leave the children in a school that is not working. They have already been punished enough.

Let us create a comprehensive system of reform that rewards innovation, that expects excellence, and that stops being satisfied with failure, and trust our local officials to do that.

I feel very strongly about the word ''accountability,'' but we toss it around so much. I am not sure we all agree on what it means. I don't want them accounting for the number of pencils purchased or the numbers of textbooks. I don't want them accounting for the number of computers. I want to have the locals account for the improvement of test scores of their students. How are the teachers improving? Is there greater parental involvement? These are the measures of accountability on whether a school is working or not. And I will also go so far as to say it is not only test scores, although that is clearly important, and we need to have national standards set perhaps at local levels, but national measurements of achievement. But also the morale of the school, the enthusiasm of parents, and the spirit of the teachers and the principals all should be considered in terms of the way we fund schools and what we expect.

I can walk into a school—and I have walked into hundreds of them, as you have, Mr. President, and as many of our colleagues have—and tell from the minute I walk in the door whether the school is working or not, and whether there is learning going on. It doesn't matter if the place is shiny and painted, although that helps and lifts your spirit. But it is also about the brightness in the eyes of the students, and the brightness in the eyes of the teachers and the principals, that they are a team, that they are working together and accomplishing great things.

Some of the schools I have visited in very poor areas with very poor children are doing a beautiful job. In some places, it seems everything should be going well because on the outside it all looks good, but there is not a lively spirit.

It is hard to legislate along these lines. But I think it is a real goal we should strive for to determine our funding in a way that encourages that kind of light and commitment at the local level and to join with our Governors and with our legislators and not against them in this effort.

It is my great hope we will continue this debate. I know we are going to vote on this particular bill tonight. But, again, this is like discussing a particular window dressing. It might help the overall look of the house and actually make the house be part of a great looking building, but we need to be talking about the great foundation. I hope this Congress will stay on education week after week this year, and next year if necessary, until we get the new foundation laid for the way the Federal Government should work with our local governments so that we can have accelerated, positive reform in public schools.

I know people are frustrated. The answer is not to abandon the public school system. It is not to walk away through vouchers or other systems. It is to stand steady and redo the foundation in a comprehensive reform at the national level, which is only 7 to 9 percent of the budget, but an important 7 to 9 percent of the total education budget, and stand steady and produce comprehensive Federal legislative reform from this level to ensure every school is working in every community for every child. I believe we most certainly can meet that test.

One of my colleagues, Senator HERB KOHL from Wisconsin, is also supportive of this amendment and wanted to associate himself with the statement. I certainly appreciate his help and his support.

Let me close by saying, again, I thank the leaders who have been helping us with this particular debate and thank all of my colleagues who have spent their time coming down to the floor and talking about very important and significant issues. But, again, I believe the time is now, since this report was issued in 1999, to recognize that while some good things are happening, they are not happening fast enough. We cannot be satisfied with the status quo. We cannot continue to be piecemeal in our efforts. A comprehensive overhaul of the way the Federal Government funds education, trusting our local officials, granting flexibility, focusing on accountability, and, yes, increasing resources.

I am one of the Members of this body who has agreed on a tax cut that can be reasonable and responsible. I also agree it is a great time to make some strategic investments. I, for one, would be willing to make a huge investment in education but not unless structural reform is in place. We cannot continue to throw more money at an old problem and be satisfied with a rate of result which is not good enough and is leaving too many of our students behind.

I believe the budget is at least poised to make some significant investment in education. Let us do it with comprehensive reform and a new direction of Federal support that will result in greater performance of our schools at the local level. I think we are up to the task. I know we can do it in a bipartisan way.

I thank the Senators who have joined me in this particular amendment. I may or may not ask for a vote on this particular amendment before we finish this debate.

But I also wanted to mention Senators LINCOLN and BREAUX. I mentioned Senator BAYH. Senator LIEBERMAN is supportive of this particular amendment. We may or may not ask for a specific vote on it, but, again, I want to reiterate how important comprehensive reform us and to take the time this year to get it done.

I yield the remainder of my time.

Mr. KOHL. Mr. President, I rise today in support of both the pending amendment and the underlying Education Savings Account bill. Education Savings Accounts will clearly help some families save money for their children's education, but they are only part of the solution to improving education in our country.

The amendment proposed by the Senator from Louisiana is another part. It represents the work of several Senators who are trying to take a realistic, effective approach to improving public education. I urge my colleagues on both sides of the aisle to take a serious look at our bill, the Public Education Reinvestment, Reinvention, and Responsibility Act—better known as ''Three R's''.

We have made great strides in the past six years toward improving public education. Nearly all States now have academic standards in place. More students are taking more challenging courses. Test scores have risen slightly. Dropout rates have decreased. But there are still significant improvements to be made. A recent study of students from 41 different countries found that American students still score far behind those in other countries.

Addressing this sort of fundamental failure is going to take more than cosmetic reform. We are going to have to take a fresh look at the structure of Federal education programs. We need to let go of the tired partisan fighting over more spending versus block grants and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

Our ''Three R's'' bill does just that. It makes raising student achievement for all students—and eliminating the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must continue to invest in education, and invest wisely, targeting funds where they are needed the most. Second, we believe that States and local school districts are in the best position to know what their educational needs are. They should be given more flexibility to determine how they will use Federal dollars to meet those needs. And third, and most importantly, in exchange for increased flexibility, public schools must be accountable for results. These principles are a pyramid, with accountability being the base that supports the federal government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educate their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we need to stop subsidizing failure.

The amendment before us now is the Teacher Quality and Professional Development section of the ''Three R's'' bill. It would increase funding for teacher quality and professional development to $2 billion, and target those funds to the neediest school districts. It gives States and school districts more flexibility to design teacher recruitment, mentoring, and professional development programs. And it requires States and school districts to ensure that every student will be taught by a fully qualified teacher—and holds them accountable for making sure that happens.

Mr. President, the amendment before us today is just one part of the ''Three R's'' bill. It focuses on one of the most important parts of improving education—improving teaching. It is an example of how, by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—we can work with our State and local partners to make sure every child is taught by a qualified teacher. I look forward to continuing to work on these issues when the Senate considers ESEA.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the amendment of the Senator from Louisiana be set aside, and the Senator from New York be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

AMENDMENT NO. 2868

(Purpose: To put teachers first by providing grants for master teacher programs)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] for himself, and Ms. Landrieu, proposes an amendment numbered 2868.

Mr. SCHUMER. 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 appropriate place, insert the following:

TITLE ___—21ST CENTURY MASTER TEACHER PROGRAMS

SEC. ___01. MASTER TEACHER PROGRAMS.

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

(1) by redesignating part E as part F; and

(2) by inserting after part D the following new part:

''PART E—MASTER TEACHER PROGRAMS

''SEC. 2351. MASTER TEACHER PROGRAMS.

''(a) DEFINITIONS.—In this part:

''(1) BOARD CERTIFIED.—The term 'board certified' means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards.

''(2) MASTER TEACHER.—The term 'master teacher' means a teacher who is certified by the National Board for Professional Teaching Standards and has been teaching for not less than 3 years.

''(3) NOVICE TEACHER.—The term 'novice teacher' means a teacher who has been teaching for not more than 3 years at a public elementary school or secondary school.

''(b) PROGRAM AUTHORIZED.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to local educational agencies to establish master teacher programs as described in paragraph (4).

''(B) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award grants under subparagraph (A) so that such grants are distributed among the school districts with the highest concentration of teachers who are not certified or licensed or are provisionally certified or licensed.

''(2) DURATION.—A grant under paragraph (1) shall be awarded for a period of 5 years.

''(3) AMOUNT.—The amount of a grant awarded under paragraph (1) shall be determined based on—

''(A) the total amount appropriated for a fiscal year under subsection (h); and

''(B) the extent of the concentration of teachers who are not certified or licensed or are provisionally certified or licensed in the school district involved.

''(4) AUTHORIZED ACTIVITIES.—The master teacher programs described in paragraph (1) shall provide funding assistance to teachers to become board certified, including the provision of the board certification fee.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—A local educational agency desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) APPROVAL OF APPLICATION.—The Secretary shall make a determination regarding an application submitted under paragraph (1) based on a recommendation of a peer review panel, as established by the Secretary, and any other criteria that the Secretary determines to be appropriate.

''(d) PAYMENTS.—

''(1) IN GENERAL.—Grant payments shall be made under this section on an annual basis.

''(2) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under subsection (b) shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

''(3) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress during a fiscal year in increasing the percentage of teachers who are board certified, or in improving student achievement, such an agency shall not be eligible for a grant payment under this section in the next succeeding year.

''(e) REPORTS.—Not later than March 31, 2004, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report of program activities funded under this section.

''(f) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under subsection (b) unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded to the agency.

''(g) REPAYMENT OF FUNDS.—

''(1) IN GENERAL.—In the case of any program under this section in which assistance is provided to a teacher to pay the National Board for Professional Teaching Standard board certification fee to become board certified, assistance may only be provided if the teacher makes agreements as follows:

''(A) The teacher will enter and complete the National Board for Professional Teaching Standards board certification program to become board certified.

''(B) Upon becoming board certified, the teacher will teach in the public school system for a period of not less than 2 years.

''(2) BREACH OF AGREEMENTS.—A teacher receiving assistance described in paragraph (1) is liable to the local educational agency that provides such assistance for the amount of the certification fee described in paragraph (1) if such teacher—

''(A) voluntarily withdraws or terminates the certification program before taking the examination for board certification; or

''(B) is dismissed from the certification program before becoming board certified.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of the fiscal years 2001 through 2005.''.

Mr. SCHUMER. Mr. President, I rise to offer my amendment, the Teachers First Act, to the education bill we are currently considering.

If you had listened to the debate over the last 2 days on this bill as I have, there is not a single Senator who is satisfied with the quality of education in our public schools. We have different prescriptions, but we are unanimous in our belief that U.S. schools must do better in this globally competitive and idea-based world.

In my own State, at the end of the last fiscal year, New Yorkers were shocked to learn that half of the State's fourth grade students could barely handle written and oral work. Over the past 8 years, the number of New York schools cited for poor performance has more than doubled. This is simply unacceptable.

I am concerned, of course, as a Senator from New York, but I am even

more concerned as a parent because my two daughters attend public schools in New York City.

For me, if we could accomplish only one thing, if we could make only one change to our schools to raise the quality of education for all kids, it must be to improve the quality of our teachers and make the teaching profession more attractive to young people.

In the past, America was able to attract high-quality young people to teach—top-quality women who were locked out of other professional fields, talented men because of the promise of stable employment, or as an alternative to the Vietnam war draft. Today, very unfortunately for our country, to choose to teach is to choose financial sacrifice. And quality has become less important than filling vacant teacher slots. This has to change for a whole bunch of reasons.

First, today's economy depends more on the quality of the minds we provide in our schools than the minerals we dig in the soil or the wealth of the fields.

Two, we have an enormous teacher shortage on the horizon.

Three, studies tell us that teacher qualifications account for more than 90 percent of the differences of students' reading and math scores.

Let me repeat that because it is an astounding fact.

Studies tell us that teacher qualifications account for more than 90 percent of the differences in students' reading and math scores. So quality and training count.

The bad news is that more than 12 percent of all newly hired teachers enter the workforce with no training at all, and 37 percent of all new teachers nationwide lack full certification.

I was at a reception of the North Carolina Community Bankers. I had not had lunch and I wanted to smell the crab cakes. I told them about the amendment I was submitting because much of the idea of this amendment came from the work of Gov. Jim Hunt of North Carolina. One of the bankers said: Why should we have any teachers who are not certified? I said: We shouldn't. He said: Why do we let them teach?

The answer is very simple. We do not have enough qualified teachers applying for the jobs at existing salary levels. Given the working conditions of a teacher, given that the starting salary of a teacher in America is $24,000 a year, schools—particularly in rural and inner-city areas, but now in other places, too—are facing a Hobson's choice: no teacher or an unqualified teacher, an uncertified teacher.

There is no other choice. The number of people who are certified doesn't fill the need for the number of teachers.

I think it should be a given in this great democracy of ours that every American child deserves to be taught by a highly qualified and motivated teacher. Scarce Federal dollars should be used to support and help replicate successful programs to recruit and retain high-quality teachers. And we should have standards in accountability to ensure that we are doing right by our children.

I am proud to have worked with Senator KENNEDY, and I compliment Senator KENNEDY's tremendous leadership on his qualified-teacher-in-every-classroom amendment. This effort, unfortunately, failed this afternoon. It would have included mentoring and professional development programs, provided resources and ongoing support to teachers, particularly in the subject areas of math and science where they are desperately needed. The number of teachers, by the way, in math and science who are qualified and certified overall is very low for the simple reason those individuals can make virtually double in the private sector with a background in math and science.

Second, that accountability measures for States and local districts to improve teacher quality be real.

Third, that recruitment efforts to attract the best and brightest continue.

As a complement to the fine work of Senators KENNEDY, BINGAMAN, WELLSTONE, MURRAY, REED, and others, I am introducing an amendment that will provide funding for teachers to complete a 1-year intensive program to become board certified. The National Board for Professional Teaching Standards is the gold seal of certification. We want doctors, accountants, and architects to obtain board certification. We must have the same for teachers.

I am one who believes strongly in standards and accountability in the educational system. I do not believe we should be lowering the bar for teachers or for students. To lower the bar is the end of a great American tradition of meritocracy; that is, no matter who you are or where you come from, if you meet certain standards, you get the job.

On the other hand, if we are not going to lower the bar—and we certainly shouldn't, and I support many of my colleagues in that viewpoint on both sides of the aisle—we then have to make sure people can get over the bar.

If there are too few teachers right now who meet certification, we can have uncertified teachers in the classroom or we can help more teachers become certified. That is the nub of this program.

Board certification requires teachers to undergo a rigorous regime of testing and assessments based on actual classroom teaching, lesson plans, and student work samples. This is not some abstract test that one takes. This is real on-the-job training. Teachers seeking board certification are also required to pass written exams designed to test subject matter knowledge, curriculum design, and student assessment techniques. The process takes nearly a year and costs $2,000.

My proposal provides $50 million a year in grants for 5 years to cover 75 percent of the costs of certification in those districts with the highest concentration of teachers who are not certified or licensed. The local district would match the remaining 25 percent and teachers would agree to remain within the school district as master teachers for at least 2 years after certification.

Why don't we just simply allow localities to do this on their own? Because they don't. They are strapped for funds, they have day-to-day needs and concerns, and they will take an uncertified teacher and put them in the classroom because they are faced with the choice of no teacher.

This is just the type of program the Federal Government should initiate. We shouldn't mandate a program on the school districts. No school district has to participate in this. Rather, we ought to focus on the pressure points and pinpoint where a little financial incentive will encourage school districts to do things that we think we need.

As my colleague, Senator DODD, said in a private conversation the other day, we do have national values. To give money to local school districts and say, do whatever you want with it, ensures the same old situation with which we are not happy. If we agree that we should raise the bar for who should be teachers, what better method than to give dollars to local school districts that wish to help certify more teachers? Not all dollars; they have to match it 25 percent so it means something to them, but it gives them help.

The bottom line is that we have to make teaching an exalted profession in the 21st century as the professions of law and medicine have been in the 20th century. My amendment is a step in the right direction.

Today, only nine States have over 90 percent of their teachers who are nationally board certified. My own State has 61 board certified teachers; 61 out of 205,000 teachers in New York State. That ratio is abysmal. It is time to make a change. I urge my colleagues to join me in supporting this amendment.

I yield back the remainder of my time.

Mr. COVERDELL. Mr. President, I ask unanimous consent that at 6:45 the votes commence, with the first vote limited to 15 minutes and all successive votes be limited to 10 minutes. There will be 2 minutes for explanations prior to each vote. I also ask any amendment agreed to by the Senate be modified to conform to the earlier-passed Roth amendment.

Let me announce the sequence of the votes: COVERDELL, BOXER, BINGAMAN, WELLSTONE, FEINSTEIN-SESSIONS, DURBIN, KERRY, BOXER, SCHUMER, and final passage.

The leader has advised both managers that the time limits on the votes will be strictly adhered to. We had a lot of trouble earlier this afternoon. He is insistent that we follow this schedule. Some of these votes may be by voice vote. We are still working on that.

This is the general outline of where we are going in the next 15 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent it be added to the agreement that Senators TORRICELLI and LIEBERMAN have the remaining time until 6:45 to speak. Senator LIEBERMAN wants to speak to the Landrieu amendment and Senator TORRICELLI wants to speak on the bill itself.

Mrs. BOXER. Reserving the right to object, I didn't hear the rest of it. We had an arrangement to speak for 5 minutes.

Mr. COVERDELL. At 6:45.

Mrs. BOXER. I should be here at 6:45.

Mr. COVERDELL. Yes.

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

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

I rise to speak both in favor of the underlying proposal offered by the Senator from Georgia and the Senator from New Jersey, which I am pleased to be a cosponsor of, but also to speak on behalf of an amendment that has been introduced by the Senator from Louisiana, Ms. LANDRIEU, on behalf of herself, Senator BAYH, and myself.

Let me say briefly, on the underlying proposal, it is a modest but important proposal which encourages parents and enables parents through the tax benefits provided to set aside some money for their children's future, and to use it for a variety of educational purposes that have been well outlined here. This proposal, as has been said over and over again, is no different than existing legislation for use at the college level. I support it enthusiastically and think it is a step forward. It will be of particular help to struggling middle-class families who want the best for their children's education and often find it hard to pay the way. This will help them just a little bit.

Second, speaking about the amendment offered by Senator LANDRIEU and Senator BAYH and myself, as I have followed the debate on the Coverdell-Torricelli proposal, I have been troubled, again, to see the Senate divided largely along partisan lines. The lines are familiar, the arguments have been heard before, but they do not get us anywhere, and they particularly do not respond to the message that I get clearly when I go home and speak to people in Connecticut and that I guess my colleagues here get when they go to their respective States. It is that there is nothing that matters more to the people of America today than to improve our system of education, particularly public education, but all education, private, faith-based as well.

If we respond to that clear plea, that priority of our constituents, with partisanship and posturing that produces nothing but a continuation of the status quo, then shame on us. So in hopes of reaching a realistic consensus in the weeks ahead, this debate in some ways has been a warm-up. But it is an important one that has substance attached to it for the broader debate on the Elementary and Secondary Education Act.

The amendment Senator LANDRIEU has put forward is a piece of a broader proposal that she and I and Senator BAYH, Senator LINCOLN, and others are developing as a total reform of the Elementary and Secondary Education Act. It is building on good news in a number of our States which are moving in the direction, not of a fixation with rules and regulations or bureaucracies but concentrating instead on results: How can we improve the educational performance of our children?

In the States that are succeeding, they are doing three things. First, they are infusing new resources into their public education systems. We are going to have to invest more. Second, they are giving local districts more flexibility in how they meet those higher standards as they determine the needs of their children and local school systems. Third, they are demanding new measures and mechanisms of accountability to increase the chance that these investments will yield the intended return, which is higher academic achievement by all of our students. Those are the goals of the bill that Senators LANDRIEU, BAYH, LINCOLN, I and several others are drafting.

It calls for revamping the framework of our Federal education programs and engaging the States in a new performance-based partnership, where we would significantly increase Federal funding to help our schools meet these new expectations, to target these new dollars to the communities and children who are disadvantaged, who need them most, and to provide State and local officials with broad latitude in allocating these resources to meet their specific priorities. We then hold the States responsible for showing progress in meeting those goals, to reward those who do and, yes, to punish those who do not better educate our children.

In this approach, we believe and hope, are the seeds of a bipartisan solution. It brings together what is best on both sides of the favored educational reform. For those who call for more resources and more targeting to poor urban and rural districts, we are proposing increasing our investment in ESEA by $25 billion over the next 5 years, 80 percent of which would be put into title I.

For those who call for more flexibility of local control, we propose consolidating the mass of Federal categorical grant programs, a kind of Washington-knows-best attitude, into five performance-based partnership grants, all of which are tied to the overarching goal of raising our children's academic achievement. And for everyone, the parent in particular, who is concerned about the bottom line—and the bottom line here is how well are my children being educated—we propose making accountability our new education linchpin by rewarding States that exceed their own performance goals and punishing those who routinely fail to show such progress.

We plan to introduce this bill next week and hope to have it considered on the floor during the ESEA debate. In the meantime, I appeal to my colleagues on both sides of the aisle to take a hard look at that proposal and the ideas behind it.

I recognize nothing we do at the Federal level can, by itself, solve the problems of education in our country. But we can create incentives for change and innovation. We can identify the way and build the will to get there, which is our goal, as is, may I say, the goal of the underlying bill before the Senate today.

I support the Landrieu amendment. I am proud also to state my support for the Coverdell-Torricelli bill.

I yield the floor.

Mr. COVERDELL. Mr. President, I think by previous accord, not necessarily by unanimous consent, Senator TORRICELLI will have the time remaining until the voting occurs.

Mr. TORRICELLI. Mr. President, I first express my admiration and, indeed, thanks to Senator COVERDELL who, through these many days and many years, has both written this measure and brought it to this moment of judgment. I have been proud to be his partner in this process, though admittedly he has shouldered far more than half of this load, bringing us to this moment of judgment. I am genuinely grateful and proud to have worked with him.

Mr. COVERDELL. I think the Senator knows the compliments are mutually shared.

Mr. TORRICELLI. I thank my colleague.

At this point I think every argument has been made and almost everybody has made them. This Senate has now looked at the question of education savings accounts from every possible perspective. I know these arguments, both for and against the legislation, have been sincerely made. But, indeed, I fear that what is the beginning of a long and detailed analysis of the problems of American education has been plagued by a perennial senatorial problem, and that is making the perfect the enemy of the good.

Neither Senator COVERDELL nor I have ever argued that offering these private savings accounts would solve every education problem in America. They will not. No Senator could come to this floor with any proposal solving every problem. But they are the opening shot in a revolution in American education, a revolution that, if we are wise enough, will at some point include the construction of new schools, the raising of teacher salaries, the increasing of accountability, and new standards. But on this day, if we succeed, it changes the battle lines in American education by bringing private resources and the private community into the process of education.

Throughout the history of our country, we have allowed American education to be simply a question of what

local governments, sometimes with Federal resources, can do through the instruments of Government to educate children. That formula will always dominate American education. We seek to change it if only in this marginal degree. By the use of these private savings accounts, we estimate that $12 billion of family resources will be used to help educate children from kindergarten through high school. That is not a substitute for public resources. It does not divert public resources. Indeed, not a dollar of public money is diverted from the public schools to any other institution. It does allow the community, a family at the birth of a child, to establish these savings accounts and then call upon grandparents, parents, cousins, churches, synagogues, labor unions, and corporations to contribute moneys into these funds.

That cannot be bad. Mr. President, $12 billion will be spent on education tomorrow that is not spent today. We may divide on other issues of education, but no one can sincerely argue in this Chamber those resources are not needed or that it is not a good thing parents or churches or grandparents have a vehicle to participate in that child's education.

I know my colleagues, particularly my Democratic colleagues, are sincere when they express concern, but this legislation will not help every child. I cannot argue that point. There are some families so wealthy they may not qualify, and there are some families so poor they may not be able to contribute or find sponsors who will. For them, there are other days, other legislation, and other proposals which this Senate has an obligation to consider. But on this day, on this vote, for millions of American families, working-class families, people who work hard every day, middle-income families who can save $50, $100, $1,000 for their child, this is a vehicle.

Under what possible reason would the Federal Government be taxing the interest of an account where a family saves for the education of their child? Not only should we not be taxing it, we should be doing everything possible to encourage that family to save that money. It will help most families.

Yet many of my colleagues still argue: But the money will be diverted from public schools. No, I say to my colleagues, not a dollar. Indeed, the CBO has estimated that 70 percent of this money will actually be spent by public school students.

The other day, in this Chamber, my friend and my colleague, whom I admire greatly, Senator DODD, said: But the public schools are free. No, I say to my colleagues, public schools are not free. Afterschool activities cost money, tutors cost money, transportation costs money, books cost money, computers cost money.

Some of the greatest champions in the Senate of public schools in America have argued against this legislation in the belief they are defending public schools. Most of this $12 billion will go to the public schools so middle-class families and working families will be able to use these funds to help pay for public school activities. Yet some of this money will also go to help pay the tuition of private school students, and that is a good thing, too.

I say to my colleagues, this has been a good debate. This is a sound proposal. I hope and I trust on a bipartisan basis we will send a signal that this Congress is finally serious about genuine education reform; that we will return on another day to deal with the problem of teacher salaries, construction, and standards, but that on this day, we will marshal private resources to deal with the public and private school problems of America.

This is good, and it is sound legislation. It passed the House of Representatives on an overwhelming bipartisan basis. Almost every Member of this Senate voted for the identical proposal to fund higher education. Now we offer the same bill with the identical language to deal with K through 12. Senator COVERDELL, I believe, has made a great contribution by this legislation. I am very proud to join with him in offering it and very proud that it has become a genuinely bipartisan proposal.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The hour of 6:45 p.m. having arrived, under the previous order, the Senate will proceed to vote.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from New Jersey for his dedication and courage.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2867, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Landrieu amendment be withdrawn.

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

Mr. REID. Mr. President, I further ask for the yeas and nays on the Durbin amendment and on the Boxer amendment.

The PRESIDING OFFICER. Without objection, it shall be in order to order the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2880, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Boxer amendment No. 2880 on pesticides be modified with the changes that are at the desk and that we proceed to a voice vote. Under the procedures of voting, the Senator will have 1 minute of explanation, and then we will proceed to a voice vote.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

SEC. _____. PESTICIDE APPLICATION IN SCHOOLS.

(a) IN GENERAL.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA LIST OF TOXIC PESTICIDES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) LIST.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) PARENTAL NOTIFICATION OF TOXIC PESTICIDE APPLICATIONS IN SCHOOLS.—

(1) IN GENERAL.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) NOTICE.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) INCORPORATION OF NOTICE.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

Mrs. BOXER. Mr. President, I understand the Senator from Nevada would like to speak for 1 minute, in addition to my 5 minutes; is that all right? Are we discussing the pesticide amendment or the gun amendment?

Mr. COVERDELL. Pesticide.

The PRESIDING OFFICER. It is the Chair's understanding the Senator from California had 1 minute.

Mr. COVERDELL. That is correct.

Mrs. BOXER. Mr. President, that is fine with the Senator from California. I thank my friend from Georgia. We made a small change in my amendment. Essentially, what we are telling parents now is that if the schools their kids go to are going to be sprayed with dangerous pesticides that are known carcinogens, that could cause nerve damage, they will be notified 48 hours in advance of the spraying that will be taking place.

In addition, what we do is we instruct the Environmental Protection Agency to take the booklet they have already

produced on how to get away from using these very strong and toxic pesticides and send it to every school district in America.

I am very pleased this is being done. I have a larger bill, the Children's Environmental Protection Act, on which I invite everyone to join me. Children are not little adults. I am a little adult, but children are growing and changing. Their bodies are changing, their hormones are changing, and they are absolutely more adversely impacted by these toxins.

I thank my colleague very much. I hope we can have a voice vote.

Mr. COVERDELL. Mr. President, I yield back the 1 minute. I thank the Senator from California for her cooperation. I call for a voice vote on her amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2880, as modified.

The amendment (No. 2880), as modified, was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2881

(Purpose: To provide for a Manager's amendment to the bill as amended by Senate Amendment number 2869)

Mr. COVERDELL. Mr. President, I have a manager's amendment. It has been cleared on both sides. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. ROTH, proposes an amendment numbered 2881.

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

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

The amendment is printed in today's RECORD under ''Amendments Submitted.''

Mr. COVERDELL. Mr. President, I call for the adoption of the amendment.

Mr. REID. Mr. President, I have been told by staff that this has been cleared by the minority on the Finance Committee.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2881) was agreed to.

Mr. ROTH. Mr. President, I rise to address one provision in the managers' amendment that has been adopted.

The provision to which I am referring deals with the authority of the Federal Housing Finance Board to allocate authority to Federal Home Loan Banks to guarantee school construction bonds. The provision contemplates legislation that ''expressly'' authorizes the Federal Housing Finance Board to allocate such authority to the Federal Home Loan Banks. No inference should be drawn from this provision with respect to the Federal Housing Finance Board's current authority.

I note that the general counsel of the Board has issued a legal opinion arguing that the Board has the implicit legal authority to allocate authority to Federal Home Loan Banks to guarantee school construction bonds.

I ask unanimous consent that a copy of a letter from Deborah Silberman, General Counsel, Federal Housing Finance Board, dated March 3, 1999, be printed in the RECORD.

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

FEDERAL HOUSING FINANCE BOARD,
Washington, DC, March 3, 1999.

Mr. PAUL S. FRIEND,
Vice President and General Counsel, Federal Home Loan Bank of New York, New York, NY.

Regulatory Interpretation: FHLBank of New York Request for Regulatory Interpretation Regarding FHLBank Authority to Issue Standby Letters of Credit In Conjunction With Tax-Exempt Bonds or Notes, Including School Construction Bonds (99–RI–7).

DEAR MR. FRIEND: This is in response to your February 10, 1999 letter on behalf of the Federal Home Loan Bank of New York (FHLBank), as supplemented by a February 18, 1999 letter, requesting a Federal Housing Finance Board (Finance Board) Regulatory Interpretation regarding the FHLBank's authority, under recently promulgated Finance Board regulations, to issue standby letters of credit (SLOCs) in conjunction with tax-exempt bonds or notes.

Specifically, the FHLBank has requested confirmation that under the recently adopted Finance Board Regulation on SLOCs, the FHLBank would have authority to issue SLOCs in conjunction with tax-exempt bonds or notes ''when the issues are designed to promote housing or the financing of commercial and economic development activities that benefit low- and moderate-income families, or that are located in low- and moderate-income neighborhoods.'' In addition, the FHLBank requests confirmation that the FHLBank could issue a ''confirming'' letter of credit on behalf of a member that provides a letter of credit for the benefit of bondholders in conjunction with a tax-exempt school construction bond issuance. Your February 18, 1999 letter indicates that the FHLBank's issuance of the confirming letter of credit would enable bond rating agencies to issue a triple ''A'' rating on the bond, as well as provide an additional guarantee of payment to the boundholders.

The Finance Board's former Interim Policy Guidelines For FHLBank Standby Letters Of Credit (SLOC Guidelines), Finance Board Resolution No. 93–63 (July 28, 1993), provided that the FHLBanks could issue or confirm SLOCs, on behalf of member institutions, ''in conjunction with tax-exempt bonds or notes, only when the issues are designed to promote housing or the financing of commercial and economic development activities that benefit low- and moderate-income families, or that are located in low- and moderate-income neighborhoods.'' That is, the purpose of the tax-exempt bonds or notes had to be the financing of housing or commercial and economic development activities eligible for funding under the Bank's Community Investment Program (CIP), *see* 12 U.S.C. § 1430(i).

On November 23, 1998, the Finance Board adopted a final regulation (SLOC Regulation), which codified and amended the SLOC Guidelines to allow for broader use of SLOCs by members and eligible nonmember mortgagees and eliminated or modified some of the restrictions that had been imposed on the SLOC's issued or confirmed by the FHLBanks. *See* 68 Fed. Reg. 65693 (Nov. 30, 1998). The SLOC Guidelines were rescinded by the Finance Board after the SLOC Regulation was adopted. *See* Finance Board Resolution No. 98–50 (Nov. 23, 1998).

Section 938.2(a) of the SLOC Regulation provides that:

Each [FHL] Bank is authorized to issue or confirm on behalf of members standby letters of credit that comply with the requirements of this part, for any of the following purposes:

(1) To assist members in facilitating residential housing finance;

(2) To assist members in facilitating community lending that is eligible for any of the [FHL] Banks' CICA programs under part 970 of this chapter;

(3) To assist members with asset/liability management; or

(4) To provide members with liquidity or other funding.

See 63 Fed. Reg. 65693, 65699–65700 (*to be codified at* 12 C.F.R. § 938.2(a)).

Where a member issues an SLOC to support a tax-exempt bond or note issuance, a FILBank's issuance on behalf of the member of a confirming SLOC enables the transaction to receive a triple ''A'' rating from the bond rating agencies, lowering the interest rate paid on the bonds or notes and reducing the cost of the bond issuance. Therefore, the FHLBank's issuance of a confirming SLOC assists the member in facilitating the financing purpose for which the bond or note was issued. Moreover, the Preamble to the SLOC Regulation states that ''a [FHLBank] LOC may be issued to support the issuance of bonds.'' *See id.* at 65696. Accordingly, under section 938.2(a)(1) and (2), a FHLBank may issue a confirming SLOC on behalf of members in conjunction with tax-exempt bonds or notes, provided the bonds or notes are issued for the purpose of ''residential housing finance'' or ''community lending.''

The Community Investment Cash Advance Programs Regulation (CICA Regulation) provides the FHLBanks with an array of specific standards for projects, targeted beneficiaries, and targeted income levels that the Finance Board has determined support ''community lending'' under all CICA programs, including the CIP. *See* 63 Fed. Reg. 65536 (Nov. 27, 1998). Specifically, section 970.3 of the CICA Regulation defines ''community lending'' to mean ''providing financing for economic development projects for targeted beneficiaries.'' *See id.* at 65546. ''Economic development projects'' are defined in section 970.3 as:

(1) Commercial, industrial, manufacturing, social service, and public facility projects and activities; and

(2) Public or private infrastructure projects, such as roads, utilities, and sewers.

See id. ''Targeted beneficiaries'' are defined in section 970.3 as beneficiaries determined by the geographical area in which a project is located, by the individuals who benefit from a project as employees or service recipients, or by the nature of the project itself, as further set forth in the CICA Regulations, *See id.* at 65547.

Thus, economic development activities that are financed by tax-exempt bonds or notes and that benefit low- or moderate-income families would have to be one of the types of eligible ''targeted beneficiaries'' set forth in section 970.3 of the CICA Regulation in order to qualify as ''community lending'' for the purposes of the SLOC Regulation.

Economic development activities located in low- and moderate-income neighborhoods (*i.e.,* neighborhoods with an area median income of 80 percent or less) would be targeted beneficiaries for purposes of the CICA Regulation.[1]

School construction would qualify as an ''economic development project'' under section 970.3 of the CICA Regulations since it is a public facility project. Therefore, if the school construction project being financed by the tax-exempt bond qualifies as a ''targeted beneficiary'' for purposes of the CICA Regulation as discussed above, it would qualify as ''community lending'' for purpose of the SLOC Regulation. Accordingly, the FHLBank would have the authority, under the Finance Board's regulations, to issue, on behalf of a member, a confirming SLOC in conjunction with a tax-exempt bond financing such school construction.

Finally, please be advised that the Finance Board recently has adopted Procedures governing requests by the FHLBanks for regulatory interpretations. *See* Porcedures for Requests and Applications, Resolution No. 98–51 (October 28, 1998). All future requests from the FHLBank for regulatory interpretations shall be required to conform to the requirements set forth in the Procedures.

If you have any further questions, please call the undersigned at (202) 408–2570.

Sincerely,

DEBORAH F. SILBERMAN,
General Counsel.

This is a Finance Board regulatory interpretation within the meaning of the Procedures for Requests and Applications adopted by the Board of Directors of the Finance Board pursuant to Resolution No. 98–51 (October 28, 1998). The regulatory guidance set forth herein may be relied upon by the recipient subject to modification or rescission by action of the Board of Directors of the Finance Board.

I concur: WILLIAM W. GINSBERG,
Managing Director

Mr. ROTH. Mr. President, in supporting this amendment, Senators do not necessarily agree or disagree with this legal opinion. What the Senate is stating is that if a bond issuer is to receive both the benefit of tax-exempt interest and a Federal Home Loan Bank guarantee, it can happen only if there is an express subsequent authorization enacted.

AMENDMENT NO. 2874, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the next amendment is the Coverdell amendment.

Mr. COVERDELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. I will speak for 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, earlier in the day, the Senator from California sent an amendment to the desk dealing with, I will say in shorthand, guns, but more particularly the shooting that occurred earlier this week in Michigan for which we are all deeply grievous.

I have offered a substitute that I think embraces the spirit of the amendment of the Senator from California. Earlier in the day she indicated she might vote for this one as well. I guess we will see.

The main differences are three. It is a little broader in scope. It acknowledges the problem of weapons in schools. It deals with drugs and culture, as well. It does not point the finger at the Congress or impugn in any way what the motives are of various people who have strong beliefs with regard to issues relating to guns.

It does not set an artificial deadline which is in the amendment that was offered by the Senator from California. The spirit of the amendment is very similar. I think it will receive very broad support. As I said, the amendment does not set an arbitrary date. It does not point the finger at anybody's motives. Also, it is broader.

It is an amendment that appreciates what is happening here. It involves many aspects of our lives. Witness the situation in Michigan, where we are now reading about the environment in which this child lived who is alleged to have perpetrated the crime that occurred. As Senator KERRY of Massachusetts said a little earlier, it is kind of hard to believe how that child was living.

That is the scope of the Coverdell amendment.

Mr. President, if there is any time remaining of my 5 minutes, I yield it back.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wonder, since the Senator yielded back his time, if we can have an extra 2 minutes for Senator REID on my side?

Mr. COVERDELL. How much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COVERDELL. I yield 2 minutes to the Senator from Nevada.

Mr. LOTT. Reserving the right to object, Mr. President—and I do not intend to object—I just want to determine how much time is left on this amendment.

Mrs. BOXER. Five minutes for me.

Mr. COVERDELL. Plus the 2 minutes I gave to Senator REID.

Mr. LOTT. Under my reservation, let me emphasize this, if I could. I believe after that we will be prepared to start voting. I know Senator REID has been working aggressively to try to reduce the number of amendments. I know the same is true with Senator COVERDELL. But as I now understand it, we still have eight amendments that could require votes. Hopefully, that can be reduced with some voice votes. Then there is final passage. So we could have as many as nine votes.

I emphasize to Senators, and to their staffs who are here or who are listening, we have already gotten an agreement that the first vote will be 15 minutes, and then there will be 2 minutes, a minute on each side, before each vote after that so people will have time to know what is in the amendments, and those will each be 10-minute votes. I am going to stay on the floor to enforce the time. We will end the first vote after 15 minutes, and we will end each vote after that after 10 minutes.

So staffs should notify Members to start coming to the floor and to be prepared to stay on the floor; don't go get something to eat. We can save as much as an hour of time if Members will cooperate. So I am going to enforce the voting time. I think Senator DASCHLE will support that and the sponsors, too.

With that, I do not object.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2874, AS MODIFIED

Mr. REID. Mr. President, Senator COVERDELL has offered an amendment that expresses the sense of the Senate that the Safe and Drug Free Schools Program should target the elimination of illegal drugs and violence in our schools.

Those on this side of the aisle agree with his sentiment and, accordingly, I expect this amendment will receive nearly unanimous support.

What we want to make clear, however, is that we do not agree with his one-sided attack in this resolution about the administration's gun prosecutions record.

What this amendment fails to recognize is that, in fact, firearms convictions are up dramatically. In 1996, 22 percent more criminals were incarcerated for either State or Federal weapons offenses than in 1992. I am sure we could go forward with the statistics—that we do not have—for 1997, 1998, and 1999 that would show it would be up even more.

The proof is in the pudding. The Nation's rate of violent crimes committed with guns has dropped by 35 percent since 1993. Something this administration is doing must be working. For instance, it could be the passage of the Brady bill, which has stopped more than 400,000 felons and fugitives from receiving firearms, preventing untold crimes and violence.

Finally, let's be serious. It will be a lot easier to prosecute gun crimes once we close the loopholes that riddle our code. So while Democrats support Senator COVERDELL's conclusion, we cannot and do not support these one-sided findings in the amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend from Nevada.

I tell the Senator from Georgia, I have no problem voting on his amendment that deals with getting drugs out of the schools. But let's be clear, friends; this Coverdell amendment has nothing to do with the Boxer amendment. So don't think, if you vote for

[1] Under section 970.3 of the CICA Regulation, a ''targeted beneficiary'' includes projects ''located in a neighborhood with a median income at or below the targeted income level,'' and ''targeted income level'' is defined to include neighborhoods with an area median income of 80 percent or less. *See id.*

Coverdell, it somehow is a version of the Boxer amendment. They are two different things. The Boxer amendment calls on the Senate to act responsibly to pass reasonable, sensible gun laws.

We call on the Congress to do so not on an arbitrary date but on the anniversary of the Columbine tragedy. The Boxer amendment is not about the incident in Michigan. It references it in a string of incidents of school violence.

This Senate should be commended for acting 8 months ago to pass five very reasonable, very responsible gun control amendments. But this Senate should be chastised for not doing anything about it at all since that time. What we do in this very simple sense of the Senate is call on the Congress to bring those amendments back here so we can send a bill to the President for his signature.

I want to tell you we are dealing with a harsh reality in America.

I am going to show you just two charts. The first one shows you how many of our men and women tragically perished in 11 years of the Vietnam war: 58,168 tragic losses for our Nation, and those families have been hurting and suffering ever since. No matter on what side of this conflict you find yourselves this is the tragic reality of Vietnam.

In the last 11 years, the same amount of time as the Vietnam war, we have seen over 396,000 deaths on our streets, in our schools. This is just handgun violence.

That is the tragic reality we are talking about in the Boxer amendment.

Here is another tragic reality: How about this for an ad in a gun magazine. It says: ''Start 'Em Young! There's no time like the present.'' Here is a young teenager with a handgun in his hand: ''Start 'Em Young!'' We know about starting them young. All you have to do is look at what happened in Michigan. How young do they want them to start?

I could not understand why we could not walk, hand in hand, down the Senate aisle and vote for the Boxer amendment.

But when I got back to my office, I found out why because there waiting for me was a letter from the Gun Owners of America attacking my amendment, saying, essentially, that I was taking political advantage of a horrible tragedy in Michigan, when, in fact, my resolution isn't about that. It is about the tragic realities we face in this Nation and calling on the Congress to act.

The Gun Owners of America has every right to take this position. They have every right to do it. We should look at what their logo says: ''Gun Owners of America, 25 Years of No Compromise.'' That is their slogan. That is their logo: ''25 Years of No Compromise.''

My friends, when we voted out those sensible gun control amendments 8 months ago, we did compromise. We compromised between the right of law-abiding citizens to have guns versus the right of children to have guns, mentally disturbed people, people with criminal records; and we found a balance there. We did it in a bipartisan way.

All this Boxer amendment is saying is it is time to bring those sensible gun control measures—those compromises that withstood the division in this body and passed this body—back for a vote.

We have a very harsh reality in this Nation. Fifty percent of children ages 9 through 17 are worried about dying young; 31 percent of children ages 12 through 17 know someone their age who carries a gun. I do not understand why on earth there would be opposition to simply saying, we are proud of what we did 8 months ago. Let's bring those sensible gun laws back here. Let's act before the Columbine tragedy anniversary is upon us. Let's do the right thing.

I support this amendment. I hope my colleagues will as well.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2874, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—96

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reed
Boxer	Grassley	Reid
Breaux	Gregg	Robb
Brownback	Hagel	Roberts
Bryan	Harkin	Rockefeller
Bunning	Hatch	Roth
Burns	Helms	Santorum
Byrd	Hollings	Sarbanes
Campbell	Hutchinson	Schumer
Chafee, L.	Hutchison	Sessions
Cleland	Inhofe	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden

NAYS—1

Thompson

NOT VOTING—3

Inouye	McCain	Mikulski

The amendment (No. 2874), as modified, was agreed to.

VOTE ON AMENDMENT NO. 2873

The PRESIDING OFFICER (Mr. VOINOVICH). The question is on agreeing to amendment No. 2873. 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 Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—49

Abraham	Durbin	Lieberman
Akaka	Edwards	Lincoln
Ashcroft	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Fitzgerald	Murray
Biden	Graham	Reed
Bingaman	Harkin	Reid
Boxer	Hollings	Robb
Breaux	Johnson	Rockefeller
Bryan	Kennedy	Roth
Byrd	Kerrey	Sarbanes
Chafee, L.	Kerry	Schumer
Cleland	Kohl	Torricelli
Conrad	Landrieu	Wellstone
Daschle	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—49

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

NOT VOTING—2

Inouye	McCain

The amendment (No. 2873) was announced as agreed to.

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2875

The PRESIDING OFFICER. There are 2 minutes of debate on the Bingaman amendment, equally divided.

Mr. KENNEDY. Mr. President, I desire to speak for 1 minute on the Bingaman-Kennedy amendment.

This amendment Senator BINGAMAN and I offer is a very simple amendment. It basically takes the amount that is being appropriated, identified here under the Coverdell amendment, and rather than using it in creating the Coverdell approach on the education, it uses it to help and assist the Pell grants. It effectively increases the Pell grant by some $250. The Pell grants, then, would be available to those who are eligible under the Pell Grant Program.

It seems to me that program is targeted toward well-qualified, needy students attempting to continue their education. I think that is a preferable way of allocating the resources that are included in the Coverdell amendment.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to clarify the results of the last vote so there will be no misunderstanding. I have the impression that the vote was defeated.

The PRESIDING OFFICER. The Chair announced that the amendment was agreed to.

Mr. LOTT. Mr. President, I believe that announcement may have been incorrect.

Mr. DASCHLE. We already voted to reconsider and to lay it on the table.

Mr. LOTT. Mr. President, what would be the rule when an incorrect count was announced by the Chair?

The PRESIDING OFFICER. I say to the distinguished majority leader, we will consult with the Parliamentarian.

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

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I didn't get a clarification on the rule. I believe a simple clerical error—perhaps there is no precedent for that. If that is the case, then I think it would be appropriate to correct that or reconsider the vote.

Mr. DASCHLE addressed the chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I yield to the distinguished minority leader.

Mr. DASCHLE. This appears to be an understandable clerical error, and I don't think we ought to challenge the calculation or the ultimate outcome of that particular vote, but under the rules, I think the author of the amendment might have been entitled to another vote under consideration, and I suggest that as a way to resolve the matter.

Mr. LOTT. Mr. President, we have been pushing to try to get the votes completed in 10 minutes, and it does put additional pressure on the staff to tabulate the results. I think that contributed to the clerical error. I, therefore, move that the previous vote be reconsidered.

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

Mr. REID. Mr. President, to make things more orderly, will Senators sit in their seats. We have a series of votes. It is impossible for the staff to do its job. People are up there talking to them, asking them to repeat votes. Could we ask that everyone sit in their seats as they are supposed to do and vote from their seats.

Mr. LOTT. That is an important point, Mr. President.

The PRESIDING OFFICER. The Presiding Officer is advised by the Parliamentarian that under the precedent of the Senate, when a clerical error has occurred, it is the duty of the Chair to announce the correct vote.

The correct vote having been presented to the Chair, it is now announced there are 49 yeas, 49 nays, and the amendment is not agreed to.

Mrs. BOXER. I move to reconsider the vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I ask consent the motion to reconsider be deemed to have been tabled and the vote now occur on the Boxer amendment, which would be the same vote that occurred earlier. That way, we will have a definite clarification of what the vote was and is.

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

VOTE ON AMENDMENT NO. 2873

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2873. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

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

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

[Rollcall Vote No. 28 Leg.]

YEAS—49

Abraham	Durbin	Lieberman
Akaka	Edwards	Lincoln
Ashcroft	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Fitzgerald	Murray
Biden	Graham	Reed
Bingaman	Harkin	Reid
Boxer	Hollings	Robb
Breaux	Johnson	Rockefeller
Bryan	Kennedy	Roth
Byrd	Kerrey	Sarbanes
Chafee, L.	Kerry	Schumer
Cleland	Kohl	Torricelli
Conrad	Landrieu	Wellstone
Daschle	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—49

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

NOT VOTING—2

Inouye	McCain

The amendment (No. 2873) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2875

Mr. COVERDELL. Mr. President, I believe we are on Bingaman amendment No. 2875. He has already used his minute. Senator KENNEDY did.

I reiterate that earlier today, I had a chart showing what the Republican majority has done for Pell grants, and it is straight up.

The second thing I want to point out is this is the fifth time the other side of the aisle has tried to make moot the underlying premise of this bill we have been debating now for 2 weeks, the education savings account. It blows away 14 million families, it blows away 20 million children, and it blows away $12 billion that would be volunteered to help education in every quadrant, from kindergarten to college. As with all these other amendments, its objective is to destroy the education savings account for millions of American families. I rise in opposition to the amendment.

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

Mr. COVERDELL. Mr. President, the pending amendment No. 2875 offered by the Senator from New Mexico and, I believe, the Senator from Massachusetts increases mandatory spending by $1.2 billion. If adopted, it will cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. KENNEDY. Mr. President, I move to waive the relevant section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 2875. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necesarily absent.

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—41

Akaka	Bingaman	Chafee, L.
Baucus	Boxer	Cleland
Bayh	Bryan	Collins

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

NAYS—57

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

NOT VOTING—2

Inouye	McCain

The PRESIDING OFFICER (Mr. ASHCROFT). On this vote, the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2878

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Wellstone amendment.

Mr. WELLSTONE. Mr. President, the Sessions-Feinstein amendment says even if States decide, given the evidence, that retention and holding kids back does not work, States would have to do that. The Federal Government tells the States what to do and will cut off funds if they don't do it.

My amendment makes a difference. It says at least let's make sure every child has an opportunity to do well and to achieve on these tests, that there are certified teachers, that there is English as a second language, that there is high-quality educational materials, and that we provide support for kids.

If we do not do this, in the name of being tough, the only thing we are doing is punishing kids. Let's at least make the commitment that every child has the same opportunity to do well.

I am going to send to each colleague an NAACP Legal Defense and Educational Fund letter which brings together all the evidence and makes this compelling argument.

I hope my colleagues will vote for this equal opportunity to learn amendment.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the time has come to end social promotion. The Feinstein-Sessions amendment does that. It does it in a way that allows the States to set the standards they believe are appropriate for each level of achievement.

We are pouring more and more money every year into education. If we care about those children, if we really are concerned about children, we will find out if they are meeting at least minimum academic standards. If they are not, we will be intervening, in a failing system, and will force the system to deal with them and help them through the process. It gives the States complete freedom to set these standards.

President Clinton supported this in the State of the Union message. The people of this country overwhelmingly support it. Over 10 States have already gone to it. My State of Alabama is in the process of going to it. The Republican Party has favored it. Senators FEINSTEIN, LIEBERMAN and BYRD are cosponsors of this amendment. It is time for us to pass it.

But we must not pass the Wellstone amendment. It will eliminate the ability to make this system work effectively.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2878. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—29

Akaka	Harkin	Moynihan
Baucus	Hollings	Murray
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerrey	Robb
Conrad	Landrieu	Rockefeller
Daschle	Lautenberg	Sarbanes
Dorgan	Leahy	Torricelli
Feingold	Levin	Wellstone
Graham	Mikulski	

NAYS—69

Abraham	Durbin	Lott
Allard	Edwards	Lugar
Ashcroft	Enzi	Mack
Bayh	Feinstein	McConnell
Bennett	Fitzgerald	Murkowski
Bond	Frist	Nickles
Breaux	Gorton	Roberts
Brownback	Gramm	Roth
Bryan	Grams	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Byrd	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cleland	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kerry	Thompson
Crapo	Kohl	Thurmond
DeWine	Kyl	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Wyden

NOT VOTING—2

Inouye	McCain

The amendment (No. 2878) was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2876

Mr. LOTT. Mr. President, are we ready for debate time on the next amendment?

The PRESIDING OFFICER. I believe we are. There is now 1 minute to a side on Senator FEINSTEIN's amendment.

Mrs. FEINSTEIN. Mr. President, I think it has been pretty clear, at least to me and certainly to the State of California, the city of Chicago, the city of Los Angeles, the city of San Diego, and other cities around this country, that either an implicit or explicit policy or practice of promoting children when they are failing or when they don't even show up in school is probably the leading cause for many of us for the decline of quality public education across this great country.

It isn't politically correct to say we will no longer permit social promotion, but it can make a huge difference in where this Nation goes. This amendment is very carefully crafted to say that Federal education dollars will not be available to a jurisdiction if the State does not have a policy to prohibit the practice of social promotion. If we leave the details to the State and local communities, it does not tell them how, when, or where to do it. It simply says that Federal moneys are contingent upon the abolition of that practice. The fact is that the States are moving in this direction. The fact is that there is still no accountable standards.

I wish to stress that it does allow for remedial education; it does allow for Federal dollars to be used for remedial education.

I thank the Chair.

Mr. WELLSTONE. Mr. President, if colleagues will listen for a second, I have two points. First of all, the evidence is overwhelming. I went over evidence this afternoon. There was no rebuttal. Holding kids back doesn't work. That is not the real point. If your State decides that it doesn't want to hold kids back, this amendment says it doesn't make any difference; the Federal Government is going to cut off Federal funding. We are telling States what to do, to hold kids back no matter what you decide or we will cut Federal funding.

That is wrong. I hope there will be an overwhelming vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

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 Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

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

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—30

Baucus	Durbin	McConnell
Boxer	Feinstein	Moynihan
Breaux	Hagel	Robb
Bryan	Hutchinson	Rockefeller
Byrd	Kohl	Schumer
Cleland	Levin	Sessions
Coverdell	Lieberman	Shelby
Daschle	Lincoln	Torricelli
Dodd	Lott	Warner
Dorgan	Lugar	Wyden

NAYS—68

Abraham	Feingold	Leahy
Akaka	Fitzgerald	Mack
Allard	Frist	Mikulski
Ashcroft	Gorton	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Roberts
Brownback	Harkin	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Campbell	Hollings	Smith (NH)
Chafee, L.	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stevens
Craig	Kennedy	Thomas
Crapo	Kerrey	Thompson
DeWine	Kerry	Thurmond
Domenici	Kyl	Voinovich
Edwards	Landrieu	Wellstone
Enzi	Lautenberg	

NOT VOTING—2

Inouye	McCain

The amendment (No. 2876) was rejected.

Mr. WELLSTONE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have remaining four votes counting final passage. Senator KERRY and Senator SCHUMER have requested, through me, to ask unanimous consent they be allowed to speak for their amendments for up to 1 minute at the present time.

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

The Senator from Massachusetts is recognized.

AMENDMENT NO. 2866 WITHDRAWN

Mr. KERRY. Mr. President, the amendment I have offered is a serious effort to try to attract qualified teachers in an era when the private sector is making it nearly impossible to draw people out of college and teaching because of the salaries. We really need a special incentive.

We have already created an incentive. We have a $5,000 paydown on loans. It is not enough to attract people.

I have offered an amendment that would raise the incentive and provide, in essence, a GI bill for teachers. I think it is worthwhile. I will not ask my colleagues to vote on it tonight because we are on automatic pilot. I think it is an idea that deserves better consideration than it will receive under that kind of approach. I don't want it prejudiced in the future by a vote that is on automatic pilot.

I ask unanimous consent to withdraw the amendment with hopes we get the ESEA on the floor and we will have an opportunity to consider this in a better, bipartisan, and perhaps more thoughtful mode.

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

The amendment (No. 2866) was withdrawn.

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

AMENDMENT NO. 2868 WITHDRAWN

Mr. SCHUMER. Mr. President, I am going to withdraw this amendment in the interest of time. It is a very simple amendment. We have a real shortage in America of certified teachers. I was visiting with the Community Bankers of North Carolina looking for a few crabcakes. One of the fellows came over and asked why we would have a teacher who was not certified. The answer is very simple. Because many school districts—particularly poor, inner-city districts and rural districts—have a choice: Uncertified teacher or no teacher, because there are not enough qualified teachers, given salary levels, working conditions, et cetera, who will go into the classroom.

This amendment helps certify teachers. We would pay 75 percent of the cost of training them. It is $50 million a year. It is a very good amendment to help raise the quality of teachers. I have always believed we should not lower the bar but help people get over it. That is what this amendment does. I hope my colleagues will support it at some point.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 2868) was withdrawn.

AMENDMENT NO. 2879

The PRESIDING OFFICER. There are now 2 minutes to be equally divided on the Durbin amendment.

Mr. DURBIN. Mr. President, the headlines in the morning paper tell the story: America is facing a national gun crisis. Firearms are easy to come by for 6-year-olds and psychotics.

The violence is not confined to just the main streets. It is in our homes, our fast-food restaurants, and in our schools.

This amendment gives to school districts across America an opportunity to apply for help from the Department of Education for grants so they can educate the children in the school, and their parents, about how dangerous guns can be and how they should be stored safely.

It provides money for public service announcements so we can try to reduce the gun violence we read about, sadly, every single day. We know, as sure as we are here this evening, there will be another story in the newspaper in the not-too-distant future of more gun violence in schools. With the Durbin amendment, we at least start to move forward toward reducing that violence by helping schools.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the Senator from Illinois and I have been discussing this amendment during the course of the day. We would have voiced it, but the Senator from Illinois, as is his right, asked for a rollcall.

My intention is to support the amendment. I do not think it is inconsistent with beliefs on my side of the aisle.

I yield back whatever time remains.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2879. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—91

Abraham	Durbin	Lott
Akaka	Edwards	Lugar
Allard	Enzi	Mack
Ashcroft	Feingold	McConnell
Baucus	Feinstein	Mikulski
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Gorton	Murray
Bingaman	Graham	Reed
Bond	Gramm	Reid
Boxer	Grams	Robb
Breaux	Grassley	Roberts
Brownback	Hagel	Rockefeller
Bryan	Harkin	Roth
Bunning	Hatch	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kennedy	Snowe
Collins	Kerrey	Specter
Conrad	Kerry	Stevens
Coverdell	Kohl	Thomas
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Lautenberg	Warner
DeWine	Leahy	Wellstone
Dodd	Levin	Wyden
Domenici	Lieberman	
Dorgan	Lincoln	

NAYS—7

Gregg	Nickles	Voinovich
Helms	Smith (NH)	
Inhofe	Thompson	

NOT VOTING—2

Inouye	McCain

The amendment (No. 2879) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. There are 2 minutes equally divided. May we have order in the Chamber. There are 2 minutes equally divided.

The majority leader is recognized.

Mr. LOTT. Has the motion to reconsider been tabled?

The PRESIDING OFFICER. No.

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

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

The motion to lay on the table was agreed to.

Mr. ASHCROFT. Mr. President, I strongly support and urge Congress to pass and President Clinton to sign the Affordable Education Act now pending before the Senate. I am pleased to be a cosponsor of this legislation.

Children presently are 25 percent of our population and 100 percent of the future. It is my fundamental belief that Congress should invest in the future by improving educational opportunities for students. This bill is part of a comprehensive strategy to give parents and local schools the resources needed to make the 21st century, the era in which educational excellence for all students is achieved.

For the past three years, Congress has passed legislation that provides tax incentives to help parents pay for the education of their children. But President Clinton has twice vetoed legislation that provided these incentives. Parents across America hope and trust that this time these tax incentives will be enacted into law.

A major feature of this bill is that it creates Educational Savings Accounts for K through 12 expenses. These ESAs allow parents to contribute up to $2,000 annually to an Educational Savings Account. The build-up of earnings within the account is tax-free if used for educational expenses, such as tuition, fees, tutoring, special needs services, books, computers, etc. The premise behind ESAs is that parents should have greater control over the education of their children. After all, who is in a better position to know what each child needs—a bureaucratic Washington government or the parents and teachers who see that child every day?

This bill does more than just create Educational Savings Accounts. Included in this bill are other provisions that I have either supported or cosponsored that:

Provide tax incentives to help pay for college tuition;

Provide tax exclusions for education assistance programs provided by employers;

Revise the tax treatment of qualified state tuition programs to exclude from gross income any distributions used for higher education expenses;

Allow a tax deduction of up to $2,500 per year of interest on education loans;

Allow a limited tax credit for the donation of computers to schools, and extends from two to three years the age of computers that may be donated to schools; and

Reduce the complexity of the arbitrage rules that currently govern the issuance of school bonds.

This bill provides more than $4.3 billion of education tax incentives for the next five years, and it gives more educational control to parents. Parents will be able to save more for the future education of their children.

This bill is just one part of an overall strategy to increase educational resources. Over the past five years Congress has increased overall educational spending by 40 percent, and Congress last year approved a budget that projects yet another 36 percent increase over the next four years. In the next few weeks Congress will take up legislation to reauthorize the Elementary and Secondary Education Act. I will be offering amendments to that bill that will:

Channel federal aid in failing school districts to teaching the academic basics in order to raise student achievement levels;

Provide funds for failing school districts to use in attracting and retaining highly qualified teachers; and

Double the amount of federal aid for college costs for high achieving students in failing school districts.

For now, however, Congress should take the first step in expressing its commitment to improving education by passing the pending Affordable Education Act. I urge Senators to support this legislation.

Mr. L. CHAFEE. Mr. President, this week the Senate has debated legislation which is designed, in part, to encourage families to invest in tax exempt savings accounts. Funds from these ''education savings accounts'' could be used for a variety of activities related to the education of children, including for tuition and fees at private and religious schools. I opposed this bill because I do not believe that the federal government should divert funds, in this case more than 2 billion dollars, to private and parochial education.

Such a move would be a fundamental change in the federal role in education, a change I believe is misguided. Ninety percent of American children attend public schools. Rather than divert federal dollars to private and parochial schools, I believe the federal government has a responsibility to assist states and local school districts work to improve education for all children, especially children in poverty and children with disabilities.

During this debate, a variety of amendments were offered. Senator DODD proposed an amendment that would eliminate the proposed ''education saving accounts'' and target its funds to increasing federal funding for special education. I commend my Republican colleagues for increasing IDEA—Individuals with Disabilities Education Act—funding in fiscal year 2000 by 25 percent over fiscal year 1998 and 13 percent over fiscal year 1999. Nevertheless, the federal commitment to special education falls far short of what local districts need.

Senator ROBB offered an amendment that would have made the funds available for school construction bonds. I agree wholeheartedly with Senator ROBB about the need to assist states and local school districts as they attempt to repair, modernize, and construct school facilities. However, I believe that there is a far better way to accomplish this goal. At the end of the last session, Senator SNOWE introduced S.1992, the Building, Renovating, and Constructing Kids' Schools, BRICKS, Act. BRICKS would provide states with low interest loans to help defray the enormous costs associated with modernizing school facilities. I urge my colleagues to look closely at Senator SNOWE's excellent proposal.

Finally, there have been a number of worthwhile amendments designed to improve public education. Ironically, as the Senate has been debating the Affordable Education Act, the Health, Education, Labor, and Pensions Committee has been attempting to mark-up legislation to reauthorize the Elementary and Secondary Education Act.

I voted against many of these amendments simply because I believe they should be considered in the context of the ESEA rather than in a piecemeal fashion on a bill the President is certain to veto.

Improving and supporting education is the issue of greatest interest to most Americans. I look forward to working with Chairman JEFFORDS on a strong ESEA reauthorization bill.

Mr. LEVIN. Mr. President, I will vote against the so-called Affordable Education Act, S. 1134, because it is not a wise use of Federal dollars. It does not address our national education priorities. And, it will not help those who are most in need.

I would like to take a moment to talk about exactly who will benefit from this IRA expansion for elementary and secondary education expenses. According to the U.S. Department of the Treasury, 70 percent of the proposed IRA tax benefit would go to the top 20 percent of all taxpayers. These higher income families, many of whom already send their children to private schools, would gain most of the benefits. Families unable to save, including most families earning less than $55,000 a year, would receive very little, if any benefit at all.

Additionally, this IRA tax benefit would be minimal. According to the Joint Committee on Taxation, the average annual benefit for families with children attending private schools would be limited to approximately $37; and for families with children in public schools, the average annual benefit would be $7.

Mr. President, 90 percent of the children in America attend public schools. Instead of investing in proven initiatives to raise academic standards for all children, the bill before the Senate emphasizes the wrong priority. It fails to reduce class size, enhance teacher training in technology, modernize school buildings, expand after-school programs or improve special education.

According to the National Council on Education Statistics, nearly 53 million children are currently enrolled in public schools and the number is expected to increase to 54.3 million by 2008. It is estimated that approximately 2,400 new school facilities will be needed to accommodate this increase. As is well documented, the condition of school facilities and the student-teacher ratio are linked to student achievement. Therefore, it is clear where our federal education resources should be directed.

We must not lose sight of the fact that school modernization is a critical component to the success of our school children. It simply must be one of our national educational priorities. Local school communities cannot shoulder all of the costs associated with school building modernization and technology infrastructure improvements.

Young people today are in the midst of a technology explosion that has opened up limitless possibilities in the classroom. In order for students to tap into this potential and be prepared for the 21st century, they must learn how to use new technologies. But all too often, teachers are expected to incorporate technology into their instruction without being given the training to do so.

Too often students are left to teach teachers in the rapidly expanding area of technology. It is not enough for a teacher to be able to email, they must use this education technology to advance their curriculum and guide their students along the information highway. Just two years ago, it was reported that a mere 10 percent of new teachers reported that they felt prepared to use technology in their classrooms, while only 13 percent of all public schools reported that technology-related training for teachers was mandated by the school, district, or teacher certification agencies. Currently, only 18 states require pre-service technology training. I am disappointed that the legislation before us does not adequately address the large-scale needs of our teachers in the use of technology in the classroom.

In my own state of Michigan I often talk with teachers when I visit schools and I find them straight-forward about what they don't know and eager to develop new technology skills. In fact, the only reason that we are not further behind in this area is that teachers have used their own time and often their own money to learn the technology skills to better teach their courses.

Almost 2 years ago, I brought together about 400 leaders in education, business, philanthropy and government for a Michigan summit meeting focusing on the need for a greater commitment to professional development in technology. My message at that gathering and my message now is that we've got to match our teacher's commitment to our children with our own commitment to their professional development in the use of technology in classroom instruction. I am currently involved with several initiatives that are an attempt to accomplish this.

Mr. President, for all these reasons, I cannot support this legislation.

Mr. ABRAHAM. Mr. President, today I voted for both the Coverdell and Boxer sense of the Senate amendments relating to school safety. I voted for both amendments because I believe that Congress can and should enact legislation to provide for safer schools and a secure learning environment. The language of Senator BOXER's Sense of the Senate stated that ''Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in schools''; I rise now to briefly explain a few of the wholly-attainable measures that I believe would truly make a difference.

During the Juvenile Justice debate I offered a commonsense amendment that would allow local school districts to access existing funds available under the Safe and Drug Free Schools Act to conduct locker searches for guns, explosives, other weapons, or drugs. Mr. President, no one involved opposes cleansing our schools of these elements, other than those criminals who possess them; and to those few, I have no sympathy for any inconvenience these searches may cause. I am pleased that my colleagues supported my amendment, which was accepted by voice vote.

I also suggest that Congress should build upon a current tax deduction and reward businesses that donate school safety devices to K–12 schools. Qualified security equipment and technologies should include metal detectors, electronic locks and surveillance cameras.

Along with these security improvements, I believe it is important to provide training for school personnel and parents on how to recognize a troubled young person before tragedy strikes. And in the event of an attack, our school officials, security personnel, parents and communities must be trained for emergency preparedness and crisis response.

In that vein, I argue to my colleagues that we should allow ESEA funding available under the Safe & Drug Free Schools and Communities program and the Innovative Education Program to be used for innovative approaches to reducing violence in schools and improving the classroom environment. Among other uses of such funding could be the testing of students for illegal drug use, at the request or consent of a parent or legal guardian; comprehensive school security assessments; purchase of school security equipment and technologies; implementation of a school uniform policy; and collaborative efforts with groups demonstrating expertise in providing research-based violence prevention and intervention programs.

But the most important quality of these initiatives is that they would be initiated at the local level by those with the most knowledge of the community, not by some nameless Washington bureaucrat wielding a ''one-size-fits-all'' solution.

Finally, I was pleased to have the opportunity to vote for Senator DURBIN's amendment, which harkens back to a day when this country discussed issues of responsibility and society in a constructive manner, not in one based in fear or fantasy. Without question, we should educate our young people on right and wrong, and we must encourage constructive adult involvement in the lives of our young people, not only by parents and teachers, but also by community-based organizations, faith-based organizations, and local law enforcement personnel. Mr. President, I yield the floor.

Mr. LOTT. Briefly, for the information of all Senators with regard to the schedule for the balance of the week and the first of next week, in just a moment we will have the final 2 minutes, equally divided, to make comments before final passage. That will be it for the night and for the week. I commend Senator REID, Senator COVERDELL, and others for the good work they have done in getting us to this point.

Because we have been able to finish all the amendments and go to final passage, we will not be in session tomorrow. We will be in session on Monday and Tuesday, but the next recorded vote will not occur until approximately 5 o'clock Tuesday afternoon because of the 13 primaries that are occurring across the country between the two parties. We will be in session Tuesday. We will be in session on Wednesday and Thursday with votes likely into the night, and we may have votes on Friday. So do not be scheduling departure on Thursday night. We have to finish a couple of very important issues next week and have some votes on the Executive Calendar.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, everybody has heard just about everything they need to on this measure. I thank my colleagues for their courtesy and comity. It has been somewhat of a long journey, and I am glad we have finally arrived at final passage. The legislation does represent substance in education reform. I thank my comanager, Senator REID of Nevada. I yield back whatever time remains.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend those involved in this bill. Those of us who oppose this bill think the first order of business is education, and yet

we have done nothing about the quality of public education with this legislation. Fifty percent of the benefits of this bill go to private schools, yet 90 percent of the children in America go to a public school.

This bill does nothing about class size, nothing about the quantities of teachers in our schools, nothing about trying to improve the safety of our schools in this country. We believe we need to do a far better job on improving the quality of public education. Unfortunately, this education bill does nothing to address those issues. For those reasons, we will oppose this legislation.

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

Mr. THURMOND. Mr. President, I commend the able Senator from Georgia for the fine job in handling this bill.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—61

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

NAYS—37

Akaka	Feingold	Mikulski
Baucus	Graham	Moynihan
Bayh	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Jeffords	Reid
Bryan	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Landrieu	Schumer
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Edwards	Lincoln	

NOT VOTING—2

Inouye	McCain

The bill (S. 1134), as amended, was passed, as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Affordable Education Act of 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.
Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Permanent extension of exclusion for employer-provided educational assistance.
Sec. 202. Elimination of 60-month limit on student loan interest deduction.
Sec. 203. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.
Sec. 204. 2-percent floor on miscellaneous itemized deductions not to apply to qualified professional development expenses of elementary and secondary school teachers.
Sec. 205. Credit to elementary and secondary school teachers who provide classroom materials.
Sec. 206. Exclusion of national service educational awards.
Sec. 207. Elimination of marriage penalty in phaseout of education loan interest deduction.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.
Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.
Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.
Sec. 304. Disclosure of fire safety standards and measures with respect to campus buildings.

TITLE IV—TRANSITION TO TEACHING

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Purpose.
Sec. 404. Program authorized.
Sec. 405. Application.
Sec. 406. Uses of funds and period of service.
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TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Expansion of deduction for computer donations to schools.
Sec. 502. Credit for computer donations to schools and senior centers.
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TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''$2,000''.

(2) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''$2,000''.

(3) ELIMINATION OF THE MARRIAGE PENALTY IN THE REDUCTION IN PERMITTED CONTRIBUTIONS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(A) by striking ''$150,000'' in subparagraph (A)(ii) and inserting ''$190,000'', and

(B) by striking ''$10,000'' in subparagraph (B) and inserting ''$30,000''.

(b) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

''(2) QUALIFIED EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified education expenses' means—

''(i) qualified higher education expenses (as defined in section 529(e)(3)), and

''(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

''(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).''.

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

''(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

''(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

''(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the homeschool operates as a private school or a homeschool under State law.

''(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.''.

(3) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking ''higher'' each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking ''HIGHER'' in the heading for subsection (d)(2).

(c) 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 subparagraphs (A)(ii) and (E) and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''.

(d) ENTITIES 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''.

(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

''(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).''.

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

''(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and'', and

(B) by striking ''DUE DATE OF RETURN'' in the heading and inserting ''CERTAIN DATE''.

(f) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

''(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—For purposes of subparagraph (A).

''(i) CREDIT COORDINATION.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

''(I) as provided in section 25A(g)(2), and

''(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

''(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If, with respect to an individual for any taxable year—

''(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

''(II) the total amount of qualified higher education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

''(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.''.

(B) Section 135(d)(2)(A) is amended by striking ''allowable'' and inserting ''allowed''.

(C) Section 530(d)(2)(D) is amended—

(i) by striking ''or credit'', and

(ii) by striking ''CREDIT OR'' in the heading.

(D) Section 4973(e)(1) is amended by adding ''and'' at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS EDUCATION SAVINGS ACCOUNTS.—

(1) IN GENERAL.—

(A) Section 530 (as amended by the preceding provisions of this section) is amended by striking ''education individual retirement account'' each place it appears and inserting ''education savings account''.

(B) The heading for paragraph (1) of section 530(b) is amended by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNT'' and inserting ''EDUCATION SAVINGS ACCOUNT''.

(C) The heading for section 530 is amended to read as follows:

''SEC. 530. EDUCATION SAVINGS ACCOUNTS.''.

(D) The item in the table of contents for part VII of subchapter F of chapter 1 relating to section 530 is amended to read as follows:

''Sec. 530. Education savings accounts.''.

(2) CONFORMING AMENDMENTS.—

(A) The following provisions are each amended by striking ''education individual retirement'' each place it appears and inserting ''education savings'':

(i) Section 25A(e)(2).

(ii) Section 26(b)(2)(E).

(iii) Section 72(e)(9).

(iv) Section 135(c)(2)(C).

(v) Subsections (a) and (e) of section 4973.

(vi) Subsections (c) and (e) of section 4975.

(vii) Section 6693(a)(2)(D).

(B) The headings for each of the following provisions are amended by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS'' each place it appears and inserting ''EDUCATION SAVINGS ACCOUNTS''.

(i) Section 72(e)(9).

(ii) Section 135(c)(2)(C).

(iii) Section 4973(e).

(iv) Section 4975(c)(5).

(h) 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, 2000.

(2) SUBSECTION (g).—The amendments made by subsection (g) shall take effect on the date of the enactment of this Act.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting ''or by 1 or more eligible educational institutions'' after ''maintained by a State or agency or instrumentality thereof''.

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting ''in the case of a program established and maintained by a State or agency or instrumentality thereof,'' before ''may make''.

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking ''qualified State tuition'' each place it appears and inserting ''qualified tuition''.

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(D) The heading for section 529 is amended by striking ''state''.

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking ''State''.

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

''(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

''(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

''(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

''(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

''(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

''(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

''(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

''(v) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

''(I) as provided in section 25A(g)(2), and

''(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

''(vi) COORDINATION WITH EDUCATION SAVINGS ACCOUNTS.—If, with respect to an individual for any taxable year—

''(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

''(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking ''section 530(d)(2)'' and inserting ''sections 529(c)(3)(B)(i) and 530(d)(2)''.

(B) Section 221(e)(2)(A) is amended by inserting ''529,'' after ''135,''.

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking ''transferred to the credit'' in clause (i) and inserting ''transferred—

''(I) to another qualified tuition program for the benefit of the designated beneficiary, or

''(II) to the credit'',

(2) by adding at the end the following new clause:

''(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.'', and

(3) by inserting ''OR PROGRAMS'' after ''BENEFICIARIES'' in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) any first cousin of such beneficiary.''.

(e) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—Subparagraph (A) of section 529(e)(3) (relating to definition of qualified higher education expenses) is amended to read as follows:

''(A) IN GENERAL.—The term 'qualified higher education expenses' means—

''(i) tuition and fees required for the enrollment or attendance of a designated beneficiary at an eligible educational institution for courses of instruction of such beneficiary at such institution, and

''(ii) expenses for books, supplies, and equipment which are incurred in connection with such enrollment or attendance, but not to exceed the allowance for books and supplies included in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Affordable Education Act of 2000) as determined by the eligible educational institution.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) QUALIFIED HIGHER EDUCATION EXPENSES.—The amendments made by subsection (e) shall apply to amounts paid for courses beginning after December 31, 2000.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127 (relating to exclusion for educational assistance programs) is amended by striking subsection (d).

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking '', and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 2000.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking ''section 221(e)(1)'' and inserting ''section 221(d)(1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 2000.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking ''Subsections (a)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)'', and

(2) by adding at the end the following new paragraph:

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

''(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

''(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 204. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking ''and'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', and'', and by adding at the end the following new paragraph:

''(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.''.

(b) DEFINITIONS.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

''(g) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (b)(13)—

''(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

''(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

''(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) is—

''(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

''(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

''(ii) may—

''(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

''(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

''(iii) is tied to challenging State or local content standards and student performance standards,

''(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

''(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

''(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

''(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

''(2) ELIGIBLE TEACHER.—

''(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

''(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 205. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

''(c) DEFINITIONS.—

''(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

''(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

''(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school'

means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 206. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) IN GENERAL.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

''(e) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARDS.—

''(1) IN GENERAL.—Gross income for any taxable year shall not include any qualified national service educational award.

''(2) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARD.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

''(B) LIMITATION.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

SEC. 207. ELIMINATION OF MARRIAGE PENALTY IN PHASEOUT OF EDUCATION LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Subparagraph (B) of section 221(b)(2) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking ''$60,000'' in clause (i)(II) and inserting ''$80,000'', and

(2) by inserting ''($30,000 in the case of a joint return)'' after ''$15,000'' in clause (ii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking ''$5,000,000'' the second place it appears and inserting ''$10,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2000.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end the following new paragraph:

''(13) qualified public educational facilities.''.

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

''(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

''(A) part of a public elementary school or a public secondary school, and

''(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

''(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

''(A) under which the corporation agrees—

''(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

''(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

''(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

''(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

''(A) school buildings,

''(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

''(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

''(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

''(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

''(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

''(i) $10 multiplied by the State population, or

''(ii) $5,000,000.

''(B) ALLOCATION RULES.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

''(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).''.

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking ''or (12)'' and inserting ''(12), or (13)'', and

(2) by striking ''and environmental enhancements of hydroelectric generating facilities'' and inserting ''environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities''.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

''(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).''.

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking ''MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN GUARANTEED SCHOOL CONSTRUCTION BONDS.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000.''.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 149(b)(3) of the Internal Revenue Code of 1986, as added by the amendment made by subsection (a), shall take effect upon the enactment, after the date of the enactment of this Act, of legislation expressly authorizing the Federal Housing Finance Board to allocate authority to Federal Home Loan Banks to guarantee any bond described in such subparagraph, but only if such legislation makes specific reference to such subparagraph.

SEC. 304. DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES WITH RESPECT TO CAMPUS BUILDINGS.

(a) SHORT TITLE.—This section may be cited as the ''Campus Fire Safety Right to Know Act''.

(b) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking ''and'' at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(P) the fire safety report prepared by the institution pursuant to subsection (h).''; and

(2) by adding at the end the following new subsection:

''(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) FIRE SAFETY REPORTS REQUIRED.—Each eligible institution participating in any program under this title shall, beginning in academic year 2001–2002, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report containing at least the following information with respect to the campus fire safety practices and standards of that institution:

''(A) A statement that identifies each student housing facility of the institution, and whether or not each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

''(B) Statistics concerning the occurrence on campus, during the 2 preceding calendar years for which data are available, of fires and false fire alarms.

''(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

''(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

''(3) REPORTS.—Each institution participating in any program under this title shall make periodic reports to the campus community on fires and false fire alarms that are reported to local fire departments in a manner that will aid in the prevention of similar occurrences.

''(4) REPORTS TO SECRETARY.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

''(A) review such statistics;

''(B) make copies of the statistics submitted to the Secretary available to the public; and

''(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

''(5) DEFINITION OF CAMPUS.—In this subsection the term 'campus' has the meaning provided in subsection (f)(6).''.

(c) REPORT TO CONGRESS BY SECRETARY OF EDUCATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming dormitories and other campus buildings up to current new building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university facilities, including recommendations for methods to fund such cost.

TITLE IV—TRANSITION TO TEACHING

SEC. 401. SHORT TITLE.

This title may be cited as the ''Transition to Teaching Act''.

SEC. 402. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 403. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 404. PROGRAM AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $25,000,000 for each of fiscal years 2001 through 2006.

SEC. 405. APPLICATION.

Each applicant that desires an award under section 404(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. 406. USES OF FUNDS AND PERIOD OF SERVICE.

(a) AUTHORIZED ACTIVITIES.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) PERIOD OF SERVICE.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 407. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. 408. DEFINITIONS.

In this title:

(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term ''high-poverty local educational agency'' means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) PROGRAM PARTICIPANTS.—The term ''program participants'' means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) EXTENSION OF AGE OF ELIGIBLE COMPUTERS.—Section 170(e)(6)(B)(ii) (defining qualified elementary or secondary educational contribution) is amended by striking ''2 years'' and inserting ''3 years''.

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATION.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting '', the person from whom the donor reacquires the property,'' after ''the donor''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. 502. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

''(a) GENERAL RULE.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

''(b) QUALIFIED COMPUTER CONTRIBUTION.—For purposes of this section, the term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

''(1) such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer, and

''(2) notwithstanding clauses (i) and (iv) of section 170(e)(6)(B), such term shall include the contribution of computer technology or equipment to multipurpose senior centers (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)) described in section 501(c)(3) and exempt from tax under section 501(a) to be used by individuals who have attained 60 years of age to improve job skills in computers.

''(c) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO ENTITIES IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

''(d) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

''(e) TERMINATION.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the New Millennium Classrooms Act.''.

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the computer donation credit determined under section 45D(a).''.

(c) DISALLOWANCE OF DEDUCTION BY AMOUNT OF CREDIT.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

''(d) CREDIT FOR COMPUTER DONATIONS.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.''.

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(9) NO CARRYBACK OF COMPUTER DONATION CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45C the following:

''Sec. 45D. Credit for computer donations to schools and senior centers.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 503. REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) IN GENERAL.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) LEGISLATIVE PROPOSAL.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

SEC. 504. CAREERS TO CLASSROOMS.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) ALTERNATIVE CERTIFICATION OR LICENSURE REQUIREMENTS.—The term ''alternative certification or licensure requirements'' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual who has received—

(A) in the case of an individual applying for assistance for placement as an elementary school or secondary school teacher, a baccalaureate or advanced degree from an institution of higher education; or

(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary school or secondary school, an associate, baccalaureate, or advanced degree from an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(b) PLACEMENT PROGRAM.—The Secretary may establish a program of awarding grants to States—

(1) to enable the States to assist eligible individuals to obtain—

(A) certification or licensure as elementary school or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of the eligible individuals by local educational agencies identified under subsection (c)(2) as experiencing a shortage of teachers or teachers' aides.

(c) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (b), the Secretary shall—

(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers;

(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, computer science, or engineering teachers; and

(3) periodically request information from all States to identify local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are experiencing a shortage of teachers' aides.

(d) SELECTION OF ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Selection of eligible individuals to participate in the placement program authorized by subsection (b) shall be made on the basis of applications submitted to a State. An application shall be in such form and contain such information as the State may require.

(2) PRIORITY.—In selecting eligible individuals to receive assistance for placement as elementary school or secondary school teachers, the State shall give priority to eligible individuals who—

(A) have substantial, demonstrated career experience in science, mathematics, computer science, or engineering and agree to seek employment as science, mathematics, computer science, or engineering teachers in elementary schools or secondary schools; or

(B) have substantial, demonstrated career experience in another subject area identified by the State as important for national educational objectives and agree to seek employment in that subject area in elementary schools or secondary schools.

(e) AGREEMENT.—An eligible individual selected to participate in the placement program authorized by subsection (b) shall be required to enter into an agreement with the State, in which the eligible individual agrees—

(1) to obtain, within such time as the State may require, certification or licensure as an elementary school or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary school or secondary school; and

(2) to accept—

(A) in the case of an eligible individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary school or secondary school teacher for not less than two school years with a local educational agency identified under subsection (c)(2), to begin the school year after obtaining that certification or licensure; or

(B) in the case of an eligible individual selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary school or secondary school for not less than 2 school years with a local educational agency identified under subsection (c)(3), to begin the school year after obtaining the necessary credentials.

(f) STIPEND FOR PARTICIPANTS.—

(1) IN GENERAL.—The State shall pay to an eligible individual participating in the placement program a stipend in an amount equal to the lesser of—

(A) $5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the eligible individual while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary school or secondary school teacher or teacher aide.

(2) RELATION TO OTHER ASSISTANCE.—A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the eligible individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) GRANTS TO FACILITATE PLACEMENT.—

(1) TEACHERS.—In the case of an eligible individual in the placement program obtaining teacher certification or licensure, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the eligible individual as a full-time elementary school or secondary school teacher after the eligible individual obtains teacher certification or licensure.

(2) TEACHER'S AIDES.—In the case of an eligible individual in the program obtaining credentials to serve as a teacher's aide, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

(3) AGREEMENTS CONTRACTS.—Under an agreement referred to in paragraph (1) or (2)—

(A) the local educational agency shall agree to employ the eligible individual full time for not less than 2 consecutive school years (at a basic salary to be certified to the State) in a school of the local educational agency that—

(i) serves a concentration of children from low-income families; and

(ii) has an exceptional need for eligible individuals; and

(B) the State shall agree to pay to the local educational agency for each eligible individual, from amounts provided under this section, $5,000 per year for a maximum of 2 years.

(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—If an eligible individual in the placement program fails to obtain teacher certification or licensure, employment as an elementary school or secondary school teacher, or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the 2 years of required service, the eligible individual shall be required to reimburse the State for any stipend paid to the eligible individual under subsection (f)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the 2 years of required service. A State shall forward the proceeds of any reimbursement received under this paragraph to the Secretary.

(2) OBLIGATION TO REIMBURSE.—The obligation to reimburse the State under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the State. Any amount owed by an eligible individual under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the eligible individual is first notified of the amount due.

(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—

(1) IN GENERAL.—An eligible individual in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(B) is serving on active duty as a member of the Armed Forces;

(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary school or secondary school for a single period not to exceed 27 months; or

(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(2) FORGIVENESS.—An eligible individual shall be excused from reimbursement under subsection (h) if the eligible individual becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

SEC. 505. PESTICIDE APPLICATION IN SCHOOLS.

(a) IN GENERAL.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA LIST OF TOXIC PESTICIDES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) LIST.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) PARENTAL NOTIFICATION OF TOXIC PESTICIDE APPLICATIONS IN SCHOOLS.—

(1) IN GENERAL.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds,

either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) NOTICE.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) INCORPORATION OF NOTICE.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

SEC. 506. SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that:

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, State and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for Federal firearms prosecutions fell 44 percent, which resulted in a 40-percent drop in prosecutions and a 31-percent decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162 percent, 86 percent, and 50 percent, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

SEC. 507. REDUCTION IN SCHOOL VIOLENCE.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Reduction Act''.

(b) FINDINGS.—Congress finds that:

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The United States Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57 percent of the expulsions were high school students, 33 percent were in junior high and 10 percent were in elementary school.

(c) GRANTS.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to—

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) APPLICATION.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) PUBLIC SERVICE ANNOUNCEMENTS.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated funds of up to $7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

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

The motion to lay on the table was agreed to.

TECHNICAL CORRECTIONS TO AMENDMENT NO. 2869

Mr. COVERDELL. Mr. President, I ask unanimous consent that the clerk be authorized to make technical conforming corrections to Roth amendment No. 2869.

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

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I now ask unanimous consent there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PATIENTS' BILL OF RIGHTS

Mr. GREGG. Mr. President, we are about to begin the heavy lifting on the Patient Bill of Rights Conference Committee, and I wanted to come to the Floor of the Senate and lay out some of the key concerns and principles that should guide us in the coming month.

First, I want to take a minute and compliment my colleague, Senator NICKLES, for his fine work over, really, the last 3 years. He has been a dedicated leader on this issue.

I am confident that as chair of the conference, he will conduct a fair and orderly process for this conference.

We are ready. Many of us have worked on most of these provisions for several years. I and my Republican Senate conferees, for one, have worked over the last several months to educate ourselves on the House bill.

Let me be clear. We want a substantive conference. As I have said, we have already rolled up our sleeves, and I think we can work through this complex bill and meet the deadline of completing this bill by the end of March. That is our goal and with the cooperation of every Senator and House Member on this committee, I believe we can meet this goal.

The stakes are high. I don't think it is an exaggeration to say that the very future of medical care in this country hinges on what we do in this next month.

From the very basic and practical question of who a patient calls for help when there is a concern about coverage or some aspect of their health plan—to the delivery of that care by doctors or other health professionals—to who regulates these fundamental health insurance issues—all of these issues will be greatly affected by this bill.

First, do no harm. This is the doctor's oath. I believe we serve Americans badly if at the end of the day we do not adhere to that same rule.

That is why we cannot enact a bill that unreasonably increase the cost of insurance. We cannot leave American families with no choice but to drop their insurance altogether.

Even in our strong economy—the strongest economy that this country has seen since WWII—the number of uninsured Americans has increased by about another 1 million. The latest census numbers available show that 44.3 million Americans were without coverage in 1998. That is one American in six.

And employers are facing increases in health care costs this year of as much as 7.3 percent. Small businesses are struggling with even much higher cost increases. Costs are rising for American employers who want to continue providing coverage to their employees.

For better or worse, managed care has been the main instrument in this country for making health care more affordable for a vast number of Americans. If we price these products out of the market, with regulations, mandates and lawsuits, the effect will be crippling.

We recently heard from some fairly large employers who said that if the House-passed bill were enacted, they would stop offering employees health insurance altogether—resulting in more uninsured.

These aren't just some unrecognizable companies with a few employees. Companies like Wal Mart, which employs 800,000 employees, have indicated they would drop health coverage.

The Chamber of Commerce announced they would have no choice but to recommend to their member companies to drop health insurance if the House-passed bill were enacted into law in its current form.

Overall, I believe about 36 percent of the employers in this country have said they'd stop offering coverage. This Congress must not allow that to happen.

Will these bills hike the costs for families and their employers? Both bills will, even though Senate Republicans believe we have come up with a better bill that addresses the complexities of the health care system and gives patients the care they need without unreasonably raising their costs.

The CBO has said, in February, that the House-passed bill would cancel coverage for over a million Americans, increasing costs of private health insurance premiums by an average of 4.1 percent above inflation. This driving up of the costs of medicine does little to improve the quality of care.

Equally important as costs, is the issue of expanding lawsuits, or the liability debate. I fought to prevent the Senate bill from including an expanded right to sue last summer, and 52 of my colleague agreed with me.

They recognized that consumers don't get much from these lawsuits. They don't get greater care. They don't get much money for their troubles either, because the lawyers take most of any settlement or award.

If the truth be known, lawsuits have never been a friend of the patient.

Nothing confirms this fact better than a recent IOM report, To Err is Human: Building a Safer Health System, that finds unreported medical reports are killing alarming numbers of patients every year.

This report, based on the hard work of experts at the National Institute of Medicine, concluded that the threat of lawsuits actually prevents hospitals, doctors, and other health care professional from reporting mistakes and errors that they have made.

We are not just talking about a few cases, but the report concluded that as many as 98,000 people are killed each year because of such things as:

Poor handwriting by doctors, which often causes pharmacists to misread drug prescriptions and issue the wrong drug and/or dosage.

Unfamiliarity of doctors, and health professionals with the rapidly changing and emerging technologies that are being introduced in health care today. These technologies pose new hazards for patients, and professionals simply do not have competency and are not continually retrained.

The recommendations suggest that these errors are hidden for fear of malpractice lawsuits.

More importantly, the report suggests that doctors, hospitals and other health care providers will never report errors without protection from the threat of litigation.

So what is the answer to the horrible fact that thousands of Americans are dying each year because of unreported medical mistakes?

The IOM report calls for a national effort, and I agree that we have to work with every aspect of health care in this country to turn those numbers of deaths around. We need our public agencies responsible for the public health, like HHS, HRSA and the Agency for Health Care Policy Research and Quality involved. We need state agencies and public health institutions involved.

All of these folks need to engage the entire health care industry in a broad range of quality and safety issues. This is absolutely the direction we must go to prevent medical mistakes.

The report suggests that all these folks should work together to develop standards for safety and define minimum levels of performance for every health care organizations. All these efforts should focus public attention on patient safety. We know how to prevent many of these medical mistakes, and real reductions in errors are achievable if we focus on patient safety.

President Clinton also wants to require every state to create mandatory reporting systems to collect information on medical errors. However, I haven't really heard very many folks say they support a mandatory system; most don't believe it will solve the problem.

Even the Administration official who presented the plan to the Health and Education Committee several weeks ago, acknowledged that a mandatory system of reporting may not be the best approach. Dr. John Eisenburg, director of the Agency for Health Care Research and Quality, admitted that some of the criticism of the proposal was ''on target.''

He said, ''Do we know if these programs [mandatory reporting programs] work? No, we don't. We don't know how well they work, and when they work best.''

The Health and Education Committee has had four hearing on this issue, and we have heard one thing time and time again: as long as there is the fear that reported data—whether it is supposed to be confidential or not—will be ferreted out and used by an aggressive trial bar, we will never be able to reduce medical error rates. Unless we do something about liability, there will never be a real and substantial effort made to report medical mistakes.

The American Hospital Association had this to day, ''Our concern is around the protection of the information that's contained in those reports. Any enterprising malpractice attorney is going to be able to track back to the caregivers.'' So, the fear of blame and lawsuits is too great.

When the American Medical Association testified at this hearing, they opposed mandatory reporting, saying that, ''The president has the cart before the horse. He'd put in place mandatory reporting, then study it and do something different if it doesn't improve patient safety''

My colleague, Senator HAGEL, also specifically asked Dr. Dickey what she thought of the IMM's conclusion that there be some liability protections vis-a-vis this important issue—patient bill of rights.

You know what she said? She basically said that they wanted the flawed liability legal remedies and failed legal system that has harmed the doctor's practice of medicine for so many years applied to HMOs, and then and only then should we fix the mess for everyone.

Where is the logic in that? That does not sound like the answer to me. Shouldn't we acknowledge that, yes, this system that has caused defensive medicine and cost society in terms of quality health care for decades, and killed people according to the IOM, should be fixed before we expand its breadth to anyone else?

So, Mr. President, I say that liability has never been a friend to patients and the unfortunate findings about annual deaths in the IOM report are the best evidence of that fact. This IOM report is very important in our deliberations, and none of us should lose sight of this fact.

I also believe that my constituents back in New Hampshire should not have to deal with a greatly complicated regulatory bureaucracy. You know, a patient that has a question about his coverage or some other aspect of his health plan wants a straight answer to a question.

I want to highlight this fact: The consumer wants a straight answer. Ultimately, he should be able to call his health plan and receive reliable information.

If the answer he gets is not the answer he wants, the patient should have a means of redress. Under the Senate passed bill, we have set a system that lets doctors take a look at what doctors are deciding for patients.

Under the Senate passed bill, concerns are addressed by a doctor specializing in the patient's type of problem. The doctor is independent, and makes that decision.

There are several levels of independent medical review where a patient can go outside the insurance plan and have another doctor who specializes in the same type of problem look again at the patient's needs and decide if the patient should or should not have the requested service or treatment.

This is an approach designed to get the patient care, and get the patient good care.

The House-passed bill also has an appeals process, but I am very concerned its design is more about creating more lawsuits, and putting more money in attorneys' pockets.

What will patient's get out of this? They won't get the care they need. So we think we have come up with a better idea.

In conclusion, let me say that patients really want and need to be put back into the health care equation, and I think that has been acknowledged on both sides.

That is why many of the provisions in both bills are very similar. I think the provisions on plan information in both bills are similar and there is common ground from which we can work.

We both give Americans expanded new rights to go to an emergency room and get the care they need without worrying about having to fight with their insurer over who will pay for this care.

We both greatly expand access to specialists. Both bills allow direct access to a pediatrician for children, and for women seeking primary and preventative ob/gyn care.

So, we are close on very many of the issues that are important to most Americans. These are major issues that I believe we can come to an agreement on.

Other issues will be difficult to resolve, but I am committed to sitting down with colleagues on the other side of the aisle to discuss these issues, and will promise to negotiate in good faith.

We may not agree yet, but I am hopeful. I think Democrats and Republicans share a goal of wanting to ensure individuals have access to safe and appropriate health coverage. So I am positive about this conference.

DEATH OF KAYLA ROLLAND

Mr. ABRAHAM. Mr. President, I rise, with sadness and a heavy heart today. On Tuesday, Kayla Rolland, a 6-year-old first grader was shot and killed by a classmate at Theo J. Buell Elementary School in Mount Morris Township, MI.

As Kayla's family mourns their lost, I am certain in my heart that Kayla's spirit is in a better place.

It is my hope that in this difficult time Kayla's family will find comfort in one another, in their community, in their faith and in the knowledge that across America their fellow citizens feel their grief.

Such a violent death is a great tragedy. But for someone so young, to have her hopes and dreams cut short by gunfire—stretches the limits of our power to understand and to accept.

As the father of two daughters, also in the first grade, I can't get out of my mind the pictures of Buell Elementary School, as so many frightened young children facing a terror few of us would want to know firsthand, rushed into the arms of their parents.

I thank God each day that my kids return home safe, away from the dangers of this world and from the senseless violence that haunts our communities.

But, as our Nation tries to address the questions and issues that surrounded this tragic event, I hope that, for the next few days, we focus on Kayla's family.

A family lost a child this week, and that we must not forget.

There is a time and a place to address the circumstances surrounding Kayla's death and the public policy issues involved, and I look forward to those discussions.

But, I hope that we will not allow the policy debates and the media rush to examine this tragic event cause us to forget the immediate needs of a family in mourning.

Above all, I hope that we will keep the Rolland family and Kayla in our thoughts and prayers.

In closing, Mr. President, on behalf of my wife Jane and myself, I would like to express our family's deepest sympathies to the Rolland family.

SAVE OUR SURPLUS

Mr. GRAMS. Mr. President, I rise to speak about a very important bill I introduced yesterday. My Save Our Surplus, or S.O.S. legislation would lock in every penny of the $23 billion non-Social Security surplus which materialized in FY 2000 and return it to working Americans in the form of debt reduction, tax relief and structural Social Security and Medicare reform.

The reason for this legislation is simple: Last year the Congress adopted my amendment in the budget resolution to set up a reserve fund for any non-Social Security surplus for tax relief.

Unfortunately, this provision in the budget resolution was completely ignored in the appropriation process. As a result, we ended up spending every penny of the project $14 billion on-budget surplus.

The Congressional Budget Office estimated early this year that, Thanks to our strong economy, we would have an even higher $23 billion on-budget surplus in the current fiscal year despite that spending spree.

Mr. President, this $23 billion non-Social Security surplus does not fall from the sky. It is working Americans who generated the surplus—not Congress, not the President, but Americans' hard work.

In fact, hard working Americans have created a strong economy that has turned the ink in Washington's accounting book black for the first time in 40 years. The budget surplus above and beyond Social Security will top $1.9 trillion over the next 10 years.

Clearly, the reason we have a surplus is the result of the hard work of working men and women of this country. Washington should not be the first in the line to spend this surplus.

Mr. President, the budget surplus above and beyond the Social Security surplus is tax overpayments and should be returned to taxpayers in the form of tax relief, debt reduction and Social Security reform.

If we don't return the tax overcharges to the taxpayers in these ways, Washington will spend it all, leaving nothing for tax relief, debt reduction or the vitally important task of preserving Social Security. Last year's appropriations spending has proven my fears are well founded.

President Clinton has already proposed spending nearly all of this surplus, and both Chambers of the Congress are preparing to add even more to the President's request in this year's supplemental spending bill.

This is not right. Last year's discretionary spending was already increased by over 5 percent, twice the rate of inflation. If Congress spends this additional $23 billion surplus, discretionary spending will increase by over 9 percent. If there is a Supplemental, it should be fully offset by spending reduction.

President Clinton also proposes to ''correct the gimmicks'' in the FY 2000 Appropriations bills by shifting payment dates from FY 2001 back to FY 2000, lifting restrictions on obligations, and reversing advance funding.

Mr. President, I was the one that spoke repeatedly on the Senate floor last year in strong opposition to budget gimmickry. However, changing the gimmicks now would have the effect of increasing discretionary and mandatory spending in FY 2000 by $10 billion while also allowing for spending to increase in FY 2001 by a corresponding amount.

Mr. President, two wrongs don't make a right. Let's leave FY 2000 spending the way it is and pledge to stop the gimmicks this year.

The last thing we should do is to spend tax overpayments to enlarge the government. If we cannot give working Americans a tax refund this year due to President Clinton's veto of our tax relief bill, we at least should dedicate this on-budget surplus to reduction of the national debt.

It is true that our short-term fiscal situation has improved greatly due to the continued growth of our economy. However, our long-term financial imbalance still poses a major threat to the health of our future economic security.

We must also recall that Americans have long been overtaxed, and millions of middle-class families cannot even make ends meet due to the growing tax burden. They still call for major relief. That's why we passed nearly $800 billion in tax relief for them. But President Clinton denied them the tax refund they deserve.

FY 2000's spending is the worst example of fiscal irresponsibility. Washington spent far more than it should have. But what concerns me is that if we continue this dangerous trend by spending this $23 billion additional surplus for FY 2000, we will push the spending baseline even higher, leaving an even smaller on-budget surplus for our 5-year or 10-years tax relief or for debt reduction.

I understand that we do have emergency spending needs each year. I support true emergency spending, such as disaster relief or agricultural crisis relief. But I believe we should, and can, meet these challenges by prioritizing and streamlining government programs to offset this new spending while maintaining fiscal discipline.

Again, my point is, Mr. President, that this non-Social Security surplus is

nothing but tax over-payments. It is the American taxpayers' money and it should be returned in the form of debt reduction, tax relief or Social Security reform.

If we don't give the non-Social Security surplus back to the taxpayers in these ways, Washington will soon spend it all. Such spending will only expand the government, making it even more expensive to support in the future, creating an even higher tax burden than working Americans bear today and a higher federal budget.

I join Chairman Alan Greenspan who has been advocating using surplus for debt reduction and tax relief rather than increasing government spending.

My S.O.S. legislation would achieve this goal by creating a new point of order against any legislation reducing the FY 2000 non-Social Security surplus if it is not used for debt reduction, tax relief or structural Social Security and Medicare reform.

The S.O.S. legislation is a fiscally responsible bill. I urge my colleagues to support it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 1, 2000, the Federal debt stood at $5,725,649,856,797.45 (Five trillion, seven hundred twenty-five billion, six hundred forty-nine million, eight hundred fifty-six thousand, seven hundred ninety-seven dollars and forty-five cents).

One year ago, March 1, 1999, the Federal debt stood at $5,643,046,000,000 (Five trillion, six hundred forty-three billion, forty-six million).

Five years ago, March 1, 1995, the Federal debt stood at $4,848,389,000,000 (Four trillion, eight hundred forty-eight billion, three hundred eighty-nine million).

Ten years ago, March 1, 1990, the Federal debt stood at $3,026,322,000,000 (Three trillion, twenty-six billion, three hundred twenty-two million).

Fifteen years ago, March 1, 1985, the Federal debt stood at $1,712,490,000,000 (One trillion, seven hundred twelve billion, four hundred ninety million) which reflects a debt increase of more than $4 trillion—$4,013,159,856,797.45 (Four trillion, thirteen billion, one hundred fifty-nine million, eight hundred fifty-six thousand, seven hundred ninety-seven dollars and forty-five cents) during the past 15 years.

ADDITIONAL STATEMENTS

TEXAS INDEPENDENCE DAY

• Mrs. HUTCHISON. Mr. President, I rise today to talk about an important point in our history and that is to commemorate this day 164 years ago, Texas Independence Day.

Each year, I look forward to March 2d. This is a special day for Texans, a day that fills our hearts with pride. On this day 164 years ago, a solemn convention of 54 men, including my great, great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

> We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution and organized an interim government for the newborn republic.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would exact a price of enormous effort and great sacrifice. My great, great grandfather was there, signing the declaration of independence. As most of the delegates did, he went on eventually to fight the Battle of San Jacinto. He didn't know it at the time, but all four of his children who had been left back at home in Nacogdoches died trying to escape from the Indians and the Mexicans who they feared were coming after them.

Fortunately, he and his wife, my great, great grandmother, had nine more children. But it is just an example of the sacrifices that were made by people who were willing to fight for something they believed in. That, of course, was freedom.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops held the Alamo under siege, challenging this newly created republic.

Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

> Fellow Citizens and Compatriots: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—Victory or Death.—William Barrett Travis, Lt. Col. Commander.

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve? In fact, Colonel Travis' dire prediction came true—4,000 to 5,000 Mexican troops laid siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. But the Alamo, as we all in Texas know, was crucial to Texas' independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, on April 21, 1836. The Lone Star was visible on the horizon at last.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots pledged their lives, honor, and treasure for freedom.

On this day, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by my friend, the late Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower, because we do have a unique heritage in Texas where we fought for our freedom. Having grown up in the family and hearing the stories of my great great grandfather, it was something that was ingrained in us—fighting for your freedom was something you did.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliad later that same month. Their deaths gave birth to Texas Independence and we became a nation, a status we enjoyed for 10 years before we entered the Union as a State.

I might add, we entered the Union by a margin of one vote, both in the House and in the Senate. In fact, we originally were going to come into the Union through a treaty, but the two-thirds vote could not be received and, therefore, President Tyler said, ''No, then we will pass a law to invite Texas to become a part of our Union,'' and the law passed by one vote in the House and one vote in the Senate.

I am very pleased to, once again, commemorate our great heritage and history.•

U.S. ASSISTANCE TO MOZAMBIQUE

• Mr. FEINGOLD. Mr. President, I rise today in support of the Administration's decision to send urgently needed assistance to southern Africa, where heavy rains have caused devastating floods, particularly in the Republic of Mozambique.

Last night President Clinton approved the deployment of a Joint Task Force to the region, including C–130 aircraft to deliver desperately needed supplies, and six heavy lift helicopters

to pluck survivors from the trees and rooftops where they cling to life. This assistance will supplement the efforts already underway, under the auspices of the U.S. Agency for International Development and the U.S. Department of Defense.

Mr. President, this assistance comes not a moment too soon. Meteorologists believe that even more rain is likely to fall on the region in the very near future. The resources the world has already provided are stretched nearly to the breaking point, as the need to deliver food and other supplies to survivors competes with the need to rescue those precariously hanging on above the floodwaters, waiting to be evacuated to dry land. The Mozambican families who survived the threat of rising waters are now at risk again, as water-born diseases like cholera, malaria, and meningitis surge in the flood's aftermath.

These floods are particularly tragic because the country most seriously affected by them, Mozambique, has made significant strides toward recovery from its long and brutal civil war. Though the country is still affected by extreme poverty, in recent years Mozambique has enjoyed exceptional rates of economic growth, and while more needs to be done, the country has improved its record with regard to basic human rights. Mr. President, the people of Mozambique have been fighting for a better future. This kind of disaster comes at a terrible time, but our intercession may help the people of Mozambique to hold to the opportunities that lay before them before the waters rose.

The American government and the American people have reached out beyond our borders time and again to aid communities in crisis—from the earthquake victims in Turkey and Taiwan to the mudslide survivors in Venezuela. We stand united in a basic expression of human compassion again today. I applaud the Administration's action; I believe it is an entirely appropriate use of our country's resources, and I wish the people of southern Africa the very best as they work to recover from these devastating floods.●

PRICE-ANDERSON AMENDMENTS ACT OF 2000

● Mr. MURKOWSKI. Mr. President, I am pleased to cosponsor the Price-Anderson Amendments Act of 2000 with my colleague and the ranking minority member of the Committee on Energy and Natural Resources, Senator BINGAMAN.

For over 40 years the Price-Anderson Act has provided a comprehensive system of liability coverage for nuclear incidents and has been extended three times since 1957, most recently in 1988. The act's authority to extend new coverage will expire on August 1, 2002, and I believe that it is important that we extend the authorities well in advance of that date.

When we reauthorized the law in 1988, we asked both the Department of Energy and the Nuclear Regulatory Commission to review the Act and submit reports assessing its value and the need for further extension as well as making recommendations for any necessary changes. Both agencies recommended that the Act be extended with only minor changes. This legislation makes those relatively minor modifications and extends the authorization for an additional ten years.

Mr. President, the Price-Anderson Act is an important aspect of the development of nuclear energy in the United States. If we are going to meet any of the emission goals set forth for our domestic electricity production, then nuclear power necessarily must remain a vital component of any energy policy. The Price-Anderson Act is essential to allow contractors and suppliers to prudently take the financial risks associated with nuclear activities for the Department of Energy as well as those undertaken by commercial nuclear facilities licensed by the Nuclear Regulatory Commission. The Price-Anderson Act provides important protections to the public in the unlikely case of a nuclear incident. This legislation will extend those protections as well as making other necessary amendments to the Act.

I fully support this legislation and I hope that we can have it enacted expeditiously.●

READ ACROSS AMERICA DAY

● Mr. KENNEDY. Mr. President, it is especially appropriate that the Senate is debating education reform today, because today is Read Across America Day. The National Education Association deserves great credit for bringing together the nation's leading education, literacy, and community organizations to help children in communities across the Nation experience the joy of reading.

Reading is the foundation of learning and the golden door to opportunity. But too many children fail to read at an acceptable level. For students who don't learn to read well in the early years of elementary school, it is virtually impossible to keep up in the later years. That's why literacy programs are so important. They give young children practical opportunities to learn to read and practice reading. We also need to do all we can to encourage children and parents to read together. That's why Read Across America Day is so important.

I am also proud of other programs that take place throughout the year to encourage reading. In October 1998, Congress passed the Reading Excellence Act to provide competitive reading and literacy grants to states. The purpose of the program is to help high-need schools teach children to read in their early childhood years. In addition to classroom instruction, the program helps teachers to improve their teaching. It also expands the number of high-quality family literacy programs, works with local and national organizations to ensure that children have access to books, and provides early literacy assistance for children with reading difficulties.

Last August, Massachusetts was one of only 17 states to receive funds under this competitive grant. The Massachusetts Department of Education distributed these funds to local school districts throughout the State. The program builds on the America Reads initiative. In 1996, President Clinton and First Lady Hillary Rodham Clinton designed a new effort to call national attention to child literacy by proposing the ''America Reads Challenge,'' which encourages colleges and universities to earmark a portion of their Work-Study funds for college students willing to serve as literacy tutors. Institutions of higher education across Massachusetts are already creating strong ties with surrounding communities, and participation in the initiative enhances those relationships. Today, over 1,000 colleges and universities across the country are committed to the President's ''America Reads Work Study Program,'' and 73 of these institutions are in Massachusetts. I'm proud of the strong national commitment that we are making to help every child read well. By working together, we can make a significant difference for children across the country.

Last year I celebrated ''Read Across America Day'' with students from Squantum Elementary School in Massachusetts. The students and teachers have an excellent slogan—''Drop Everything and Read.'' For at least 15 minutes a day, the school does just that. But if we truly want to help all children learn to read early and well, every day should be Read Across America Day.●

TRIBUTE TO LARRY AHRENS

● Mr. DOMENICI. Mr. President, I rise to pay tribute to Larry Ahrens, a man who has become an institution in Albuquerque. This week he celebrates his 20th anniversary as morning host on 770 KOB, one of the best-known radio stations in New Mexico. Larry's radio career has spanned much of my own Senate career, and we have developed a wonderful friendship and working relationship over the past two decades.

There is something comforting about turning on the radio and hearing the same recognizable voice welcoming the day. For thousands of New Mexicans, Larry has become that reassuring deliverer of news, commentary and other interesting and entertaining information. It hardly seems like 20 years have lapsed since Larry first addressed KOB listeners and endeared himself to us with his level-headed take on life in Albuquerque and the Land of Enchantment.

Larry Ahrens took over New Mexico's most high-profile radio job as

morning host on 770 KOB on March 3, 1980. But he began his career in his native southern California.

A job offer in Roswell brought Larry to the New Mexico airwaves in late 1972. Apparently his talent was clear even then, as an El Paso station owner traveling through Roswell heard Larry on the air and ended up offering him a job. Ahrens spent two and a half years in El Paso before coming back to New Mexico to begin his long run as host of KOB's morning show.

Over the years, I've observed that a lot of radio personalities come and go. Larry has been a steady and reliable fixture on KOB, which I attribute to the fact that his show mirrors the community. He has served New Mexico with integrity, opening his mike to air the views of the day—whether they come from young mothers on Albuquerque's West Side, retirees in the Heights, or even the occasional politician.

Part of Larry's appeal is linked to the fact that his job is more than sharing with New Mexicans between 5:30 and 10:00 a.m. Like so many others, I appreciate Larry as an active member of the community and a key supporter of important civic causes. One example is Larry's annual golf tournament for the University of New Mexico's academic scholarship program, now in its 18th year. He has raised more than $600,000 to give scores of New Mexico students an opportunity to continue their education.

Larry and the morning show he hosts play a welcome role in the day-to-day lives of many New Mexicans. Where once I could only enjoy Larry's broadcasts when in New Mexico, I am pleased that technology is now so advanced that I can listen to his show live on the Internet. It's almost like being home.

Times may have changed since Larry first took to the airwaves, but his presence has remained constant for 20 years. Today, I think it would be fair to say Larry reigns as the premiere morning show host in Albuquerque.

Mr. President, I congratulate Larry Ahrens on this career milestone, and salute his contributions to New Mexico throughout his impressive career. Finally, I add my voice to those thousands and thousands of New Mexicans who look forward to tuning into the radio to hear Larry's show for years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 2000.*

2000 TRADE POLICY AGENDA AND THE 1999 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To The Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2000 Trade Policy Agenda and 1999 Annual Report on the Trade Agreements Program. The Report, as required by sections 122, 124, and 125 of the Uruguay Round Agreements Act, includes the Annual Report on the World Trade Organization and a 5-year assessment of the U.S. participation in the World Trade Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 2000.*

MESSAGES FROM THE HOUSE

At 11:11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1833) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

At 1:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 2, 2000, he presented to the President of the United States, the following enrolled bill.

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7849. A communication from the Director, Statutory Import Programs Staff, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Changes in Watch, Watch Movement and Jewelry Program for the U.S. Insular Possessions'' (RIN0625–AA55), received March 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7850. A communication from the Chair, Medicare Payment Advisory Commission transmitting, pursuant to law, the ''2000 Report to Congress: Medicare Payment Policy''; to the Committee on Finance.

EC–7851. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2000 Automobile Inflation Adjustment'' (Rev. Proc. 2000–18), received March 18, 2000; to the Committee on Finance.

EC–7852. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Revisions to the Georgia State Implementation Plan'' (FRL # 6547–4), received March 1, 2000; to the Committee on Environment and Public Works.

EC–7853. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and

Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Optional Certification Streamlining Procedures for Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Engines for Original Equipment Manufacturers and for Aftermarket Conversion Manufacturers; Final Rule'' (FRL # 6547–4), received March 1, 2000; to the Committee on Environment and Public Works.

EC–7854. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, the 2000 ''International Narcotics Control Strategy Report''; to the Committee on Foreign Relations.

EC–7855. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, Presidential Determination 2000–16 regarding certification of the 26 major illicit drug producing and transit countries; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH for the Committee on Finance.

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

Nancy Killefer, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary.

Julio M. Fuentes, of New Jersey, to be United States Circuit Judge for the Third Circuit.

James D. Whittemore, of Florida, to be United States District Judge for the Middle District of Florida.

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 2138. A bill to suspend temporarily the duty on 11-Aminoundecanoic acid; to the Committee on Finance.

By Mr. HUTCHINSON (for himself and Mr. ENZI):

S. 2139. A bill to amend the Federal Water Pollution Control Act to exempt agricultural stormwater and silviculture operation discharges from the requirement for a permit under the pollutant discharge elimination system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMS:

S. 2140. A bill to amend the State Department Basic Authorities Act of 1956 to establish within the Department of State an Under Secretary of State for Security; to the Committee on Foreign Relations.

By Mr. BROWNBACK:

S. 2141. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Georgia; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2142. A bill to suspend temporarily the duty on certain bromine-containing compounds; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2143. A bill to suspend temporarily the duty on certain fluoride compounds; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2144. A bill to suspend temporarily the duty on certain fluorozirconium compounds; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2145. A bill to suspend temporarily the duty on certain imaging chemicals; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2146. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semi-manufactured forms of gold; to the Committee on Finance.

By Mr. KERRY:

S. 2147. A bill to amend section 313 of the Tariff Act of 1930 to allow duty drawback for grape juice concentrates made from Concord or Niagara grapes; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2148. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2149. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2150. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2151. A bill to suspend through December 31, 2004, the duty on high tenacity multiple (folded) or cabled yarn of viscous rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2152. A bill to suspend through December 31, 2004, the duty on high tenacity single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2153. A bill to suspend temporarily the duty on cobalt boron; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2154. A bill to extend the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2155. A bill to suspend through December 31, 2003, on metachlorobenzaldehyde, propiophenone, 4-bromo-2-fluoroacetanilide, and 2,6-dichlorotoluene; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2156. A bill to suspend through December 31, 2003, the duty on textured rolled glass sheets; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2157. A bill to suspend through December 31, 2004, the duty on other yarn, multiple (folded) or cabled, of viscose rayon; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. THOMPSON, and Mr. GRAMS):

S. 2158. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2159. A bill to provide flexibility when merited and accountability when warranted in the Nation's elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI:

S. 2160. A bill to require health plans to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL (for himself, Mr. DASCHLE, Mr. CRAIG, Mr. BIDEN, Mr. BUNNING, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, Mr. GREGG, Ms. COLLINS, Mr. HUTCHINSON, and Mrs. HUTCHISON):

S. 2161. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. MURKOWSKI):

S. 2162. A bill to renew the authority of the Department of Energy to indemnify its contractors and the Nuclear Regulatory Commission to indemnify its licenses for damages resulting from nuclear incidents; to amend the Department of Energy's authority to impose civil penalties on its nonprofit contractors; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange

in lieu of electrification of the chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Indian Affairs.

By Mr. DURBIN:

S. 2164. A bill to suspend temporarily the duty on certain compound optical microscopes; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2165. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semiconductor mold compounds; to the Committee on Finance.

By Mr. KENNEDY:

S. 2166. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

By Mr. KENNEDY:

S. 2167. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2168. A bill to extend the temporary suspension of duty on certain methyl esters; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2169. A bill to reduce temporarily the duty on certain methyl esters; to the Committee on Finance.

By Mr. THOMPSON:

S. 2170. A bill to provide for the reliquidation of certain entries of printing cartridges; to the Committee on Finance.

By Mr. THOMPSON:

S. 2171. A bill to reliquidate certain entries of N,N-dicyolohexyll-2-benzothazolesulfenamide; to the Committee on Finance.

By Mr. THOMPSON:

S. 2172. A bill to suspend temporarily the duty on thionyl chloride; to the Committee on Finance.

By Mr. THOMPSON:

S. 2173. A bill to suspend temporarily the duty on PHBA (p-hydroxybenzoic acid); to the Committee on Finance.

By Mr. THOMPSON:

S. 2174. A bill to suspend temporarily the duty on THQ (Toluhydroquinone); to the Committee on Finance.

By Mr. THOMPSON:

S. 2175. A bill to suspend temporarily the duty on 1-fluoro-2-nitro-benzene; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 2176. A bill to reliquidate certain entries; to the Committee on Finance.

By Mr. THOMPSON:

S. 2177. A bill to extend the duty suspension on DEMT; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2178. A bill to amend the Higher Education Act of 1965 to require colleges and universities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Mr. WARNER, Mr. MURKOWSKI, and Mr. KYL):

S. 2179. A bill to provide for the term of office of the first person appointed to the position of under Secretary for Nuclear Security of the Department of Energy; to the Committee on Armed Services.

By Mr. ABRAHAM:

S. 2180. A bill to repeal the increase in the tax on social security benefits, to eliminate the earnings test for individuals who have attained retirement age, and to gradually raise the age for required minimum distributions from pension plans, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself and Mr. GRAHAM):

S. Res. 265. A resolution commending the Florida State University football team for winning the 1999 Division 1-A collegiate football national championship; considered and agreed to.

By Ms. COLLINS (for herself, Mr. SCHUMER, Mr. JEFFORDS, Ms. SNOWE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. LEVIN, Mr. LEAHY, and Mr. DODD):

S. Con. Res. 88. A concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL (for himself and Mr. DODD):

S. Con. Res. 89. A concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. DODD):

S. Con. Res. 90. A concurrent resolution to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. GORTON, Mr. LOTT, Mr. HELMS, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SMITH OF OREGON, Mr. ROBB, and Mr. FITZGERALD):

S. Con. Res. 91. A concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2146. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semi-manufactured forms of gold; to the Committee on Finance.

LEGISLATION TO AMEND THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO PROVIDE FOR THE DUTY-FREE TREATMENT FOR CERTAIN SEMI-MANUFACTURED FORMS OF GOLD

Mr. CRAPO. Mr. President, I rise today to introduce legislation that will help our domestic semiconductor industry continue to thrive. The proposal that I am introducing today, along with my colleague from Idaho, Senator Larry CRAIG, merely extends an existing temporary duty suspension for certain semi-manufactured forms of gold. Specifically, the bill amends the U.S. Harmonized Tariff Schedule to extend, until December 31, 2005, the duty-free treatment of gold bonding wire. This product is critical to the manufacture of semiconductors and integrated circuits.

The Miscellaneous Trade and Technical Corrections Act of 1996 suspended the 4.9 percent duty given to gold bond wiring classified under Harmonized Tariff Number 7108.13.7000. This temporary duty suspension expires on December 31, 2000 and should be renewed. This is particularly true given that the duty on most other products used in the manufacture of semiconductors were removed during the General Agreement on Tariffs and Trade Uruguay Round of multilateral trade negotiations which concluded in 1994. Members of the U.S. semiconductor industry believe the failure to include gold bonding wire in the list of duty eliminations was more of an oversight than anything else. This legislation helps rectify this situation.

The gold bonding wire essential to the manufacture of semiconductors and integrated circuits is unique in its fineness, purity and application. The nearly 100 percent pure gold wire whose diameter measures 0.05 millimeters or less has no other known purposes or uses other than those associated with the assembly of semiconductors.

U.S. semiconductor manufacturers that assemble their products domestically rather than abroad will be adversely impacted if this duty suspension lapses. A duty of almost five percent on gold bond wiring would increase the cost of doing business for American companies that choose to assemble their goods in this country. We should support, not hinder, efforts like this one that are a win-win for the American labor force and our nation's economy. More hardworking Americans are employed when the assembly process occurs domestically. Furthermore, lower costs encourage more U.S. companies to conduct these activities at home. In the end, this provides a boost to the overall economic well-being of the United States.

This duty suspension proposal lacks domestic opposition and its passage has only a de minimis revenue impact. I hope my colleagues will join me in supporting this measure. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN SEMI-MANUFACTURED FORMS OF GOLD.

(a) IN GENERAL.—Subheading 9902.71.08 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2000'' and inserting ''12/31/2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2148. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2149. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2150. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2151. A bill to suspend through December 31, 2004, the duty on high tenacity multiple (folded) or cabled yarn of viscose rayon; to the Committee on Finance.

S. 2152. A bill to suspend through December 31, 2004, the duty on high tenacity single yarn of viscose rayon; to the Committee on Finance.

S. 2153. A bill to suspend temporarily duty on cobalt boron; to the Committee on Finance.

S. 2154. A bill to extend the temporary suspension of duty on ferroboron; to the Committee on Finance.

S. 2155. A bill to suspend through December 31, 2003, on metachlorobenzaldehyde, propiophenone, 4-bromo-2-fluoroacetanilide, and 2,6-dichlorotoluene; to the Committee on Finance.

S. 2156. A bill to suspend through December 31, 2003, the duty on textured rolled glass sheets; to the Committee on Finance.

S. 2157. A bill to suspend through December 31, 2004, the duty on other yarn, multiple (folded) or cabled, of viscose rayon; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. HOLLINGS. Mr. President, today I, along with Senator THURMOND, introduce a series of duty suspensions designed to permit the import of raw materials into the United States duty free. The materials are not indigenous to or made in the United States. Therefore, their importation will not displace domestic sourcing. Moreover, because of the nature of the products at issue, they will assist in the creation of additional jobs in the United States.

I believe this is the most appropriate use of such legislation. The imported product will not displace any that is manufactured in the United States. Moreover, the imported product will assist in enhancing American productive capacity. I am, therefore, hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the United States.

By Mr. ASHCROFT:

S. 2159. A bill to provide flexibility when merited and accountability when warranted in the Nation's elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXCELLENT SCHOOLS FOR ALL OUR CHILDREN ACT

• Mr. ASHCROFT. Mr. President, today I am introducing legislation to address a serious and specific crisis that has occurred in my home state of Missouri.

In October of 1999, the Missouri State Board of Education canceled accreditation for Kansas City's schools, effective May 1, 2000, and gave St. Louis a court-required probationary period in lieu of accreditation withdrawal. Today, 80,000 young people are trapped in these failing urban school districts. It is hard for students to be successful in these types of settings. Both of these school districts receive substantial financial resources from the federal government, yet we are not seeing positive results on our investment. It is time for taxpayers to have accountability so that they know their tax dollars are spent in classrooms to boost academic achievement.

This is especially true since Congress is continuing to increase its financial commitment to education. Federal education funding has increased by 40% since 1994. And most recently, last year Congress approved a budget that proposes to increase federal resources for education by an additional 40% over the next five years. The final budget bill passed by Congress for FY2000—and that I supported—pays the first installment by increasing these resources by 6%, or $2 billion, $35 billion for Fiscal Year 2000.

In light of this increase in federal education resources, I want to encourage better, smarter use of federal funds where the need is greatest—in failing schools—so that the children languishing in these schools will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

Therefore, today I am introducing the Excellent Schools for All Our Children Act, a three-part program to help students trapped in failing urban schools in St. Louis, Kansas City, and other U.S. cities. This bill was developed in response to my state's challenge to the accreditation of Missouri's two largest school districts.

This new legislation would channel federal aid in failing schools to teaching the academic basics, in order to raise student achievement levels; would provide funds for failing schools to use in recruiting, retaining, and rewarding highly qualified teachers; and would double the amount of federal aid for college costs for high-achieving students in failing schools.

While focusing on an overall plan to streamline and simplify federal education programs for all schools, my plan incorporates a two-tiered ''flexibility when merited and accountability when warranted'' approach to the use of federal education resources.

First, this legislation proposes a major reduction in paperwork and ''red tape'' for all schools, by consolidating a number of federal education programs so that funds may be sent directly to local schools. Schools will be free to use the funds in ways they believe will be most effective in elevating student achievement. The programs included in this consolidation are: Goals 2000, School-to-Work, Class Size Reduction (the ''100,000 Teachers'' funding); Title III, Technology for Education; Comprehensive School Reform under Title I; Title VI block grant; Immigrant Education under Title VII C; the Fund for Improvement of Education under Title X, Part A; and the McKinney Homeless Assistance Act. This provision is modeled after the Bond-Ashcroft ''Direct Check for Education'' legislation introduced in 1999.

For school districts that fail to meet their state's performance-based accreditation standards and, are thus failing their students, these ''direct check'' funds may be spent only for purposes relating directly to improving academic performance. This will include focusing on ''the basics;'' funding mentoring programs to help students who can't read, write or do arithmetic; and using proven methods of instruction, such as phonics. These federal funds can also be used to recruit, retain, and reward high quality teachers. Districts in trouble need help in finding and keeping the very best teachers, and my legislation provides resources for this purpose.

These school districts will be asked to report on how they have spent their federal resources and on their students' academic performance using state and local measurements. Parents and others in the community need to see how their federal tax dollars have been spent on educating their children.

When these school districts attain state accreditation for two consecutive years, they will gain the authority to use federal resources under new standards for expanded local control created by this legislation for non-failing schools. These school districts regaining accreditation will also have access to $10 million annually in new federal funding to reward teachers and principals for improved student performance, and for professional development opportunities.

Finally, the Excellent Schools for All Our Children Act encourages students in failing school districts to be high achievers. As an incentive to their studies, I am proposing special college aid awards that would at a minimum

double the amount of federal aid now available for students' college costs. Students who rank in the top ten percent of their high school class and have an ACT or SAT score that is at or above the national average would be eligible for these ''Good Student Scholarships,'' which would be equal to the maximum appropriated Pell Grant award, presently $3,300 per year. Thus, a high-achieving student eligible for a Pell Grant of $1,500 would also receive a Good Student Scholarship of $3,300, for a total federal aid package of $4,800.

Mr. President, as a parent and public servant, I want to help thousands of young Missourians who are trapped in failing urban schools. It is clear to me that federal resources should be doing more to benefit these children. My plan to target resources to fund programs that will encourage and elevate student achievement will provide our students in failing school districts with the opportunity to succeed. We cannot risk losing an entire generation to the snares of education mediocrity. The federal government can—and should—be a critical partner in providing education funding in a manner that will help all our school children attain academic excellence.

I ask for unanimous consent that the bill be printed in its entirety at the conclusion of my remarks.

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

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Excellent Schools for All Our Children Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

Sec. 101. Findings; purposes.
Sec. 102. Definitions.
Sec. 103. Direct awards to local educational agencies.
Sec. 104. Requirements for failing local educational agencies.
Sec. 105. Audit.
Sec. 106. Authorization of appropriations.
Sec. 107. Repeals.

TITLE II—GOOD STUDENT SCHOLARSHIPS

Sec. 201. Good student scholarships.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

SEC. 101. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) education should be a national priority, but must remain a local responsibility;

(2) elementary schools and secondary schools perform best when controlled by parents, teachers, local school boards, and communities;

(3) only through initiatives led by parents, teachers, and local communities with the power to act can the United States elevate the educational performance of its students toward excellence;

(4) parental involvement, high-quality teacher performance, and teaching basic skills are fundamental to improving student achievement;

(5) educational resources are most effective when deployed in the classroom and unencumbered by burdensome regulations;

(6) schools and education professionals must be accountable to the people and children they serve;

(7) flexibility when merited and accountability when warranted should be the Federal Government's approach to the use of Federal education resources; and

(8) the Federal Government should encourage better, smarter uses of Federal funds where the need is greatest, specifically, in failing school districts, so that children in those districts will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

(b) PURPOSES.—The purposes of this title are—

(1) to promote excellence in elementary and secondary education programs in the Nation;

(2) to increase parental involvement in the education of their children;

(3) to boost student achievement in academic subjects to high levels;

(4) to improve basic skills instruction, and to increase teacher performance and accountability;

(5) to return the responsibility and control for education to parents, teachers, schools, and local communities;

(6) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement, especially in failing school districts; and

(7) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms.

SEC. 102. DEFINITIONS.

In this title:

(1) FAILING LOCAL EDUCATIONAL AGENCY.—The term ''failing local educational agency'' means a local educational agency that has been classified as unaccredited or failing (or would be so classified if not for a court order or pending court settlement agreement involving the local educational agency) under its State's performance-based accreditation or categorization standards.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(4) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 103. DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.

(a) DIRECT AWARDS.—Except as provided in section 104, from amounts appropriated under section 106(a) and not used to carry out section 106(b), the Secretary shall make direct awards to local educational agencies in amounts determined under subsection (b) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(b) DETERMINATION OF AWARD AMOUNT.—

(1) PER CHILD AMOUNT.—The Secretary, using the information provided under subsection (c), shall determine a per child amount for a year by dividing the total amount appropriated under section 106(a) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(2) LOCAL EDUCATIONAL AGENCY AWARD.—The Secretary, using the information provided under subsection (c), shall determine the amount to be provided to each local educational agency under this section for a year by multiplying—

(A) the per child amount determined under paragraph (1) for the year; by

(B) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(c) CENSUS DETERMINATION.—

(1) IN GENERAL.—Not later than December 1 of each year, each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through grade 12 students served by the local educational agency.

(2) SUBMISSION.—Not later than March 1 of each year, each local educational agency shall submit the number described in paragraph (1) to the Secretary.

(3) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (1) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (1).

SEC. 104. REQUIREMENTS FOR FAILING LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—In the case of a failing local educational agency receiving an award under section 103(a) for a fiscal year, such failing local educational agency shall use such award only for purposes directly related to improving elementary school and secondary school students' academic performance consistent with subsection (d).

(b) TITLE I FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds provided to a failing local educational agency under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall be spent in accordance with this section.

(2) APPLICABILITY PROVISION.—The provisions of parts A, B, C, and D of title I of the Elementary and Secondary Education Act of 1965 shall not apply to a failing local educational agency other than the allocation and allotment provisions under part A of such title.

(c) FAILING LOCAL AGENCY PLAN.—

(1) PLAN REQUIRED.—Each failing local educational agency shall submit a plan to the Secretary at such time and in such manner as the Secretary may require. A plan submitted under this subsection—

(A) shall describe the activities to be funded by the failing local educational agency under subsections (a) and (b) consistent with subsection (d); and

(B) may request an exemption from the uses of funds restrictions under subsection (d) for elementary schools and secondary schools served by the failing local educational agency that met the State's performance-based accreditation or categorization standards for the previous fiscal year.

(2) PLAN APPROVAL.—The Secretary shall approve a plan submitted under paragraph (1) if the plan meets the requirements described in paragraph (1).

(3) PLAN DISSEMINATION.—Each failing local educational agency having a plan approved under paragraph (2) shall widely disseminate

such plan, throughout the area served by such agency, and post the plan on the Internet.

(d) USES OF FUNDS.—Each failing local educational agency having a plan approved under subsection (c)(2) for a fiscal year may use the award provided under section 103(a) and funds provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for such fiscal year only for the following activities:

(1) To recruit, retain, and reward high-quality teachers.

(2) To focus on teaching basic educational skills.

(3) To provide remedial instruction in core academic subjects that are assessed by standards set by the State educational agency or local educational agency.

(4) To fund mentoring programs for elementary school and secondary school students who need assistance in reading, writing, or arithmetic.

(5) To use proven methods of instruction, such as phonics, that are based upon reliable research.

(6) To provide for extended day learning.

(7) To ensure that parents of elementary school and secondary school students realize that parents play a significant role in their child's educational success, and to encourage parents to become active in their child's education.

(8) To provide any other activity that a local educational agency proposes, and the Secretary approves, as an activity that relates directly to improving students' academic performance.

(e) ANNUAL REPORT.—

(1) REPORT.—A failing local educational agency shall annually submit a report to the Secretary describing—

(A) the use of funds under this section; and

(B) the annual performance of all children served by the failing local educational agency as measured by its State's performance-based accreditation or categorization standards.

(2) PRIVACY.—The report required under this section shall not contain any information, such as names, addresses, or grades, that might be used to identify the children whose performance is described in the report.

(3) DISSEMINATION.—A failing local educational agency shall widely disseminate the report submitted under paragraph (1) throughout the area served by such agency, and post the report on the Internet, so that parents and others in the community can account for Federal education funding under this title.

(f) MEETING STANDARDS.—

(1) IN GENERAL.—If, for 2 consecutive fiscal years after a failing local educational agency is required to use funds in accordance with subsection (d), such local educational agency succeeds in meeting its State's performance-based accreditation or categorization standards, then the provisions of this section shall cease to apply to such local educational agency.

(2) BONUS AWARDS.—

(A) IN GENERAL.—A local educational agency described in paragraph (1) may receive a bonus award from amounts appropriated under subparagraph (C), to use for purposes such as rewarding elementary school and secondary school teachers and principals who improved student performance, and for professional development opportunities for such teachers and principals.

(B) DISTRIBUTION.—A local educational agency receiving a bonus award under this paragraph shall determine how to distribute the award to individual elementary schools and secondary schools. An elementary school or a secondary school receiving such an award shall determine how such award shall be spent.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2003 through 2007.

(g) PENALTY.—If a failing local educational agency spends funds subject to the use of funds restrictions described in subsection (d) in a manner inconsistent with subsection (d) for a fiscal year, then the Secretary shall reduce the funds such agency receives under section 103(a) for the succeeding fiscal year by an amount equal to the amount spent improperly by such agency.

SEC. 105. AUDIT.

(a) IN GENERAL.—The Secretary may conduct audits of the expenditures of local educational agencies to ensure that the funds made available under this title are used in accordance with this title.

(b) SANCTIONS AND PENALTIES.—If the Secretary determines that the funds made available under this title were not used in accordance with the title, the Secretary may use the enforcement provisions available to the Secretary under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $3,100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated under subsection (a) for each fiscal year to continue to make payments to eligible recipients pursuant to any multiyear award made prior to the date of enactment of this Act under the provisions of law repealed under section 103(b). The payments shall be made for the duration of the multiyear award.

(c) DISBURSAL.—The Secretary shall disburse the amount awarded to a local educational agency under this title for a fiscal year not later than July 1 of each year.

SEC. 107. REPEALS.

The following provisions of law are repealed:

(1) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(2) Section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. et seq.).

(3) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301).

(4) Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541).

(5) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(6) Title III of The Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(7) Title IV of The Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(8) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(9) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.).

(10) Section 307 of the Department of Education Appropriations Act of 1999.

TITLE II—GOOD STUDENT SCHOLARSHIPS

SEC. 201. GOOD STUDENT SCHOLARSHIPS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Good Student Scholarships

"SEC. 420N. GOOD STUDENT SCHOLARSHIPS.

''(a) PURPOSE.—The purpose of this section is to provide achievement-based scholarships for undergraduate education to eligible students graduating from schools or school districts that are failing or unaccredited.

''(b) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a secondary school student—

''(1) who graduates from a public secondary school or a public or private secondary school in a school district that is failing or unaccredited, as determined by the State educational agency serving the State in which the secondary school or school district is located;

''(2) who has been in attendance at the school referred to in paragraph (1) for not less than 2 years;

''(3) who ranks in the top 10 percent academically in such student's class;

''(4) who has an average ACT or SAT score that is equal to or greater than the national average such score; and

''(5) whose family income is not more than $100,000.

''(c) DESIGNATION.—Scholarships made under this section shall be referred to as 'Good Student Scholarships'.

''(d) SCHOLARSHIPS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under subsection (f) for a fiscal year, the Secretary shall award scholarships to each eligible student submitting an application consistent with paragraph (2) to enable the eligible student to pay the cost of attendance at an institution of higher education during the eligible student's first 4 academic years of undergraduate education.

''(2) APPLICATION REQUIRED.—Each eligible student desiring a scholarship under this section for year shall submit for each such year an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(3) AMOUNT OF AWARD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a scholarship awarded under this section for an academic year shall be equal to the maximum appropriated Federal Pell Grant for such year.

''(B) ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.—If, after the Secretary determines the total number of eligible applicants for an academic year, funds available to carry out this section are insufficient to fully fund all scholarship awards under subparagraph (A) for such academic year, the amount of the scholarship paid to each eligible student shall be reduced proportionately.

''(C) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—The amount of a scholarship awarded under this paragraph to an eligible student, in combination with Federal Pell Grant assistance and any other student financial assistance the eligible student receives, may not exceed the eligible student's cost of attendance.

''(e) LISTS FROM STATE EDUCATIONAL AGENCIES.—Each State educational agency shall annually provide a list to the Secretary identifying each public secondary school and each public school district within the State that the State educational agency determines is failing or unaccredited.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $75,000,000 for fiscal year 2001;

''(2) $150,000,000 for fiscal year 2002;

''(3) $225,000,000 for fiscal year 2003; and

''(4) $300,000,000 for fiscal year 2004.''.

By Mr. TORRICELLI:

S. 2160. A bill to require health plans to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE FAIR ACCESS TO INFERTILITY TREATMENT AND HOPE (FAITH) ACT

● Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that would greatly improve the lives of millions of Americans, thousands of whom live in my State of New Jersey, who are infertile.

For many American families, the blessing of raising a family is one of the most basic human desires. Unfortunately almost fifteen percent of all married couples, over six million American families, are unable to have children due to infertility.

The physical and emotional toll that infertility has on families is impossible to ignore. I have heard from a number of men and women from New Jersey who have experienced the pain and trauma of discovering that their bodies, which appear normal and function perfectly, are somehow deficient in the one area that matters most to them. This is only compounded when patients discover that their insurer, which they rely on for all of their critical health needs, refuse to cover treatment for this disease. The deep sense of loss expressed by those who desire a family as a result of this gap in coverage is real and significant. Their pain should no longer be ignored.

Infertility is a treatable disease. New technologies and procedures that have been developed in the past two decades make starting a family a real possibility for many couples previously unable to conceive. In fact, up to two thirds of all married couples who seek infertility treatment are subsequently able to have children.

Unfortunately, due to the high cost of treating this illness, only 20 percent of infertile couples seek medical treatment each year. Even worse, only four out of every ten couples that seek infertility treatment receive coverage from health insurers, and only one quarter of all health plans provide coverage for infertility services.

My bill, the Fair Access to Infertility Treatment and Hope (FAITH) Act, will end this inequity by requiring all health insurance plans to ensure testing and coverage of infertility treatment. Specifically, FAITH requires health plans to cover all infertility procedures considered non-experimental that are deemed appropriate by patient and physician, up to four attempts (with two additional attempts provided for those successful couples that desire a second child).

One reason often cited by health insurers for their continued refusal to provide infertility treatment is the negative impact that this coverage would have on monthly premiums. However, recent studies demonstrate that FAITH would raise the costs of health coverage by as little as $.21 cents per month per person, an insignificant amount compared to the enormous premium increases we have recently seen from HMOs.

Similar legislation that recognizes the vital right of families to infertility treatments has already been passed in thirteen states, including Texas, California, New York, Illinois, Ohio, Massachusetts, Maryland, Connecticut, Rhode Island, Arkansas, Hawaii, Montana, and West Virginia. In my home state, both branches of the New Jersey Legislature recently passed legislation that mandates this coverage.

Reproduction is one of the most important values for both men and women, and those individuals who desire the gift of family should have access to the necessary treatments that make life possible.

Mr. President, I ask at this time that the text of the bill, in its entirety, be printed in the RECORD.

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

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Access to Infertility Treatment and Hope Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) infertility affects 6,100,000 men and women;

(2) infertility is a disease which affects men and women with equal frequency;

(3) approximately 1 in 10 couples cannot conceive without medical assistance;

(4) recent medical breakthroughs make infertility a treatable disease; and

(5) only 25 percent of all health plan sponsors provide coverage for infertility services.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

''(a) IN GENERAL.— A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

''(b) INFERTILITY BENEFITS.—In subsection (a), the term 'infertility benefits' at a minimum includes—

''(1) diagnostic testing and treatment of infertility;

''(2) drug therapy, artificial insemination, and low tubal ovum transfers;

''(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

''(4) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

''(c) IN VITRO FERTILIZATION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

''(B) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 2 additional completed embryo transfers shall be provided.

''(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—

''(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

''(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

''(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or

''(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual services described in subsection (a).

''(e) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments of services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes restricting the type of health care professionals that may provide such treatments or services.

''(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Required coverage for infertility benefits for federal employees health benefits plans.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2001.

SEC. 4. PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act

(42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

''(a) IN GENERAL.— A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

''(b) INFERTILITY BENEFITS.—In subsection (a), the term 'infertility benefits' at a minimum includes—

''(1) diagnostic testing and treatment of infertility;

''(2) drug therapy, artificial insemination, and low tubal ovum transfers;

''(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

''(4) any other medically indicated nonexperimental services or procedures that are used to treat infertility or induce pregnancy.

''(c) IN VITRO FERTILIZATION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

''(B) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 2 additional completed embryo transfers shall be provided.

''(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—

''(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

''(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

''(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or

''(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual services described in subsection (a).

''(e) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments of services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes restricting the type of health care professionals that may provide such treatments or services.

''(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.''.

(b) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated on or after January 1, 2001.

SEC. 5. REQUIRED COVERAGE FOR INFERTILITY BENEFITS FOR FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.

(a) TYPES OF BENEFITS.—Section 8904(a)(1) of title 5, United States Code, is amended by adding at the end the following:

''(G) Infertility benefits.''.

(b) HEALTH BENEFITS PLAN CONTRACT REQUIREMENT.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1) Each contract under this chapter shall include a provision that ensures infertility benefits as provided under this subsection.

''(2) Infertility benefits under this subsection shall include—

''(A) diagnostic testing and treatment of infertility;

''(B) drug therapy, artificial insemination, and low tubal ovum transfers;

''(C) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

''(D) any other medically indicated nonexperimental services or procedures that are used to treat infertility or induce pregnancy.

''(3)(A)(i) Subject to clause (ii), procedures under paragraph (2)(C) shall be limited to 4 completed embryo transfers.

''(ii) If a live birth follows a completed embryo transfer, 2 additional completed embryo transfers shall be provided.

''(B) Procedures under paragraph (2)(C) shall be provided if—

''(i) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

''(ii) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2001.●

By Mr. CAMPBELL (for himself, Mr. DASCHLE, Mr. CRAIG, Mr. BIDEN, Mr. BUNNING, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, Mr. GREGG, Ms. COLLINS, Mr. HUTCHINSON, and Mrs. HUTCHISON):

S. 2161. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall; to the Committee on Finance.

AMERICAN TRANSPORTATION RECOVERY AND HIGHWAY TRUST FUND PROTECTION ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am introducing the ''American Transportation Recovery and Highway Trust Fund Protection Act of 2000.'' This is a new revised version of S. 2090 which I introduced on February 24, 2000, to address the escalating prices of fuel which supports our nation's truckers, farmers, public transportation, and other users.

Based on discussions with my colleagues and testimony presented at this morning's Senate Energy and Natural Resources Committee hearing, I have drafted a new bill which would replace the lost revenues from the temporary suspension of the excise tax with monies from the budget surplus in the general fund to fully protect the Highway Trust Fund. Similar to the original bill, S. 2090, my new bill still would temporarily suspend the federal excise tax on diesel fuel for one year or until the price of crude oil is reduced to the December 31, 1999 level.

Americans fought their war in the Persian Gulf, lives were lost out in the sand, some came home with undiagnosed illnesses, defended them from their cousins while the Kuwaiti ruling family relaxed, and this is how we get repaid, with soaring fuel costs, jeopardizing America's livelihood.

While OPEC grows fat, Americans are growing thin, not because they want to, but because they have to choose between food or heating oil. Nice choice for some Americans, freeze or starve? The American people deserve better.

This problem will continually revisit us as long as we are dependent on foreign oil. I have seen news reports that OPEC will not boost production at least until July, and that quote came from Iran's oil minister. Norway, who is not a member of OPEC and is the world's second largest oil exporter, made no promise to increase oil production either. It is unfortunate that we, a global super power, are reduced to begging.

One of the things I have learned in my time in Congress is that too often we get bogged down in the details. The

current fuel crisis an example where the discussion tends toward international price fixing and our foreign dependence, rather than focusing on the daily effect on American people.

If we do not recognize the economic devastation the skyrocketing cost of fuel is already taking, wait until shipping by truck, rail, and ship starts to collapse. The total value of freight carried by truckers in 1996 was approximately $368 billion. This number would be higher today, but these were the most recent numbers that CRS could provide. If these current increases in oil prices do not stop, some trucks can not afford to run. If just 10 percent of the trucks on the road stop running, if you do the general math, it could amount to a $36.8 billion value decrease in freight. This is a hit to the economy I do not want to see. If the rigs stop rolling, this nation stops rolling.

Also, if we do not recognize the national security component of being dependent on OPEC oil, I want to know how many more American lives we have to risk to recognize it? We should have to grovel in front of the altars of the almighty oil ministries.

I urge my colleagues to support prompt passage of this bill to provide immediate relief for America's truckers, farmers, and other diesel fuel users. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Transportation Recovery and Highway Trust Fund Protection Act of 2000''.

SEC. 2. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

''(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

''(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

''(B) 4.3 cents per gallon after September 30, 2005.'', and

(3) by striking ''clauses (i) and (iii) of subsection (a)(2)(A)'' in paragraph (1) and inserting ''subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene''.

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking ''shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005).'' and inserting ''shall be—

''(aa) zero during the 1 year period beginning on the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000,

''(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

''(cc) 4.3 cents per gallon after September 30, 2005.''.

(2) Section 4081(c)(6) of such Code is amended by inserting ''(other than paragraph (5))'' after ''subsection''.

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting ''(the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000, in the case of diesel fuel)'' after ''October 1, 2005'' both places it appears,

(B) by inserting ''(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after ''March 31, 2006'' both places it appears, and

(C) by inserting ''(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after ''January 1, 2006''.

(4) Section 6427(f)(4) of such Code is amended by inserting ''(during the 1 year period beginning on the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000, in the case of diesel fuel)'' after ''September 30, 2007''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

SEC. 3. TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND TO COVER SHORTFALL DUE TO MORATORIUM.

The Secretary of the Treasury shall from time to time transfer from the general fund, out of amounts not otherwise appropriated, to the Highway Trust Fund (established under section 9503 of the Internal Revenue Code of 1986) amounts equal to the amounts which the Secretary determines are not appropriated to such Fund as a result of the amendments made by section 2 of this Act.

By Mr. GORTON:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Indian Affairs.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROGRAM

● Mr. GORTON. Mr. President, today I am introducing legislation that will amend the Yakima River Basin Water Enhancement Program (YRBWEP), first approved by Congress in 1994 (PL 103–434). That legislation established a comprehensive framework for increasing critical flows in the Yakima River in order to reverse a longstanding trend of declining salmon and steelhead runs.

One portion of that legislation, Section 1208, authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant near Prosser, Washington. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach. This project would increase survival rates and provide important new habitat for both the anadramous and resident fisheries in this critical section of the Yakima River. This electrification project is still a good approach to augmenting Yakima River flows, but early in its implementation an even better idea was developed that can nearly double the benefits projected from electrification.

This new approach could result in completely eliminating the need to divert water at Prosser Dam and Wanawish Dam for use by the Kennewick Irrigation District (K.I.D.) and the Columbia River Irrigation District (C.I.D.). This plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to K.I.D. This approach could add back to the Yakima River during critical flow periods the entire 759 second feet of water now diverted at Prosser Dam. This project might well be the key to the success of the rest of the YRBWEP program. For the extensive efforts being made farther upstream to be entirely successful, the lower sections of the Yakima River must provide the conditions necessary for salmon and steelhead to survive their journey to and from the upper river and its tributaries. The Chandler Reach and the lower Yakima must have sufficient water at the right time for anadromous fish to be able to transit this area. Without it, the programs upstream will be less effective.

The legislation I will introduce today authorizes the Bureau of Reclamation to spend some of the funds previously authorized for the electrification project to develop this new approach. There are several studies and undertakings necessary to determine with certainty the efficacy and cost of this pump exchange project. These include carrying out a feasibility study, including an estimate of project benefits, an environmental impact analysis, and preparing a feasibility level design and cost estimate as well as securing critical right-of-way areas and such other studies as may be required.

This change in approach to enhancing flows in the lower Yakima is enthusiastically supported by the resource agencies of the State of Washington, including the Washington State Department of Ecology, as well as by the National Marine Fisheries Service, the United States Fish and Wildlife Service, and many other primary stakeholders on the Yakima River, such as the Yakama Indian Nation. To date all organizations and agencies contacted want to see the necessary work done to develop this project further, and this legislation will provide the crucial resources to complete the feasibility and engineering studies.●

By Mr. KENNEDY.

S. 2166. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable

of receiving signals on AM and FM frequencies; to the Committee on Finance.

LEGISLATION TO PROVIDE FOR A TEMPORARY DUTY SUSPENSION ON CERTAIN PRODUCTS

● Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON TRANSFORMERS FOR USE IN CERTAIN RADIOBROADCAST RECEIVERS WITH COMPACT DISC PLAYERS AND CAPABLE OF RECEIVING SIGNALS ON AM AND FM FREQUENCIES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.85.05	120/60Hz electrical transformers (provided for in subheading 8504.31.40), with dimensions not exceeding 51.7mm by 78mm by 91mm and each containing a layered and uncut round core with two balanced bobbins, imported for use as components in radio recorder combinations, incorporating optical disc (including compact disc) players or recorders (provided for in subheading 8527.31.60), the foregoing which include a resonant system tuned to at least five audible frequencies	Free	No change	No change	On or before 6/30/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. KENNEDY:

S. 2167. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Finance

TO PROVIDE FOR A TEMPORARY DUTY SUSPENSION FOR CERTAIN PRODUCTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON TRANSFORMERS FOR USE IN CERTAIN RADIOBROADCAST RECEIVERS CAPABLE OF RECEIVING SIGNALS ON AM AND FM FREQUENCIES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.85.04	120/60Hz electrical transformers (provided for in subheading 8504.31.40), with dimensions not exceeding 78mm by 64.5mm by 88.7mm and containing stacked EI laminations with an integral bobbin, imported for use as components in radiobroadcast receivers with digital clock or clock-timer, valued over $40 each (provided for in subheading 8527.32.50), the foregoing which include a resonant system tuned to at least five audible frequencies	Free	No change	No change	On or before 6/30/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. LAUTENBERG:

S. 2178. A bill to amend the Higher Education Act of 1965 to require colleges anduniversities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FIRE SAFE DORM ACT OF 2000

● Mr. LAUTENBERG. Mr. President, I rise to introduce the Fire Safe Dorm Act of 2000. I am pleased that my colleagues in the House, Representatives CAROLYN MALONEY and RUSH HOLT, will join me in offering this important legislation.

On Wednesday, January 19, 2000, a fire in a Seton Hall University dormitory claimed the lives of three students and injured 58 others, including at least 54 students, two police officers and two firefighters. The dormitory, Boland hall, was built in 1952, and although it was equipped with smoke detectors, it was not required to be equipped with a fire sprinkler system.

Nothing is as painful as a senseless accident that takes the lives of young people. And unfortunately, the Seton Hall community is not alone in its grief. In fact, in the last decade, at least 18 young people lost their lives in dormitory fires. We must do all we can to prevent future tragedies. Students have a fundamental right to pursue an education in a safe, secure environment. Parents have a right to know that their children are protected from harm while on school property.

That is why I am pleased to offer the Fire Safe Dorm Act of 2000. This legislation is straightforward. It takes two important steps to ensure the safety of student housing.

First, the bill requires nationwide standards. Under the Fire Safe Dorm Act, the U.S. Fire Administration would develop comprehensive standards for dormitory fire safety. These standards would include such safety devices as fire sprinklers, smoke detectors, and flame resistant furniture and mattresses. Colleges and universities would be required to develop plans to adopt these new standards within 10 years of the bill's enactment.

Second, the Fire Safe Dorm Act requires disclosure. It requires colleges and universities to tell students, prospective students, and their parents, about the safety of campus housing. Specifically, are dormitories equipped with sprinklers? Are the furniture and mattresses fire resistant? Learning institutions are already required to disclose statistics about crime on campus. They should also have to tell the public about the steps they've taken to protect students from fire.

Mr. President, the Fire Safe Dorm Act takes important steps to safeguard against another tragedy like the fire at Seton Hall. I urge all my colleagues to support this important measure.

I ask unanimous consent that the text of the Fire Safe Dorm Act of 2000 be printed in the RECORD.

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

S. 2178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fire Safe Dorm Act of 2000''.

TITLE I—OBLIGATIONS OF INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. IMPROVED DISCLOSURE OF FIRES AND FIRE PREVENTION MEASURES IN COLLEGE DORMITORIES.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

''(I) Statistics concerning the occurrence of fires and fire alarms in dormitories on campus during the most recent calendar year, and during the 5 preceding calendar years for which data are available.

''(J) A statement describing whether the institutions' dormitory rooms currently have sprinklers, smoke detectors, and furniture made of flame retardant material.'';

(2) in paragraph (4), by adding at the end the following new subparagraph:

''(C) Each institution participating in any program under this title shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all fires reported to local fire departments, including the nature, date, time, and general location of each fire. Such logs shall be open to public inspection.''; and

(3) in paragraph (5)—

(A) in the matter preceding subparagraph (A), by inserting ''or paragraph (1)(I)'' after ''paragraph (1)(F)''; and

(B) in subparagraph (C), by inserting ''and campus fires'' after ''campus crime''.

SEC. 102. DISCLOSURE OF PLANS TO BRING RESIDENTIAL FACILITIES INTO COMPLIANCE WITH NEW BUILDING CODES.

Section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) by striking ''and'' at the end of subparagraph (N);

(2) by striking the period at the end of subparagraph (O) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(P) a summary of the specific plans that the institution has adopted for construction or renovation to ensure that all campus residential facilities comply, by January 1, 2010, with the standards established by the Administrator of the United States Fire Administration under section 201 of the Fire Safe Dorm Act of 2000.''.

SEC. 103. COMPLIANCE WITH FIRE SAFETY STANDARDS FOR DORMITORIES.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following new paragraph:

''(24) The institution will adopt, within 10 years after the date of enactment of the Fire Safe Dorm Act of 2000, plans to install sprinklers, smoke detectors, and open flame resistant furniture in dormitories in compliance with the standards established by the Administrator of the United States Fire Administration under section 201 of such Act.''.

SEC. 104. EXEMPTION.

The amendments made by this title shall not be construed to require the installation of sprinklers in any building or other structure that is listed on the National Register for Historic Places as maintained by the National Park Service under the authority of the National Historic Preservation Act (16 U.S.C. 470 et seq.), if such installation would destroy historic materials, features, and spatial relationships that characterize the historic nature of the property. The Secretary of Education shall determine disputes concerning the application of this exemption by reference of the matter to the Secretary of the Interior.

TITLE II—DORMITORY FIRE SAFETY STANDARDS

SEC. 201. STANDARDS.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall establish measurable standards for dormitory fire safety. Such standards shall include mandatory fire sprinklers, smoke detectors, and open flame resistant furniture and mattresses.

(b) OUTREACH.—The Administrator of the United States Fire Administration shall undertake appropriate activities to encourage the adoption by State and local authorities of the standards established under subsection (a).●

By Mr. ABRAHAM:

S. 2180. A bill to repeal the increase in the tax on social security benefits, to eliminate the earnings test for individuals who have attained retirement age, and to gradually raise the age for required minimum distributions from pension plans, and for other purposes; to the Committee on Finance.

THE SENIOR CITIZENS' FINANCIAL FREEDOM ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Senior Citizens' Financial Freedom Act, a bill which would accomplish three objectives. First, it rolls back the Clinton Administration's 1993 tax increase on Social Security benefits. Second, it repeals the Social Security Earnings Test working penalty on Seniors. Finally, it returns to our Seniors the ability to control their own savings, by increasing the age when minimum IRA distributions must begin, from 70½ to 85.

Mr. President, our tax code mercilessly penalizes Seniors. In fact, Seniors are double taxed. First the government takes money from their paycheck to pay for the Social Security system. Then, when the senior receives their benefits, they are taxed again. The Government also penalizes Seniors for working by placing an ''Earnings Test'' just to receive Social Security benefits. Finally, the Government forces Seniors to withdraw benefits from their IRAs, whether they want to or not, and penalizes them with a 50% tax if they do not.

This is immoral, illogical and simply wrong.

Mr. President, I applaud our colleagues in the House for passing a bill to eliminate the Social Security Earnings Test, which takes away Social Security benefits simply because a 60 year old works. We should be celebrating those between 60 and 70 years old who can work, but instead, we punish them. For a Senior between 60 and 65, if they earn over $9,600 in income beyond Social Security benefits (which is just above the poverty level), they lose 50% of their benefits. For those between 65 and 70 years old, they lose 33% of their benefits for earning over $15,500. It's not until they turn 70 can they both work and keep their benefits. This represents a marginal tax rate for someone under 65 of almost 60%. While I agree that the Earnings Test must be eliminated, Congress should go beyond this.

In 1993, President Clinton proposed, and the Democratic-controlled Congress passed by one vote, a 70% increase on Social Security benefits. These benefits should not be taxed at all, but the fact that they were raised so much gives us the opportunity, during these large surpluses, to provide immediate relief for our Seniors. When coupled with the Earnings Test, these two taxes can result in some couples suffering under a 103% marginal tax rate. Seniors could lose more than a dollar for making another dollar.

Finally, Mr. President, we must amend the IRA distribution requirements. When a person reaches 70½ years old, the Government forces them to begin taking out money from their IRA, which they personally have saved up for it's their money. They have to

take all of it out of their account within their life expectancy at the time they start making withdrawals, which for someone 70½, is currently about 15 years. They must make these withdrawals whether they need to do so or not. And if they do not take out the money, or cannot because they're invested in long-term projects, they lose 50% of the money to punitive taxes. Essentially, they are penalized for their foresight in saving for retirement, and their industry for finding other sources of income than these retirement assets. Mr. President, this is a policy that only the federal government could think up, and it comes from the bureaucratic mentality that says the people's money belongs to the government, and not the people. What is particularly worrisome, is that although the current rules assume someone 70½ has a life expectancy of 15 years, people are living longer and retiring later, and these rules could result in individuals not having the money available when they really do need it.

Mr. President, I ask my colleagues to support reducing the tax burden on Seniors, to give those Seniors who want to work the freedom to work, without the fear of penalty and to restore their control over their savings. In short, I ask my colleagues to restore to Seniors their financial freedom.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 809

At the request of Mr. BURNS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 809, a bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about private individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes.

S. 864

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 1017

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1409, a bill to amend the Internal Revenue Code of 1986 to reduce from 24 months to 12 months the holding period used to determine whether horses are assets described in section 1231 of such Code.

S. 1488

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1940

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1940, a bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

S. 1954

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1954, a bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes.

S. 1997

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2001

At the request of Mr. GRAMS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2001, a bill to protect the Social Security and Medicare surpluses by requiring a sequester to eliminate any deficit.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Kansas (Mr. BROWNBACK), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents.

S. 2049

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. CLELAND), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2049, a bill to extend the authorization for the Violent Crime Reduction Trust Fund.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Illinois (Mr. DURBIN), the Senator from Nevada (Mr. BRYAN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2072

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2072, a bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SHELBY), the Senator from Missouri (Mr. BOND), the Senator from Vermont (Mr. JEFFORDS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. SMITH), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

At the request of Mr. LOTT, his name was added as a cosponsor of S. 2074, supra.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2087

At the request of Mr. WARNER, the names of the Senator from Alabama (Mr. SHELBY), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2090

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2090, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes.

S. 2097

At the request of Mr. GRAMM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

S. CON. RES. 85

At the request of Mr. TORRICELLI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 85, a concurrent resolution condemning the discriminatory practices prevalent at Bob Jones University.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 87, supra.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as ''Arts Education Month.''

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

AMENDMENT NO. 2827

At the request of Mr. COVERDELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Amendment No. 2827 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Amendment No. 2827 proposed to S. 1134, An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

AMENDMENT NO. 2867

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. KOHL), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Amendment No. 2867 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE CONCURRENT RESOLUTION 88—EXPRESSING THE SENSE OF THE CONGRESS CONCERNING DRAWDOWNS OF THE STRATEGIC PETROLEUM RESERVE

Ms. COLLINS (for herself, Mr. SCHUMER, Mr. JEFFORDS, Ms. SNOWE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. LEVIN, Mr. LEAHY, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 88

Whereas the price of crude oil has more than doubled in the past year to over $30 per barrel, and prices of petroleum products such as heating oil, diesel fuel, and gasoline have reached record levels;

Whereas a sharp sustained increase in the price of crude oil negatively affects the overall economic well-being of the United States;

Whereas high oil prices harm people and businesses;

Whereas the Energy Information Administration has determined that Northeastern United States fuel reserves are the lowest in 20 years and that Americans are ''skating on thin ice'' in meeting energy requirements;

Whereas the current price and supply crisis was largely created through the actions of the Organization of Petroleum Exporting Countries (''OPEC'') by market-distorting and collusive production reductions, and OPEC's activities would be in violation of United States antitrust laws if conducted within the United States;

Whereas OPEC has demonstrated unity not seen since the energy crises of the 1970's;

Whereas the United States has a Strategic Petroleum Reserve of over 570,000,000 barrels of crude oil to protect against threats to oil supplies;

Whereas many experts, trade associations, and members of Congress have called for a drawdown of the Strategic Petroleum Reserve to combat OPEC's market distorting behavior;

Whereas a drawdown or the threat of a drawdown of the Strategic Petroleum Reserve could provide a critical tool to break the resolve of OPEC to practice market distorting behavior, and a sale of oil from the Strategic Petroleum Reserve would increase domestic supplies and drive down prices in the short term;

Whereas swaps from the Strategic Petroleum Reserve offer a way to increase the overall size of the Strategic Petroleum Reserve at no cost to the taxpayer; and

Whereas low global inventories allow OPEC to retain inordinate control over supply and pricing, and consequently undue influence over the global economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or ''swaps'') or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of the Organization of Petroleum Exporting Countries and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused; and

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner.

Mr. COLLINS. Mr. President, I rise today with my colleague, Senator SCHUMER, to submit a senate concurrent resolution expressing the Sense of the Congress that the Administration should act immediately to combat the anticompetitive campaign OPEC has waged on the world's oil markets. Through this resolution, we call upon the President and the Secretary of Energy to defend America's interests through the immediate release of oil from the Strategic Petroleum Reserve. We are pleased to be joined by Senators JEFFORDS, SNOWE, LIEBERMAN, MOYNIHAN, LEVIN, LEAHY, and DODD who are original cosponsors of this important legislation. We are also pleased to have the strong support of the American Trucking Association which represents 9.6 million people employed in the American trucking industry and their families. Perhaps no one has felt the pain for soaring oil prices more then they.

Today we ask the Administration to combat the unfair and anticompetitive practices of OPEC, and to ease the pain this cartel has inflicted—and will continue to inflict—on the people and businesses of the Northeast, the Midwest, and throughout America.

Last fall, Senator SCHUMER and I began cautioning the Administration about OPEC's production squeeze and the impact the cartel would have on our economy. At that time oil prices were rising, and U.S. inventories were falling. Throughout the winter, Mainers, New Yorkers, and all Americans who heat with oil have suffered from the highest distillate prices in a decade. The entire nation has suffered—and will continue to suffer—through increased gasoline and diesel fuel costs.

One year ago, the average retail price of a gallon of diesel fuel was 95.6 cents. Today, prices across the nation have skyrocketed. In my home state, diesel costs range from $1.60 in Bangor to $1.90 in Biddeford.

This jump in prices deeply harms truckers and, by extension, all American consumers and businesses. The trucking industry consumes nearly 30 billion of gallons of diesel fuel a year. At today's prices, that means truckers across the nation must shoulder $15 billion more in fuel costs this year, compared to last.

I have heard from small Maine trucking companies that are in dire straits. One owner of a trucking company in Ellsworth, Maine tells me that, due to particularly high fuel costs, many independent truckers she contracts with may not be able to stay in business. She says that owner-operators and small trucking companies cannot withstand the exorbitant price of diesel fuel for much longer and warns that immediate action is necessary. Potato farmers in northern Maine tell me they are having difficulty shipping their crop to market because the high cost of diesel has made it economically unfeasible to come to Aroostock County.

I was struck by a sign I saw on a rig two weeks ago when truckers converged upon Washington, demanding action from our government—it read: ''if you eat it, drink or wear it, it probably got to you by truck.'' This catchy slogan underscores the importance of trucking to our country and our way of life.

But everyone shares in the pain inflicted by OPEC. Yesterday, a barrel of crude oil closed at $30.43, a one hundred-fifty percent increase from one year ago. These high crude prices hurt all Americans—at the pump, on the farm, in the supermarket, at the airline ticket counter, and at home during cold winter nights.

OPEC member-countries have colluded to take some 6% of the world's supply of oil off the markets in order to maximize profits. The strategy's is working—although OPEC countries sold 5% less oil in 1999, their profits were up 38%.

OPEC's production squeeze has caused fuel reserves to shrink to historic lows. The Administrator of the Energy Information Administration—which is part of the Department of Energy—was quoted in The New York Times last week saying the fuel reserves in the Northeast were ''dangerously low,'' the lowest in 20 years, and that American's were ''skating on thin ice'' due to low fuel inventories. Indeed, we were told by the Energy Information Agency that distillate stocks in New England reached an all-time low last month.

We have been disappointed that the Administration has failed to heed our call over the past several months. But even now, it is not too late. A release of oil from the SPR would have an immediate impact upon the price of oil and would help break OPEC's resolve to maintain an iron grip on our nation's supply.

So today we offer a resolution calling upon the Administration to use the tools at its disposal to fight OPEC's unfair and dangerously harmful trade practices. I urge my colleagues to join me in supporting this resolution.

Mr. SCHUMER. Mr. President, yesterday, crude prices closed just below $32 per barrel—the highest price since a brief spike during the Persian Gulf War. At this level, it is very likely that gas prices will reach $2 per gallon by Memorial Day.

The price of oil has reached a point where it is no longer a nuisance, but a crisis for our economy. We have called on the President and the Secretary of Energy to release some of the Strategic Petroleum Reserve (SPR) in order to bring this price spike under control. And today, we are introducing a concurrent resolution to again request that the Administration use the Strategic Petroleum Reserve to bolster our rapidly dwindling oil inventories, stabilize prices, and to convince OPEC that America is ready to use leverage to protect our national economic interests.

During the past two weeks, Secretary Richardson has met with OPEC ministers to encourage them to increase production. They discussed a 1 million barrel per day increase, but according to experts, that will still not be sufficient to meet America's demand. In fact, even if OPEC increased production to 3 million barrels per day by the 4th Quarter of 2000, the U.S. will still have $30 barrels next winter. This is because inventory levels of petroleum and petroleum products are at their lowest levels in more than 20 years. Gasoline inventories are down 15 percent from last year, and crude inventories are down 13 percent. Organization of Economic Cooperation and Development inventories are 99 million barrels below normal.

Low inventories means that OPEC will continue to control global supply and demand. Even if OPEC increases production by a small amount, it will not be sufficient to prevent them from increasing prices at any moment. This, therefore, has become a matter of national security.

The United States must use the SPR to prod OPEC to release significantly more oil. If the United States releases the reserve through swaps, other OPEC producers will realize that their stranglehold on the market is ending and will disregard their quotas, thereby releasing oil into market and forcing the price back down. That is the scenario OPEC fears the most and that is the card that we need to play to ensure a sufficient and timely increase in production. We have been warning since

September that this day would come if the United States did not play the SPR card. It is here; it is late; but it is not yet too late to avert a crisis. We need to use the leverage of the reserve.

Increased oil prices could severely affect the health of our economy. It has the potential to increase inflation. It will drain the budgets of working families. The price of shipping will increase. Oil prices at these levels will filter through every sector of our economy like a virus.

The President and Secretary Richardson must act quickly to release oil from the SPR in order to counter OPEC's assault on the United States and the global economy.

SENATE CONCURRENT RESOLUTION 89—TO ESTABLISH THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES FOR THE INAUGURATION OF THE PRESIDENT-ELECT AND VICE-PRESIDENT ELECT OF THE UNITED STATES ON JANUARY 20, 2001

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee'') consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

CONCURRENT RESOLUTION 90—TO AUTHORIZE THE USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES IN CONNECTION WITH THE PROCEEDINGS AND CEREMONIES CONDUCTED FOR THE INAUGURATION OF THE PRESIDENT-ELECT AND THE VICE PRESIDENT-ELECT OF THE UNITED STATES

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United States Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

SENATE CONCURRENT RESOLUTION 91—CONGRATULATING THE REPUBLIC OF LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF ITS INDEPENDENCE FROM THE RULE OF THE FORMER SOVIET UNION

Mr. DURBIN (for himself, Mr. GORTON, Mr. LOTT, Mr. HELMS, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SMITH of Oregon, Mr. ROBB, and Mr. FITZGERALD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which further speed the process of that country's integration into European and Western institutions.

SENATE RESOLUTION 265—COMMENDING THE FLORIDA STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 1999 DIVISION 1–A COLLEGIATE FOOTBALL NATIONAL CHAMPIONSHIP

Mr. MACK (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas Florida State University is a proud member of the Atlantic Coast Conference;

Whereas Florida State University has previously won the Division 1–A collegiate football national championship in 1993;

Whereas the students, alumni, and supporters of Florida State University are to be commended for the dedication, enthusiasm, and admiration they share for their favorite football team;

Whereas Florida State University has one of the most exciting, prolific, and successful college football programs in the country;

Whereas Florida State University's football team won the 1999 Atlantic Coast Conference championship in football and finished the season undefeated and untied with a record of 12–0;

Whereas Florida State University is to be commended for being the first Division 1–A collegiate football team to be ranked number one the entire season by the Associated Press since the preseason rankings began in 1950;

Whereas Florida State University has won 108 football games between 1990 and 1999, more than any other Division 1–A college football team in the Nation during this period;

Whereas Florida State University should be commended for extending their NCAA record streak of top-four finishes in the final Associated Press poll to 13 years in a row, the only Division 1–A college football team to have accomplished this feat;

Whereas Bobby Bowden, Florida State University's legendary head football coach, is to be commended for surpassing the 300-victory plateau this year and for obtaining his first perfect season in 40 years as a head coach;

Whereas Florida State University is to be commended for having 20 of its football players selected to the 1999 All Atlantic Coast Conference football team;

Whereas Florida State University is to be commended for having 4 of its football players honored as 1999 Consensus All-Americans;

Whereas the 1999 Florida State University football team played and beat Louisiana Tech University, 41 to 7; Georgia Tech University, 41 to 35; North Carolina State University, 42 to 11; University of North Carolina, 42 to 10; Duke University, 51 to 23; University of Miami, 31 to 21; Wake Forest University, 33 to 10; Clemson University, 17 to 14; University of Virginia, 35 to 10; University of Maryland, 49 to 10; and University of Florida, 30 to 23;

Whereas Florida State University played Virginia Tech University in the Bowl Championship Series' Nokia Sugar Bowl on January 4, 2000, for the 1999 Division 1–A collegiate football national championship;

Whereas the Virginia Tech University football team and Head Coach Frank Beamer and his staff are to be commended for an outstanding football season, winning the 1999 Big East Conference football championship and for playing in the 1999 Division 1–A collegiate football national championship game;

Whereas Florida State University beat Virginia Tech by the score of 46 to 29 before a sold-out and electrified crowd of 79,280 in the Louisiana Superdome to win the 1999 Division 1–A college football championship; and

Whereas Florida State University now joins an elite group of only 14 Division 1–A collegiate football teams out of 114 Division 1–A universities which have won at least 2 or more Division 1–A collegiate football national championships: Now, therefore, be it

Resolved, That the Senate—

(1) commends Florida State University for winning the 1999 Division 1–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping Florida State University win the 1999 Division 1–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 1999 Florida State University football team and invite them to Washington, D.C. for the traditional White House ceremony held for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to Florida State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 1999 Division 1–A collegiate national championship football team.

AMENDMENTS SUBMITTED

THE AFFORDABLE EDUCATION ACT OF 1999

SCHUMER (AND LANDRIEU) AMENDMENT NO. 2868

Mr. SCHUMER (for himself and Ms. LANDRIEU) proposed an amendment to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—21ST CENTURY MASTER TEACHER PROGRAMS

SEC. ____01. MASTER TEACHER PROGRAMS.

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

(1) by redesignating part E as part F; and

(2) by inserting after part D the following new part:

"PART E—MASTER TEACHER PROGRAMS

"SEC. 2351. MASTER TEACHER PROGRAMS.

''(a) DEFINITIONS.—In this part:

''(1) BOARD CERTIFIED.—The term 'board certified' means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards.

''(2) MASTER TEACHER.—The term 'master teacher' means a teacher who is certified by the National Board for Professional Teaching Standards and has been teaching for not less than 3 years.

''(3) NOVICE TEACHER.—The term 'novice teacher' means a teacher who has been teaching for not more than 3 years at a public elementary school or secondary school.

''(b) PROGRAM AUTHORIZED.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to local educational agencies to establish master teacher programs as described in paragraph (4).

''(B) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award grants under subparagraph (A) so that such grants are distributed among the school districts with the highest concentration of teachers who are not certified or licensed or are provisionally certified or licensed.

''(2) DURATION.—A grant under paragraph (1) shall be awarded for a period of 5 years.

''(3) AMOUNT.—The amount of a grant awarded under paragraph (1) shall be determined based on—

''(A) the total amount appropriated for a fiscal year under subsection (h); and

''(B) the extent of the concentration of teachers who are not certified or licensed or are provisionally certified or licensed in the school district involved.

''(4) AUTHORIZED ACTIVITIES.—The master teacher programs described in paragraph (1) shall provide funding assistance to teachers to become board certified, including the provision of the board certification fee.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—A local educational agency desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) APPROVAL OF APPLICATION.—The Secretary shall make a determination regarding an application submitted under paragraph (1) based on a recommendation of a peer review panel, as established by the Secretary, and any other criteria that the Secretary determines to be appropriate.

''(d) PAYMENTS.—

''(1) IN GENERAL.—Grant payments shall be made under this section on an annual basis.

''(2) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under subsection (b) shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

''(3) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress during a fiscal year in increasing the percentage of teachers who are board certified, or in improving student achievement, such an agency shall not be eligible for a grant payment under this section in the next succeeding year.

''(e) REPORTS.—Not later than March 31, 2004, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report of program activities funded under this section.

''(f) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under subsection (b) unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded to the agency.

''(g) REPAYMENT OF FUNDS.—

''(1) IN GENERAL.—In the case of any program under this section in which assistance is provided to a teacher to pay the National Board for Professional Teaching Standard board certification fee to become board certified, assistance may only be provided if the teacher makes agreements as follows:

''(A) The teacher will enter and complete the National Board for Professional Teaching Standards board certification program to become board certified.

''(B) Upon becoming board certified, the teacher will teach in the public school system for a period of not less than 2 years.

''(2) BREACH OF AGREEMENTS.—A teacher receiving assistance described in paragraph (1) is liable to the local educational agency that provides such assistance for the amount of the certification fee described in paragraph (1) if such teacher—

''(A) voluntarily withdraws or terminates the certification program before taking the examination for board certification; or

''(B) is dismissed from the certification program before becoming board certified.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of the fiscal years 2001 through 2005.''.

ROTH (AND OTHERS) AMENDMENT NO. 2869

Mr. ROTH (for himself, Mr. ASHCROFT, and Mr. VOINOVICH) proposed an amendment to the bill, S. 1134, supra; as follows:

Beginning on page 2, line 4, strike ''1999'' and all that follows through page 51, line 3, and insert the following: 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.

Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Permanent extension of exclusion for employer-provided educational assistance.

Sec. 202. Elimination of 60-month limit on student loan interest deduction.

Sec. 203. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

Sec. 204. 2-percent floor on miscellaneous itemized deductions not to apply to qualified professional development expenses of elementary and secondary school teachers.

Sec. 205. Credit to elementary and secondary school teachers who provide classroom materials.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.

Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.

Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''$2,000''.

(2) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''$2,000''.

In subsection (a) of section 101, add at the end the following:

(3) ELIMINATION OF THE MARRIAGE PENALTY IN THE REDUCTION IN PERMITTED CONTRIBUTIONS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(A) by striking ''$150,000'' in subparagraph (A)(ii) and inserting ''$190,000'', and

(B) by striking ''$10,000'' in subparagraph (B) and inserting ''$30,000''.

(b) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

''(2) QUALIFIED EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified education expenses' means—

''(i) qualified higher education expenses (as defined in section 529(e)(3)), and

''(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

''(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).''

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

''(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

''(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

''(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

''(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

''(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.''

(3) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking ''higher'' each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking ''HIGHER'' in the heading for subsection (d)(2).

(c) 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 subparagraphs (A)(ii) and (E) and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(d) ENTITIES 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''.

(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

''(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).''

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

''(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and'', and

(B) by striking ''DUE DATE OF RETURN'' in the heading and inserting ''CERTAIN DATE''.

(f) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

''(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—For purposes of subparagraph (A)

''(i) CREDIT COORDINATION.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

''(I) as provided in section 25A(g)(2), and

''(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

''(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If, with respect to an individual for any taxable year—

''(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

''(II) the total amount of qualified higher education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).''

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

''(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.''

(B) Section 135(d)(2)(A) is amended by striking ''allowable'' and inserting ''allowed''.

(C) Section 530(d)(2)(D) is amended—

(i) by striking ''or credit'', and

(ii) by striking ''CREDIT OR'' in the heading.

(D) Section 4973(e)(1) is amended by adding ''and'' at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting ''or by 1 or more eligible educational institutions'' after ''maintained by a State or agency or instrumentality thereof''.

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting ''in the case of a program established and maintained by a State or agency or instrumentality thereof,'' before ''may make''.

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking ''qualified State tuition'' each place it appears and inserting ''qualified tuition''.

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking ''QUALIFIED STATE TUITION'' and inserting ''QUALIFIED TUITION''.

(D) The heading for section 529 is amended by striking ''state''.

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking ''State''.

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

''(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

''(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

''(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

''(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

''(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

''(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

''(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

''(v) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

''(I) as provided in section 25A(g)(2), and

''(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

''(vi) COORDINATION WITH EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.—If, with respect to an individual for any taxable year—

''(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

''(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).''

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking ''section 530(d)(2)'' and inserting ''sections 529(c)(3)(B)(i) and 530(d)(2)''.

(B) Section 221(e)(2)(A) is amended by inserting ''529,'' after ''135,''.

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking ''transferred to the credit'' in clause (i) and inserting ''transferred—

''(I) to another qualified tuition program for the benefit of the designated beneficiary, or

''(II) to the credit'',

(2) by adding at the end the following new clause:

''(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.'', and

(3) by inserting ''OR PROGRAMS'' after ''BENEFICIARIES'' in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) any first cousin of such beneficiary.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127 (relating to exclusion for educational assistance programs) is amended by striking subsection (d).

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking '', and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 2000.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking ''section 221(e)(1)'' and inserting ''section 221(d)(1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 2000.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking ''Subsections (a)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)'', and

(2) by adding at the end the following new paragraph:

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

''(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

''(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 204. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking ''and'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', and'', and by adding at the end the following new paragraph:

''(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.''.

(b) DEFINITIONS.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

''(g) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (b)(13)—

''(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

''(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

''(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) is—

''(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

''(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

''(ii) may—

''(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

''(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

''(iii) is tied to challenging State or local content standards and student performance standards,

''(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

''(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

''(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

''(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

''(2) ELIGIBLE TEACHER.—

''(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

''(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 205. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

''(c) DEFINITIONS.—

''(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

''(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

''(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary

education or secondary education (through grade 12), as determined under State law.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking ''$5,000,000'' the second place it appears and inserting ''$10,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2000.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end the following new paragraph:

''(13) qualified public educational facilities.''

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

''(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

''(A) part of a public elementary school or a public secondary school, and

''(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

''(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

''(A) under which the corporation agrees—

''(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

''(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

''(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

''(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

''(A) school buildings,

''(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

''(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

''(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

''(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

''(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

''(i) $10 multiplied by the State population, or

''(ii) $5,000,000.

''(B) ALLOCATION RULES.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

''(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).''

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking ''or (12)'' and inserting ''(12), or (13)'', and

(2) by striking ''and environmental enhancements of hydroelectric generating facilities'' and inserting ''environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities''.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

''(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).''

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking ''MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN GUARANTEED SCHOOL CONSTRUCTION BONDS.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2000.

At the appropriate place, add the following:

TITLE ____—TRANSITION TO TEACHING

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Transition to Teaching Act''.

SEC. ___2. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. ___3. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. ___4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title,

there are authorized to be appropriated $25,000,000 for each of fiscal years 2001 through 2006.

SEC. ___5. APPLICATION.

Each applicant that desires an award under section ____4(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. ___6. USES OF FUNDS AND PERIOD OF SERVICE.

(a) AUTHORIZED ACTIVITIES.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) PERIOD OF SERVICE.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. ___7. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. ___8. DEFINITIONS.

In this title:

(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term ''high-poverty local educational agency'' means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) PROGRAM PARTICIPANTS.—The term ''program participants'' means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

SEC. ___. EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) EXTENSION OF AGE OF ELIGIBLE COMPUTERS.—Section 170(e)(6)(B)(ii) (defining qualified elementary or secondary educational contribution) is amended by striking ''2 years'' and inserting ''3 years''.

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATION.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting '', the person from whom the donor reacquires the property,'' after ''the donor''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. ___. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

''(a) GENERAL RULE.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

''(b) QUALIFIED COMPUTER CONTRIBUTION.—For purposes of this section, the term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

''(1) such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer, and

''(2) notwithstanding clauses (i) and (iv) of section 170(e)(6)(B), such term shall include the contribution of computer technology or equipment to multipurpose senior centers (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)) described in section 501(c)(3) and exempt from tax under section 501(a) to be used by individuals who have attained 60 years of age to improve job skills in computers.

''(c) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO ENTITIES IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

''(d) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

''(e) TERMINATION.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the New Millennium Classrooms Act.''

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the computer donation credit determined under section 45D(a).''

(c) DISALLOWANCE OF DEDUCTION BY AMOUNT OF CREDIT.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

''(d) CREDIT FOR COMPUTER DONATIONS.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.''

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(9) NO CARRYBACK OF COMPUTER DONATION CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.''

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45C the following:

''Sec. 45D. Credit for computer donations to schools and senior centers.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SEC. ___. REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) IN GENERAL.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) LEGISLATIVE PROPOSAL.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

SEC. ___. CAREERS TO CLASSROOMS.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) ALTERNATIVE CERTIFICATION OR LICENSURE REQUIREMENTS.—The term ''alternative certification or licensure requirements'' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual who has received—

(A) in the case of an individual applying for assistance for placement as an elementary school or secondary school teacher, a baccalaureate or advanced degree from an institution of higher education; or

(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary school or secondary school, an associate, baccalaureate, or advanced degree from an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(b) PLACEMENT PROGRAM.—The Secretary may establish a program of awarding grants to States—

(1) to enable the States to assist eligible individuals to obtain—

(A) certification or licensure as elementary school or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of the eligible individuals by local educational agencies identified under subsection (c)(2) as experiencing a shortage of teachers or teachers' aides.

(c) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (b), the Secretary shall—

(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers;

(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, computer science, or engineering teachers; and

(3) periodically request information from all States to identify local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are experiencing a shortage of teachers' aides.

(d) SELECTION OF ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Selection of eligible individuals to participate in the placement program authorized by subsection (b) shall be made on the basis of applications submitted to a State. An application shall be in such form and contain such information as the State may require.

(2) PRIORITY.—In selecting eligible individuals to receive assistance for placement as elementary school or secondary school teachers, the State shall give priority to eligible individuals who—

(A) have substantial, demonstrated career experience in science, mathematics, computer science, or engineering and agree to seek employment as science, mathematics, computer science, or engineering teachers in elementary schools or secondary schools; or

(B) have substantial, demonstrated career experience in another subject area identified by the State as important for national educational objectives and agree to seek employment in that subject area in elementary schools or secondary schools.

(e) AGREEMENT.—An eligible individual selected to participate in the placement program authorized by subsection (b) shall be required to enter into an agreement with the State, in which the eligible individual agrees—

(1) to obtain, within such time as the State may require, certification or licensure as an elementary school or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary school or secondary school; and

(2) to accept—

(A) in the case of an eligible individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary school or secondary school teacher for not less than two school years with a local educational agency identified under subsection (c)(2), to begin the school year after obtaining that certification or licensure; or

(B) in the case of an eligible individual selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary school or secondary school for not less than 2 school years with a local educational agency identified under subsection (c)(3), to begin the school year after obtaining the necessary credentials.

(f) STIPEND FOR PARTICIPANTS.—

(1) IN GENERAL.—The State shall pay to an eligible individual participating in the placement program a stipend in an amount equal to the lesser of—

(A) $5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the eligible individual while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary school or secondary school teacher or teacher aide.

(2) RELATION TO OTHER ASSISTANCE.—A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the eligible individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) GRANTS TO FACILITATE PLACEMENT.—

(1) TEACHERS.—In the case of an eligible individual in the placement program obtaining teacher certification or licensure, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the eligible individual as a full-time elementary school or secondary school teacher after the eligible individual obtains teacher certification or licensure.

(2) TEACHER'S AIDES.—In the case of an eligible individual in the program obtaining credentials to serve as a teacher's aide, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

(3) AGREEMENTS CONTRACTS.—Under an agreement referred to in paragraph (1) or (2)—

(A) the local educational agency shall agree to employ the eligible individual full time for not less than 2 consecutive school years (at a basic salary to be certified to the State) in a school of the local educational agency that—

(i) serves a concentration of children from low-income families; and

(ii) has an exceptional need for eligible individuals; and

(B) the State shall agree to pay to the local educational agency for each eligible individual, from amounts provided under this section, $5,000 per year for a maximum of 2 years.

(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—If an eligible individual in the placement program fails to obtain teacher certification or licensure, employment as an elementary school or secondary school teacher, or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the 2 years of required service, the eligible individual shall be required to reimburse the State for any stipend paid to the eligible individual under subsection (f)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the 2 years of required service. A State shall forward the proceeds of any reimbursement received under this paragraph to the Secretary.

(2) OBLIGATION TO REIMBURSE.—The obligation to reimburse the State under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the State. Any amount owed by an eligible individual under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by

the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the eligible individual is first notified of the amount due.

(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—

(1) IN GENERAL.—An eligible individual in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(B) is serving on active duty as a member of the Armed Forces;

(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary school or secondary school for a single period not to exceed 27 months; or

(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(2) FORGIVENESS.—An eligible individual shall be excused from reimbursement under subsection (h) if the eligible individual becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

GRAHAM AMENDMENT NO. 2870

Mr. GRAHAM proposed an amendment to amendment No. 2869 proposed by Mr. ROTH to the bill, S. 1134, supra; as follows:

At the end of the amendment add the following:

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking ''in the second preceding taxable year,'', and

(2) by striking ''or fifth'' and inserting ''fifth, sixth, or seventh''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 402. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES'' in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 403. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2009.''

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7527. Internal Revenue Service user fees.''

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 404. TRANSFER OF EXCESS DEFINED BENEFIT PLAN ASSETS FOR RETIREE HEALTH BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 420(b)(5) (relating to expiration) is amended by striking ''in any taxable year beginning after December 31, 2000'' and inserting ''made after September 30, 2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking ''1995'' and inserting ''2001''.

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking ''1995'' and inserting ''2001''.

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking ''in a taxable year beginning before January 1, 2001'' and inserting ''made before October 1, 2009'', and

(ii) by striking ''1995'' and inserting ''2001''.

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Section 420(c)(3) is amended to read as follows:

''(3) MINIMUM COST REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

''(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

''(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

''(I) without regard to any reduction under subsection (e)(1)(B), and

''(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

''(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

''(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

''(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year.''

(2) CONFORMING AMENDMENTS.—

(A) Section 420(b)(1)(C)(iii) is amended by striking ''benefits'' and inserting ''cost''.

(B) Section 420(e)(1)(D) is amended by striking ''and shall not be subject to the minimum benefit requirements of subsection (c)(3)'' and inserting ''or in calculating applicable employer cost under subsection (c)(3)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified transfers occurring after December 31, 2000, and before October 1, 2009.

SEC. 405. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

''(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

''(i) Medical benefits.

''(ii) Disability benefits.

''(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.''

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

''(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

''(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

DORGAN AMENDMENT NO. 2871

Mr. DORGAN proposed an amendment to the bill S. 1134, supra; as follows:

On page 2 between lines 2 and 3, add the following:

TITLE ____—STANDARDIZED SCHOOL REPORT CARDS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Standardized School Report Card Act''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) According to the report ''Quality Counts 99'', by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. ___03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. ___04. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary and secondary education in the State. The report card shall contain information regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the State;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under section ___4(a)(1) or ___4(b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

KENNEDY AMENDMENT NO. 2872

Mr. KENNEDY proposed an amendment to the bill, S. 1134, supra; as follows:

Strike section 101 and insert the following:

SEC. 101. TEACHER QUALITY.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through the end of part B and inserting the following:

''TITLE II—QUALIFIED TEACHER IN EVERY CLASSROOM

''PART A—TEACHER QUALITY

''SEC. 2001. PURPOSES.

''The purposes of this part are the following:

''(1) To improve student achievement in order to help every student meet State content and student performance standards.

''(2) To—

''(A) enable States, local educational agencies, and schools to improve the quality and success of the teaching force by providing all teachers, including beginning and veteran teachers, with the support those teachers need to succeed and stay in teaching, by providing professional development and mentoring programs for teachers, by offering incentives for additional qualified individuals to go into teaching, by reducing out-of-field placement of teachers, and by reducing the number of teachers with emergency credentials; and

''(B) hold the States, agencies, and schools accountable for such improvements.

''(3) To support State and local efforts to recruit qualified teachers to address teacher shortages, particularly in communities with the greatest need.

''SEC. 2002. DEFINITIONS.

''In this part:

''(1) BEGINNING TEACHER.—The term 'beginning teacher' means a teacher who has taught for 3 years or less.

''(2) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means—

''(A) mathematics;

''(B) science;

''(C) reading (or language arts) and English;

''(D) social studies (consisting of history, civics, government, geography, and economics);

''(E) foreign languages; and

''(F) fine arts (consisting of music, dance, drama, and the visual arts).

''(3) HIGH-POVERTY.—The term 'high-poverty', used with respect to a school, means a school that serves a high number or percentage of children from families with incomes below the poverty line, as determined by the State in which the school is located.

''(4) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term 'high-poverty local educational agency' means a local educational agency for which the number of children served by the agency who are age 5 through 17, and from families with incomes below the poverty line—

''(A) is not less than 20 percent of the number of all children served by the agency; or

''(B) is more than 10,000.

''(5) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means—

''(A) a school identified by a local educational agency for school improvement under section 1116(c); or

''(B) a school in which the great majority of students, as determined by the State in which the school is located, fail to meet State student performance standards based on assessments the local educational agency is using under part A of title I.

''(6) MENTORING.—The term 'mentoring' means activities described in paragraphs (3) and (4) of section 2017(a).

''(7) MENTOR TEACHER.—The term 'mentor teacher' means a teacher who—

''(A) is a highly competent classroom teacher who is formally selected and trained to work effectively with beginning teachers (including corps members described in section 2018);

''(B) is certified or licensed, is full-time, and is assigned and qualified to teach in the content area or grade level in which a beginning teacher (including a corps member described in section 2018), to whom the teacher provides mentoring, intends to teach;

''(C) has been consistently effective in helping diverse groups of students make substantial achievement gains; and

''(D) has been selected to provide mentoring through a peer review process.

''(8) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities described in paragraphs (1) and (2) of section 2017(a).

''(10) RECRUITMENT ACTIVITIES.—The term 'recruitment activities' means activities carried out through a teacher corps program, as described in section 2018.

''(11) RECRUITMENT PARTNERSHIP.—The term 'recruitment partnership' means a partnership described in section 2015(b)(2).

''SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $240,000,000 for each of fiscal years 2001 through 2005, of which—

''(1) $207,600,000 shall be made available to carry out subpart 1; and

''(2) $32,400,000 shall be made available to carry out subparts 2, 3, and 4, of which—

''(A) $25,000,000 shall be made available for fiscal year 2001, and such sums as may be necessary shall be made available for each of fiscal years 2002 through 2005, to carry out subpart 3; and

''(B) $75,000,000 shall be made available for fiscal year 2001, and such sums as may be necessary shall be made available for each of fiscal years 2002 through 2005, to carry out subpart 4.

''Subpart 1—Grants to States and Local Educational Agencies

''Chapter 1—Grants and Activities

''SEC. 2011. ALLOTMENTS TO STATES.

''(a) IN GENERAL.—The Secretary is authorized to make grants to eligible State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development, mentoring, and recruitment activities at the State and local levels. Each grant shall consist of the allotment determined for the State under subsection (b).

''(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

''(1) RESERVATION OF FUNDS.—

''(A) IN GENERAL.—From the total amount made available to carry out this subpart under section 2003(1) for any fiscal year, the Secretary shall reserve—

''(i) ½ of 1 percent for allotments for the outlying areas to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, for professional development and mentoring and recruitment activities carried out in accordance with the purposes of this part; and

''(ii) ½ of 1 percent for the Secretary of the Interior for programs carried out in accordance with the purposes of this part to provide professional development and mentoring and recruitment activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

''(B) LIMITATION.—Notwithstanding subparagraph (A), the Secretary shall not reserve, for either the outlying areas under subparagraph (A)(i) or the schools operated or funded by the Bureau of Indian Affairs under subparagraph (A)(ii), more than the amount reserved for those areas or schools for fiscal year 2000 under the authority described in paragraph (2)(A)(i).

''(2) STATE ALLOTMENTS.—

''(A) HOLD HARMLESS.—

''(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the amount that the State received for fiscal year 2000 under section 2202(b) of this Act (as in effect on the day before the date of enactment of the Affordable Education Act of 1999).

''(ii) RATABLE REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

''(B) ALLOTMENT OF ADDITIONAL FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authority described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

''(I) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(II) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

''(3) REALLOTMENT.—If any State described in paragraph (2) does not apply for an allotment under paragraph (2) for any fiscal year, the Secretary shall reallot such amount to the remaining such States in accordance with paragraph (2).

''SEC. 2012. STATE APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—

''(1) IN GENERAL.—Each State desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) DEVELOPMENT.—The State educational agency shall develop the State application—

''(A) in consultation with the State agency for higher education, community-based and other nonprofit organizations, and institutions of higher education; and

''(B) with the extensive participation of teachers, teacher educators, school administrators, and content specialists.

''(b) CONTENTS.—Each such application shall include—

''(1) a description of the State's teacher shortages relating to high-need school districts and high-need academic subjects (as such districts or subjects are determined by the State);

''(2) an assessment, developed with the involvement of teachers, of the need for professional development for veteran teachers in the State and the need for strong induction programs for beginning teachers;

''(3) a description of how the State educational agency will use funds made available under this part to improve the quality of the State's teaching force and meet the requirements of this section;

''(4) a description of how the State educational agency will align activities assisted under this subpart with State content and student performance standards, and State assessments;

''(5) a description of how the State educational agency will—

''(A) reduce out-of-field placement of teachers; and

''(B) reduce the number of teachers hired with emergency certification;

''(6) a description of how the State educational agency will coordinate activities funded under this subpart with professional development and mentoring and recruitment activities that are supported with funds from other relevant Federal and non-Federal programs;

''(7) a plan, developed with the extensive participation of teachers, for addressing long-term teacher recruitment, retention, and professional development and mentoring needs, which may include—

''(A) providing technical assistance to help school districts reform hiring practices to support strong teacher recruitment and retention; or

''(B) establishing State or regional partnerships to address teacher shortages;

''(8) a description of how the State educational agency will assist local educational agencies in implementing effective and sustained professional development and mentoring activities and high-quality recruitment activities under this part;

''(9) a description of how the State educational agency will work with recipients of grants awarded for recruitment activities under section 2015(b) to ensure that recruits who successfully complete a teacher corps program will be certified or licensed; and

''(10) the assurances and description referred to in section 2021.

''(c) APPROVAL.—The Secretary shall, using a peer-review process, approve a State application if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

''SEC. 2013. STATE USE OF FUNDS.

''(a) IN GENERAL.—Of the funds allotted to a State under section 2011 for a fiscal year—

''(1) not more than 10 percent shall be used by the State educational agency to carry out State activities described in section 2014, or for the administration of this subpart (other than the administration of section 2019 but including the administration of State activities under chapter 2), except that not more than 3 percent of the allotted funds may be used for the administration of this subpart;

''(2) 56 percent shall be used by the State educational agency to provide grants to local educational agencies under section 2015(a) for professional development and mentoring;

''(3) 30 percent shall be used by the State educational agency to provide grants to recruitment partnerships under section 2015(b) for recruitment activities; and

''(4) 4 percent (or 4 percent of the amount the State would have been allotted if the appropriation for this subpart were $346,000,000, whichever is greater) shall be used by the State agency for higher education to provide grants to recruitment partnerships under section 2019.

''(b) PRIORITY FOR PROFESSIONAL DEVELOPMENT AND MENTORING IN MATHEMATICS AND SCIENCE.—

''(1) PRIORITY.—

''(A) APPROPRIATIONS OF NOT MORE THAN $300,000,000.—For any fiscal year for which the appropriation for this subpart is $300,000,000 or less, each State educational agency that receives funds under this subpart, working jointly with the State agency for higher education, shall ensure that all funds received under this subpart are used for—

''(i) professional development and mentoring in mathematics and science that is aligned with State content and student performance standards; and

''(ii) recruitment activities involving mathematics and science teachers.

''(B) APPROPRIATION OF MORE THAN $300,000,000.—For any fiscal year for which the appropriation for this subpart is greater than $300,000,000, the State educational agency and the State agency for higher education shall jointly ensure that the total amount of funds that the agencies receive under this subpart and that the agencies use for activities described in subparagraph (A) is at least as great as the allotment the State would have received if that appropriation had been $300,000,000.

''(2) INTERDISCIPLINARY ACTIVITIES.—A State may use funds received under this subpart for activities that focus on more than 1 core academic subject, and apply the funds toward meeting the requirements of paragraph (1), if the activities include a strong focus on improving instruction in mathematics or science.

''(3) ADDITIONAL FUNDS.—Each State educational agency that receives funds under this subpart and the State agency for higher education shall jointly ensure that any portion of the funds that exceeds the amount required by paragraph (1) to be spent on activities described in paragraph (1)(A) is used to provide—

''(A) professional development and mentoring in 1 or more of the core academic subjects that is aligned with State content and student performance standards; and

''(B) recruitment activities involving teachers of 1 or more of the core academic subjects.

''SEC. 2014. STATE LEVEL ACTIVITIES.

''(a) ACTIVITIES.—Each State educational agency that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(1) to carry out statewide strategies and activities to improve teacher quality, including—

''(1) establishing, expanding, or improving alternative routes to State certification or licensing of teachers, for highly qualified individuals with a baccalaureate degree, mid-career professionals from other occupations, or paraprofessionals, that are at least as rigorous as the State's standards for initial certification or licensing of teachers;

''(2) developing or improving systems of performance measures to evaluate the effectiveness of professional development and mentoring and recruitment activities in improving teacher quality, skills, and content knowledge, and increasing student academic achievement and student performance;

''(3) developing or improving systems to evaluate the impact of teachers on student academic achievement and student performance;

''(4) funding projects to promote reciprocity of teacher certification or licensure between or among States;

''(5) providing assistance to local educational agencies to reduce out-of-field placements and the use of emergency credentials;

''(6) supporting certification by the National Board for Professional Teaching Standards of teachers who are teaching or will teach in high-poverty schools;

''(7) providing assistance to local educational agencies in implementing effective programs of recruitment activities, and professional development and mentoring, including supporting efforts to encourage and train teachers to become mentor teachers;

''(8) increasing the rigor and quality of State certification and licensure tests for individuals entering the field of teaching, including subject matter tests for secondary school teachers; and

''(9) implementing teacher recognition programs.

''(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

''SEC. 2015. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) GRANTS FOR PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—

''(1) IN GENERAL.—The State educational agency of a State that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(2) to make grants to eligible local educational agencies, from allocations made under paragraph (2), to carry out the activities described in section 2017(a).

''(2) ALLOCATIONS.—The State educational agency shall allocate to each eligible local educational agency the sum of—

''(A) an amount that bears the same relationship to 25 percent of the funds as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

''(B) an amount that bears the same relationship to 75 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

''(3) ELIGIBILITY.—To be eligible to receive a grant from a State educational agency under this subsection, a local educational agency shall serve schools that include—

''(A) high-poverty schools;

''(B) schools that need support for improving teacher quality based on low achievement of students served;

''(C) schools that have low teacher retention rates;

''(D) schools that need to improve or expand the knowledge and skills of new and veteran teachers in high-priority content areas; or

''(E) schools that have high out-of-field placement rates.

''(4) EQUITABLE GEOGRAPHIC DISTRIBUTION.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible local educational agencies serving urban and rural areas.

''(b) GRANTS FOR RECRUITMENT ACTIVITIES.—

''(1) IN GENERAL.—The State educational agency of a State that receives a grant under section 2011 shall use the funds made available under section 2013(a)(3) to make grants to eligible recruitment partnerships, on a competitive basis, to carry out the recruitment activities described in section 2017(b).

''(2) ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to receive a grant from a State educational agency under this subsection, a recruitment partnership—

''(i) shall include an eligible local educational agency, or a consortium of eligible local educational agencies;

''(ii) shall include an institution of higher education, a tribal college, or a community college; and

''(iii) may include other members, such as a nonprofit organization or professional education organization.

''(B) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In subparagraph (A), the term 'eligible local educational agency' means a local educational agency that receives assistance under part A of title I, and meets any additional eligibility criteria that the appropriate State educational agency may establish.

''(3) EQUITABLE GEOGRAPHIC DISTRIBUTION.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible recruitment partnerships serving urban and rural areas.

''SEC. 2016. LOCAL APPLICATIONS.

''(a) IN GENERAL.—A local educational agency or a recruitment partnership seeking to receive a grant from a State under section 2015 to carry out activities described in section 2017 shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

''(b) CONTENTS RELATING TO PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(a), the local application described in subsection (a) shall include, at a minimum, the following:

''(1) A description of how the local educational agency intends to use the funds provided through the grant to carry out activities described in section 2017(a).

''(2) An assurance that the local educational agency will target the funds to high-poverty schools served by the local educational agency that—

''(A) have the lowest proportions of qualified teachers;

''(B) are identified for school improvement and corrective action under section 1116; or

''(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

''(3) A description of how the local educational agency will coordinate professional development and mentoring activities described in section 2017(a) with professional development and mentoring activities provided through other Federal, State, and local programs, including programs authorized under—

''(A) titles I, III, and IV, and part A of title VII; and

''(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

''(4) A description of how the local educational agency will integrate funds received to carry out activities described in section 2017(a) with funds received under title III that are used for professional development and mentoring in order to carry out professional development and mentoring activities that—

''(A) train teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library and media specialists, in how to use technology to improve learning and teaching; and

''(B) take into special consideration the different learning needs for, and exposures to, technology for all students, including females, students with disabilities, students who are gifted and talented, students with limited English proficiency, and students who have economic and educational disadvantages.

''(5) A description of how the local application was developed with extensive participation of teachers, paraprofessionals, principals, and parents.

''(6) A description of how the professional development and mentoring activities described in section 2017(a) will address the ongoing professional development and mentoring of teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library and media specialists.

''(7) A description of how the professional development and mentoring activities described in section 2017(a) will meet the requirements described in section 2017(a).

''(8) A description of how the local educational agency will address the needs of teachers of students with disabilities, students with limited English proficiency, and other students with special needs.

''(9) A description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education.

''(10) The assurances and description referred to in section 2023, with respect to professional development and mentoring activities.

''(c) DEVELOPMENT AND CONTENTS RELATING TO RECRUITMENT ACTIVITIES.—If an eligible local educational agency (as defined in section 2015(b)) seeks a grant under section 2015(b) to carry out activities described in section 2017(b)—

''(1) the eligible local educational agency shall enter into a recruitment partnership, which shall jointly prepare and submit the local application described in subsection (a); and

''(2) at a minimum, the application shall include—

''(A) a description of how the recruitment partnership will meet the teacher corps program requirements described in section 2018;

''(B) a description of the individual and collective responsibilities of members of the recruitment partnership in meeting the requirements and goals of a teacher corps program described in section 2018;

''(C) information demonstrating that the State agency responsible for teacher licensure or certification in the State in which a recruitment partnership is established will—

''(i) ensure that a corps member who successfully completes a teacher corps program will have the academic requirements necessary for certification or licensure as a teacher in the State;

''(ii) ensure that the teacher corps program provides the academic credentials necessary to enable a corps member to obtain permanent teacher certification or licensure; and

''(iii) work with the recruitment partnership to ensure the partnership uses high-quality methods and establishes high-quality requirements concerning alternative routes to certification or licensing, in order to meet State requirements for certification or licensure; and

''(D) the assurances and description referred to in section 2023, with respect to recruitment activities.

''(d) APPROVAL.—A State educational agency shall approve a local educational agency's or recruitment partnership's application under this section only if the State educational agency determines that the application is of high quality and holds reasonable promise of achieving the purposes of this part.

"SEC. 2017. LOCAL ACTIVITIES.

''(a) PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—Each local educational agency receiving a grant under section 2015(a) shall use the funds made available through the grant to carry out activities that—

''(1) shall include sustained and intensive activities that—

''(A) are an integral part of broad schoolwide and districtwide educational improvement plans and enhance the ability of teachers and other staff to help all students, including females, students with disabilities, students who are gifted and talented, students with limited English proficiency, and students who have economic and educational disadvantages, meet high State and local content and student performance standards;

''(B) improve teacher knowledge of—

''(i) 1 or more of the core academic subjects; and

''(ii) effective instructional strategies, methods, and skills for improving student achievement in those subjects;

''(C) are of high quality and sufficient duration to have a positive and lasting impact on classroom instruction;

''(D) are based on the best available research on teaching and learning;

''(E) include—

''(i) activities to replicate effective instructional practices that involve collaborative groups of teachers and administrators from the same school or district, such as provision of dedicated time for collaborative lesson planning and curriculum development meetings, consultation with exemplary teachers, and provision of short-term and long-term visits to classrooms and schools; and

''(ii) ongoing and school-based support for such activities, such as support for peer review, coaching, or study groups, and the provision of release time as needed for the activities;

''(F) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of those evaluations used to improve the quality of activities described in this part;

''(G) include strategies for improving classroom management and discipline, integrating technology into a curriculum, and promoting meaningful parental involvement; and

''(H) to the extent practicable, the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in this paragraph;

''(2) may include—

''(A) provision of collaborative professional development experiences for veteran teachers based on the standards in the core academic subjects of the National Board for Professional Teaching Standards;

''(B) the participation of teams of teachers in summer institutes and summer immersion activities that are focused on preparing teachers to enable all students to meet high standards in 1 or more of the core academic subjects;

''(C) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and administrators and that allow for the exchange of information on advances in content knowledge and teaching skills;

''(D) instruction in the use of data and assessments to inform and improve classroom practice;

''(E) provision of activities to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies that integrate academic and technical skills and applied learning (such as service learning), methodologies for interactive and interdisciplinary team teaching, and other alternative teaching strategies, such as strategies for experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects; and

''(F) strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices;

''(3) shall include structured guidance and regular and ongoing support for beginning teachers, to help the teachers continue to improve their practice of teaching and to develop their instructional skills, that—

''(A) are part of a multiyear, developmental induction process;

''(B) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

''(C) involve the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education;

''(4) may include the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in paragraph (3); and

''(5) shall include local activities carried out under chapter 2.

''(b) RECRUITMENT ACTIVITIES.—Each recruitment partnership receiving a grant under section 2015(b) shall use the funds made available through the grant to carry out recruitment activities described in section 2018.

"SEC. 2018. RECRUITMENT ACTIVITIES THROUGH A TEACHER CORPS PROGRAM.

''(a) TEACHER CORPS PROGRAM REQUIREMENTS.—

''(1) RECRUITMENT.—A recruitment partnership that receives a grant under section 2015(b) shall broadly recruit and screen for a teacher corps a highly qualified pool of candidates who demonstrate the potential to become effective teachers. Each candidate shall meet—

''(A) standards to ensure that—

''(i) each corps member possesses appropriate, high-level credentials and presents the likelihood of becoming an effective teacher; and

''(ii) each group of corps members includes people who have expertise in academic subjects and otherwise meet the specific needs of the district to be served; and

''(B) any additional standard that the recruitment partnership establishes to enhance the quality and diversity of candidates and to meet the academic and grade level needs of the partnership.

''(2) REQUIRED CURRICULUM AND PLACEMENT.—Members of the recruitment partnership shall work together to plan and develop a program that includes—

''(A) a curriculum that includes a preservice training program (incorporating innovative approaches to preservice training, such as distance learning), for a period not to exceed 1 year, that provides corps members with the skills and knowledge necessary to become effective teachers, by—

''(i) requiring completed course work in basic areas of teaching, such as principles of learning and child development, effective teaching strategies, assessments, and classroom management, and in the pedagogy related to the academic subjects in which a corps member intends to teach;

''(ii) providing extensive preparation in the pedagogy of reading to corps members who intend to teach in the early elementary grades, including preparation components that focus on—

''(I) understanding the psychology of reading, and human growth and development;

''(II) understanding the structure of the English language; and

''(III) learning and applying the best teaching methods to all aspects of reading instruction;

''(iii) providing training in the use of technology as a tool to enhance a corps member's effectiveness as a teacher and improve the achievement of the corps member's students; and

''(iv) focusing on the teaching skills and knowledge that corps members need to enable all students to meet the State's highest challenging content and student performance standards;

''(B) placement of a corps member with the local educational agency participating in the recruitment partnership, in a teaching internship that—

''(i) includes intensive mentoring;

''(ii) provides a reduced teaching load; and

''(iii) provides regular opportunities for the corps member to co-teach with a mentor teacher, observe other teachers, and be observed and coached by other teachers;

''(C) individualized inservice training over the course of the corps member's first 2 years of full-time teaching that provides—

''(i) high-quality professional development, coordinated jointly by members of the recruitment partnership, and the course work necessary to provide additional or supplementary knowledge to meet the specific needs of the corps member; and

''(ii) ongoing mentoring by a teacher who meets the criteria for a mentor teacher described in paragraph (4)(B), including the requirements of section 2002(7); and

''(D) collaboration between the recruitment partnership, and local community student or parent groups, to assist corps members in enhancing their understanding of the community in which the members are placed.

''(3) EVALUATION.—A recruitment partnership shall evaluate a corps member's progress in course study and classroom practice at regular intervals.

''(4) MENTOR TEACHERS.—

''(A) IN GENERAL.—A recruitment partnership shall develop a plan for the program, which shall include strategies for identifying, recruiting, training, and providing ongoing support to individuals who will serve as mentor teachers to corps members.

''(B) MENTOR TEACHER REQUIREMENTS.—The plan described in subparagraph (A) shall specify the criteria that the recruitment partnership will use to identify and select mentor teachers and, at a minimum, shall—

''(i) require a mentor teacher to meet the requirements of section 2002(7); and

''(ii) require that consideration be given to a teachers with national board certification.

''(C) COMPENSATION.—The plan shall specify the compensation—

''(i) for mentor teachers, including monetary compensation, release time, or a reduced work load to ensure that mentor teachers can provide ongoing support for corps members; and

''(ii) for corps members, including salary levels and the stipends, if any, that will be provided during a corps member's summer or preservice training.

''(5) ASSURANCES.—The plan shall include assurances that—

''(A) a corps member will be assigned to teach only academic subjects and grade levels for which the member is fully qualified;

''(B) corps members, to the extent practicable, will be placed in schools with teams of corps members; and

''(C) every mentor teacher will be provided sufficient time to meet the needs of the corps members assigned to the mentor teacher.

''(b) CORPS MEMBER QUALIFICATIONS.—

''(1) CANDIDATES INTENDING TO TEACH IN ELEMENTARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the elementary school level shall—

''(A) have a bachelor's degree;

''(B) possess an outstanding commitment to working with children and youth;

''(C) possess a strong professional or postsecondary record of achievement; and

''(D) pass all basic skills and subject matter tests required by the State for teacher certification or licensure.

''(2) CANDIDATES INTENDING TO TEACH IN SECONDARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the secondary school level shall—

''(A) meet the requirements described in paragraph (1); and

''(B)(i) possess at least an academic major or postsecondary degree in each academic subject in which the candidate intends to teach; or

''(ii) if the candidate did not major or earn a postsecondary degree in an academic subject in which the candidate intends to teach, have completed a rigorous course of instruction in that subject that is equivalent to having majored in the subject.

''(3) SPECIAL RULE.—Notwithstanding paragraph (2)(B), the recruitment partnership may consider the candidate to be an eligible corps member and accept the candidate for a teacher corps program if the candidate has worked successfully and directly in a field and in a position that provided the candidate with direct and substantive knowledge in the academic subject in which the candidate intends to teach.

''(c) THREE-YEAR COMMITMENT TO TEACHING IN ELIGIBLE DISTRICTS.—

''(1) IN GENERAL.—In return for acceptance to a teacher corps program, a corps member shall commit to 3 years of full-time teaching in a school or district served by a local educational agency participating in a recruitment partnership receiving funds under this subpart.

''(2) REIMBURSEMENT.—

''(A) IN GENERAL.—If a corps member leaves the school district to which the corps member has been assigned prior to the end of the 3-year period described in paragraph (1), the corps member shall be required to reimburse the Secretary for the amount of the Federal share of the cost of the corps member's participation in the teacher corps program.

''(B) PARTNERSHIP CLAIMS.—A recruitment partnership that provides a teacher corps program to a corps member who leaves the school district, as discussed in subparagraph (A), may submit a claim to the corps member requiring the corps member to reimburse the recruitment partnership for the amount of the partnership's share of the cost described in subparagraph (A).

''(C) REDUCTION.—Reimbursements required under this paragraph may be reduced proportionally based on the amount of time a corps member remained in the teacher corps program beyond the corps member's initial 2 years of service.

''(D) WAIVER.—The Secretary may waive reimbursements required under subparagraph (A) in the case of severe hardship to a corps member who leaves the school district, as described in subparagraph (A).

''(d) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) PAYMENT OF FEDERAL SHARE.—The Secretary shall pay to each recruitment partnership carrying out a teacher corps program under this section the Federal share of the cost of the activities described in the partnership's application under section 2016(c).

''(2) NON-FEDERAL SHARE.—A recruitment partnership's share of the cost of the activities described in the partnership's application under section 2016(c)—

''(A) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services; and

''(B)(i) for the first year for which the partnership receives assistance under this subpart, shall be not less than 10 percent;

''(ii) for the second such year, shall be not less than 20 percent;

''(iii) for the third year such year, shall be not less than 30 percent;

''(iv) for the fourth such year, shall be not less than 40 percent; and

''(v) for the fifth such year, shall be not less than 50 percent.

''SEC. 2019. GRANTS TO PARTNERSHIPS OF INSTITUTIONS OF HIGHER EDUCATION AND LOCAL EDUCATIONAL AGENCIES.

''(a) ADMINISTRATION.—A State agency for higher education may use, from the funds made available to the agency under section 2013(a)(4) for any fiscal year, not more than 3⅓ percent for the expenses of the agency in administering this section, including conducting evaluations of activities on the performance measures described in section 2014(a)(2).

''(b) GRANTS TO PARTNERSHIPS.—

''(1) IN GENERAL.—The State agency for higher education shall use the remainder of the funds, in cooperation with the State educational agency, to make grants to (including entering into contracts or cooperative agreements with) partnerships of—

''(A) institutions of higher education or nonprofit organizations of demonstrated effectiveness in providing professional development and mentoring in the core academic subjects; and

''(B) eligible local educational agencies (as defined in section 2015(b)(2)),

to carry out activities described in subsection (e).

''(2) SIZE; DURATION.—Each grant made under this section shall be—

''(A) in a sufficient amount to carry out the objectives of this section effectively; and

''(B) for a period of 3 years, which the State agency for higher education may extend for an additional 2 years if the agency determines that the partnership is making substantial progress toward meeting the specific goals set out in the written agreement required in subsection (c) and on the performance measures described in section 2014(a)(2).

''(3) APPLICATIONS.—To be eligible to receive a grant under this section, a partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may reasonably require.

''(4) AWARD PROCESS AND BASIS.—The State agency for higher education shall make the grants on a competitive basis, using a peer review process.

''(5) PRIORITY.—In making the grants, the State agency for higher education shall give priority to partnerships submitting applications for projects that focus on induction programs for beginning teachers.

''(6) CONSIDERATIONS.—In making such a grant for a partnership, the State agency for higher education shall consider—

''(A) the need of the local educational agency involved for the professional development and mentoring activities proposed in the application;

''(B) the quality of the program proposed in the application and the likelihood of success of the program in improving classroom instruction and student academic achievement; and

''(C) such other criteria as the agency finds to be appropriate.

''(c) AGREEMENTS.—

''(1) IN GENERAL.—No partnership may receive a grant under this section unless the institution of higher education or nonprofit organization involved enters into a written agreement with at least 1 eligible local educational agency (as defined in section 2015(b)(2)) to provide professional development and mentoring for elementary and secondary school teachers in the schools served by that agency in the core academic subjects.

''(2) GOALS.—Each such agreement shall identify specific goals concerning how the professional development and mentoring that the partnership provides will enhance the ability of the teachers to prepare all students to meet challenging State and local content and student performance standards.

''(d) JOINT EFFORTS WITHIN INSTITUTIONS OF HIGHER EDUCATION.—Each professional development and mentoring activity assisted under this section by a partnership containing an institution of higher education shall involve the joint effort of the institution of higher education's school or department of education and the schools or departments of the institution in the specific disciplines in which the professional development and mentoring will be provided.

''(e) USES OF FUNDS.—A partnership that receives funds under this section shall use the funds for—

''(1) professional development and mentoring in the core academic subjects, aligned with State or local content standards, for teams of teachers from a school or school district and, where appropriate, administrators and paraprofessionals on a career track;

''(2) research-based professional development and mentoring programs to assist beginning teachers, which may include—

''(A) mentoring and coaching by trained mentor teachers that lasts at least 2 years;

''(B) team teaching with veteran teachers;

''(C) provision of time for observation of, and consultation with, veteran teachers;

''(D) provision of reduced teaching loads; and

''(E) provision of additional time for preparation;

''(3) the provision of technical assistance to school and agency staff for planning, implementing, and evaluating professional development and mentoring; and

''(4) in appropriate cases, the provision of training to address areas of teacher and administrator shortages.

''(f) COORDINATION.—Any partnership that carries out professional development and mentoring activities under this section shall coordinate the activities with activities carried out under title II of the Higher Education Act of 1965, if a local educational agency or institution of higher education in the partnership is participating in programs funded under that title.

''(g) ANNUAL REPORTS.—

''(1) IN GENERAL.—Beginning with fiscal year 2002, each partnership that receives a grant under this section shall prepare and submit to the appropriate State agency for higher education, by a date set by that agency, an annual report on the progress of the partnership on the performance measures described in section 2014(a)(2).

''(2) CONTENTS.—Each such report shall—

''(A) include a copy of each written agreement required by subsection (c) that is entered into by the partnership; and

''(B) describe how the members of the partnership have collaborated to achieve the specific goals set out in the agreement, and the results of that collaboration.

''(3) COPY.—The State agency for higher education shall provide the State educational agency with a copy of each such report.

"Chapter 2—Accountability

"SEC. 2021. STATE APPLICATION ACCOUNTABILITY PROVISIONS.

''(a) ASSURANCES.—Each State application submitted under section 2012 shall contain assurances that, not later than 4 years after the date of enactment of the Affordable Education Act of 1999—

''(1) each teacher in the State who provides services to students served under this subpart will be certified or licensed and will have demonstrated the academic subject knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the academic subject in which the teacher teaches, according to the criteria described in this section; and

''(2) funds provided to the State under this subpart will not be used to support teachers for whom State qualification or licensing requirements have been waived or who are teaching under an emergency or other provisional credential.

''(b) ELEMENTARY SCHOOL INSTRUCTIONAL STAFF.—For purposes of complying with subsection (a)(1), a State shall provide an assurance that each elementary school teacher (other than a middle school teacher) in the State shall, at a minimum—

''(1) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

''(2) hold a bachelor's degree and demonstrate the academic subject knowledge, teaching knowledge, and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other academic subjects.

''(c) MIDDLE SCHOOL AND SECONDARY SCHOOL INSTRUCTIONAL STAFF.—For purposes of complying with subsection (a)(1), a State shall provide an assurance that each middle school or secondary school teacher in the State shall, at a minimum—

''(1) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

''(2) hold a bachelor's degree or higher degree and demonstrate a high level of competence in all academic subjects in which the teacher teaches through—

''(A) achievement of a high level of performance on rigorous academic subject tests;

''(B) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the academic subjects in which the teacher teaches; or

''(C) achievement of a high level of performance in relevant academic subjects through other professional employment experience.

''(d) ASSISTANCE BY STATE EDUCATIONAL AGENCY.—Each State application submitted under section 2012 shall describe how the State educational agency will help each local educational agency and school in the State develop the capacity to comply with the requirements of this section.

"SEC. 2022. STATE REPORTS.

''(a) REPORT TO SECRETARY.—

''(1) IN GENERAL.—Each State that receives funds under this subpart shall annually prepare and submit to the Secretary a report containing—

''(A) information on the activities of the State under this subpart;

''(B) information on the effectiveness of the activities, and the progress of recipients of grants under this subpart, on performance measures described in section 2014(a)(2); and

''(C) such other information as the Secretary may reasonably require.

''(2) DEADLINES.—The State shall submit the reports described in paragraph (1) by such deadlines as the Secretary may establish.

''(b) PUBLIC ACCOUNTABILITY.—

''(1) IN GENERAL.—Each State that receives funds under this subpart—

''(A) in the event the State provides public State report cards on education, shall include in such report cards—

''(i) the percentage of classes in core academic subjects that are taught by out-of-field teachers; and

''(ii) the average statewide class size; or

''(B) in the event the State provides no such report card, shall disseminate to the public the information described in clauses (i) and (ii) of subparagraph (A) through other means.

''(2) PUBLIC AVAILABILITY.—Such information shall be made widely available to the public, including parents and students, throughout the State.

"SEC. 2023. LOCAL APPLICATION ACCOUNTABILITY PROVISIONS.

''Each local application submitted under section 2016 shall contain assurances that—

''(1) the agency will not hire any teacher for a program supported with funds made available to the agency under this subpart, unless the teacher—

''(A) is certified or licensed in the field in which the teacher will teach; or

''(B) has a bachelor's degree and is enrolled in a program through which the teacher will obtain such certification or licensing within 3 years;

''(2) the local educational agency and schools served by the agency will work to ensure, through voluntary agreements and incentive programs, that elementary school and secondary school teachers in high-poverty schools served by the local educational agency will be at least as well qualified, in terms of experience and credentials, as the instructional staff in schools served by the same local educational agency that are not high-poverty schools;

''(3) any teacher who receives certification from the National Board for Professional Teaching Standards will be considered fully qualified to teach, in the academic subjects in which the teacher is certified, in high-poverty schools in any school district or community served by the local educational agency; and

''(4) the agency will—

''(A) make available, on request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the qualifications of the student's classroom teacher with regard to the academic subject in which the teacher teaches; and

''(B) inform parents that the parents are entitled to receive the information upon request.

"SEC. 2024. LOCAL CONTINUATION OF FUNDING.

''(a) AGENCIES.—If a local educational agency applies for funds under this subpart for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency has demonstrated that the agency, in carrying out activities under this subpart during the past fiscal year, has—

''(1) improved student performance;

''(2) increased participation in sustained professional development and mentoring programs;

''(3) reduced the beginning teacher attrition rate for the agency; and

''(4) reduced the number of teachers who are not certified or licensed, and the number who are out-of-field teachers, for the agency.

''(b) SCHOOLS.—If a local educational agency applies for funds under this subpart on behalf of a school for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for the school for that fiscal year only if the State determines that the school has demonstrated that the school, in carrying out activities under this subpart during the past fiscal year, has met the requirements of paragraphs (1) through (4) of subsection (a).

''(c) RECRUITMENT PARTNERSHIPS.—

''(1) IN GENERAL.—If not more than 90 percent of the graduates of a teacher corps program assisted under this subpart for a fiscal year pass applicable State or local initial teacher licensing or certification examinations, the recruitment partnership providing the teacher corps program shall be ineligible to receive grant funds for the succeeding fiscal year.

''(2) WAIVER.—The State in which the partnership is located may waive the requirement described in paragraph (1) for a recruitment partnership serving a school district that has special circumstances, such as a district with a small number of corps members.

"SEC. 2025. LOCAL REPORTS.

''(a) IN GENERAL.—Each local educational agency that receives funds under this subpart (including funds received through a partnership) shall prepare, make publicly available, and submit to the State educational agency, every year, beginning in fiscal year 2002, a report on the activities of the agency under this subpart, in such form and containing such information as the State educational agency may reasonably require.

''(b) CONTENTS.—The report shall contain, at a minimum—

''(1) information on progress throughout the schools served by the local educational agency on the performance measures described in section 2014(a)(2);

''(2) information on progress throughout the schools served by the local educational agency toward achieving the objectives of this subpart;

''(3) data on the progress described in paragraphs (1) and (2), disaggregated by school poverty level, as defined by the State; and

''(4) a description of the methodology used to gather the information and data described in paragraphs (1) through (3).

"Subpart 2—National Activities for the Improvement of Teaching and School Leadership

"SEC. 2031. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to make grants to, and to enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private nonprofit agencies, organizations, and institutions to carry out subsection (b).

''(b) ACTIVITIES.—In making the grants, and entering into the contracts and cooperative agreements, the Secretary—

''(1) may support activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools, such as—

''(A) supporting collaborative efforts by States, or consortia of States, to review and measure the quality, rigor, and alignment of State standards and assessments;

''(B) supporting the development of models, at the State and local levels, of innovative compensation systems that—

''(i) provide incentives for talented individuals who have a strong knowledge of academic content to enter teaching; and

''(ii) reward veteran teachers who acquire new knowledge and skills that are needed in the schools and districts in which the teachers teach; and

''(C) supporting collaborative efforts by States, or consortia of States, to develop performance-based systems for assessing content knowledge and teaching skills of teachers prior to initial certification or licensure of the teachers;

''(2) may support activities of national significance that the Secretary determines will contribute to the recruitment and retention of highly qualified teachers and principals in schools served by high-poverty local educational agencies, such as—

''(A) the development and implementation of a national teacher recruitment clearinghouse and job bank, which shall be coordinated and, to the extent feasible, integrated with the America's Job Bank administered by the Secretary of Labor, to—

''(i) disseminate information and resources nationwide on entering the teaching profession, to persons interested in becoming teachers;

''(ii) serve as a national resource center regarding effective practices for teacher professional development and mentoring, recruitment, and retention;

''(iii) link prospective teachers to local educational agencies and training resources;

''(iv) provide information and technical assistance to prospective teachers about certification and licensing and other State and local requirements related to teaching; and

''(v) provide data projections concerning teacher and administrator supply and demand and available teaching and administrator opportunities;

''(B) the development and implementation, or expansion, of programs that recruit talented individuals to become principals, including such programs that employ alternative routes to State certification or licensing that are at least as rigorous as the State's standards for initial certification or licensing of teachers, and that prepare both new and experienced principals to serve as instructional leaders, which may include the creation and operation of a national center or regional centers for the preparation and support of principals as leaders of school reform;

''(C) efforts to increase the portability of teacher pensions and reciprocity of teaching credentials across State lines;

''(D) research, evaluation, and dissemination activities related to effective strategies for increasing the portability of teachers' credited years of experience across State and school district lines;

''(E) the development and implementation of national or regional programs to—

''(i) recruit highly talented individuals to become teachers, through alternative routes to certification or licensing, in schools served by high-poverty local educational agencies; and

''(ii) help retain the individuals for more than 3 years as classroom teachers in schools served by the local educational agencies; and

''(F) the establishment of partnerships of high-poverty local educational agencies, teacher organizations, and local businesses, in order to help the agencies attract and retain high-quality teachers and principals through provision of increased pay, combined with reforms to raise teacher performance including use of regular, rigorous peer evaluations and (where appropriate) student evaluations of every teacher;

''(3)(A) shall carry out a national evaluation, not sooner than 3 years after the date of enactment of the Affordable Education Act of 1999, of the effect of activities carried out under this title, including an assessment of changes in instructional practice and objective measures of student achievement; and

''(B) shall submit a report containing the results of the evaluation to Congress;

''(4) shall annually submit to Congress a report on the information contained in the State reports described in section 2022; and

''(5) may support the National Board for Professional Teaching Standards.

"SEC. 2032. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

''(a) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary shall award a grant or contract, on a competitive basis, to an entity to establish and operate an Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as 'the Clearinghouse').

''(b) AUTHORIZED ACTIVITIES.—

''(1) APPLICATION AND AWARD BASIS.—

''(A) IN GENERAL.—An entity desiring to establish and operate the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(B) PEER REVIEW.—The Secretary shall establish a peer review panel to make recommendations on the recipient of the award for the Clearinghouse.

''(C) BASIS.—The Secretary shall make the award for the Clearinghouse on the basis of merit.

''(2) DURATION.—The Secretary shall award the grant or contract for the Clearinghouse for a period of 5 years.

''(3) ACTIVITIES.—The award recipient shall use the award funds to—

''(A) maintain a permanent collection of such mathematics and science education instructional materials and programs for elementary schools and secondary schools as the Secretary finds appropriate, and give priority to maintaining such materials and programs that have been identified as promising or exemplary, through a systematic approach such as the use of expert panels required under the Educational Research, Development, Dissemination, and Improvement Act of 1994;

''(B) disseminate the materials and programs described in subparagraph (A) to the public, State educational agencies, local educational agencies, and schools (particularly high-poverty, low-performing schools), including dissemination through the maintenance of an interactive national electronic information management and retrieval system accessible through the World Wide Web and other advanced communications technologies;

''(C) coordinate activities with entities operating other databases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international databases;

''(D) using not more than 10 percent of the amount awarded under this section for any fiscal year, participate in collaborative meetings of representatives of the Clearinghouse and regional mathematics and science education consortia to—

''(i) discuss issues of common interest and concern;

''(ii) foster effective collaboration and cooperation in acquiring and distributing instructional materials and programs; and

''(iii) coordinate and enhance computer network access to the Clearinghouse and the resources of the regional consortia;

''(E) support the development and dissemination of model professional development and mentoring materials for mathematics and science education;

''(F) contribute materials or information, as appropriate, to other national repositories or networks; and

''(G) gather qualitative and evaluative data on submissions to the Clearinghouse, and disseminate that data widely, including through the use of electronic dissemination networks.

''(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit copies of that materials or those programs to the Clearinghouse.

''(5) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

''(6) APPLICATION OF COPYRIGHT LAWS.—

''(A) CONSTRUCTION.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright.

''(B) COMPLIANCE.—In carrying out this section, the Clearinghouse shall ensure compliance with title 17, United States Code.

''Subpart 3—Transition to Teaching

''SEC. 2041. PURPOSE.

''The purpose of this subpart is to address the need of high-poverty local educational agencies for highly qualified teachers in particular academic subjects, such as mathematics, science, foreign languages, bilingual education, and special education needed by the agencies, by—

''(1) continuing and enhancing the Troops to Teachers model for recruiting and supporting the placement of such teachers; and

''(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help the professionals become such teachers.

''SEC. 2042. DEFINITIONS.

''In this subpart:

''(1) PROGRAM PARTICIPANT.—The term 'program participant' means a career-changing professional who—

''(A) demonstrates interest in, and commitment to, becoming a teacher; and

''(B) has knowledge and experience that is relevant to teaching a high-need academic subject for a high-poverty local educational agency.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education, except as otherwise determined in accordance with the agreements described in section 2043(b).

''SEC. 2043. PROGRAM AUTHORIZED.

''(a) AUTHORITY.—Subject to subsection (b), using funds made available to carry out this subpart under section 2003(2)(A) for each fiscal year, the Secretary may award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized under this subpart.

''(b) IMPLEMENTATION.—

''(1) CONSULTATION.—Before making awards under subsection (a) for any fiscal year, the Secretary of Education shall—

''(A) consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to carry out this subpart; and

''(B) upon agreement, transfer that amount to the Department of Defense to carry out this subpart.

''(2) AGREEMENT.—The Secretary of Education may enter into a written agreement with the Secretary of Defense and the Secretary of Transportation, or take such other steps as the Secretary of Education determines are appropriate, to ensure effective implementation of this subpart.

''SEC. 2044. APPLICATION.

''Each entity that desires an award under section 2043(a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the target group of career-changing professionals on which the entity will focus in carrying out a program under this subpart, including a description of the characteristics of that target group that shows how the knowledge and experience of the members of the group are relevant to meeting the purpose of this subpart;

''(2) a description of how the entity will identify and recruit program participants;

''(3) a description of the training that program participants will receive and how that training will relate to their certification or licensing as teachers;

''(4) a description of how the entity will ensure that program participants are placed with, and teach for, high-poverty local educational agencies;

''(5) a description of the teacher induction services (which may be provided through induction programs in existence on the date of submission of the application) the program participants will receive throughout at least their first year of teaching;

''(6) a description of how the entity will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this subpart, including evidence of the commitment of the institutions, agencies, or organizations to the entity's program;

''(7) a description of how the entity will evaluate the progress and effectiveness of the entity's program, including a description of—

''(A) the program's goals and objectives;

''(B) the performance indicators the entity will use to measure the program's progress; and

''(C) the outcome measures that the entity will use to determine the program's effectiveness; and

''(8) an assurance that the entity will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this subpart.

''SEC. 2045. USES OF FUNDS AND PERIOD OF SERVICE.

''(a) AUTHORIZED ACTIVITIES.—Funds made available under this subpart may be used for—

''(1) recruiting program participants, including informing individuals who are potential participants of opportunities available under the program and putting the individuals in contact with other institutions, agencies, or organizations that would train, place, and support the individuals;

''(2) providing training stipends and other financial incentives for program participants, such as paying for moving expenses, not to exceed $5,000, in the aggregate, per participant;

''(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

''(4) providing placement activities, including identifying high-poverty local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting the participants to obtain employment with the local educational agencies; and

''(5) providing post-placement induction or support activities for program participants.

''(b) PERIOD OF SERVICE.—A program participant in a program under carried out under this subpart who completes the participant's training shall serve in a high-poverty local educational agency for at least 3 years.

''(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

''SEC. 2046. EQUITABLE DISTRIBUTION.

''To the extent practicable, the Secretary shall make awards under this subpart that support programs in different geographic regions of the Nation.

''Subpart 4—Hometown Teachers

''SEC. 2051. PURPOSE.

''The purpose of this subpart is to support the efforts of high-need local educational agencies to develop and implement comprehensive approaches to recruiting and retaining highly qualified teachers, including recruiting such teachers through Hometown Teacher programs that carry out long-term strategies to expand the capacity of the communities served by the agencies to produce local teachers.

''SEC. 2052. DEFINITION.

''The term 'high-need local educational agency' means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

''(1) a high percentage (as determined by the State in which the agency is located) of individuals from families with incomes below the poverty line; or

''(2) a high percentage (as determined by the State in which the agency is located) of secondary school teachers not teaching in the content area in which the teachers were trained to teach.

''SEC. 2053. PROGRAM AUTHORIZED.

''From funds made available to carry out this subpart under section 2003(2)(B) for each fiscal year, the Secretary may award grants to high-need local educational agencies to carry out Hometown Teacher programs and other activities described in this subpart.

''SEC. 2054. APPLICATIONS.

''Each high-need local educational agency that desires to receive a grant under section 2053 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the local educational agency's assessment of the agency's needs for teachers, such as the agency's projected shortage of qualified teachers and the percentage of teachers serving the agency who lack certification or licensure or who are teaching out of field;

''(2) a description of a Hometown Teacher program that the local educational agency plans to develop and implement with the funds made available through the grant, including a description of—

''(A) strategies the agency will use to—

''(i) encourage secondary school and middle school students in schools served by the local educational agency to consider pursuing careers in the teaching profession; and

''(ii) provide support at the undergraduate level to those students who intend to become teachers; and

''(B) the agency's plans to streamline the hiring practices of the agency for participants in the Hometown Teacher program;

''(3) a description of the long-term strategies that the agency will use, if any, to reduce the agency's teacher attrition rate, including providing mentoring programs and making efforts to raise teacher salaries and create more desirable working conditions for teachers;

''(4) a description of the agency's strategy for ensuring that all secondary school teachers and middle school teachers in the school district are fully certified or licensed in an academic subject and are teaching the majority of their classes in the subject in which the teachers are certified or licensed;

''(5) a description of the short-term strategies the agency will use, if any, to address the agency's teacher shortage problem, including the strategies the agency will use to ensure that the teachers that the local educational agency is targeting for employment are fully certified or licensed;

''(6) a description of the agency's long-term plan for ensuring that the agency's teachers have opportunities for sustained, high-quality professional development;

''(7) a description of the ways in which the activities proposed to be carried out through the grant are part of the agency's overall plan for improving the quality of teaching and student achievement;

''(8) a description of how the agency will collaborate, as needed, with other institutions, agencies, or organizations to develop and implement the strategies the agency proposes in the application, including evidence of the commitment of the institutions, agencies, or organizations to the agency's activities;

''(9) a description of the strategies the agency will use to coordinate activities funded under the program carried out under this subpart with activities funded through other Federal programs that address teacher shortages, including programs carried out through grants to local educational agencies under title I or this title, including subpart 3, if the applicant receives funds from the programs;

''(10) a description of how the agency will evaluate the progress and effectiveness of the Hometown Teacher program, including a description of—

''(A) the agency's goals and objectives for the program;

''(B) the performance indicators that the agency will use to measure the program's effectiveness; and

''(C) the measurable outcome measures, such as increased percentages of fully certified or licensed teachers, that the agency will use to determine the program's effectiveness; and

''(11) an assurance that the agency will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this subpart.

''SEC. 2055. PRIORITY.

''In awarding grants under this subpart, the Secretary may give priority to agencies submitting applications that—

''(1) focus on increasing the percentage of qualified teachers in particular teaching fields, such as mathematics, science, and bilingual education; and

''(2) focus on recruiting qualified teachers for certain types of communities, such as urban and rural communities.

''SEC. 2056. USE OF FUNDS.

''(a) MANDATORY USE OF FUNDS.—A local educational agency that receives a grant under this subpart shall use the funds made available through the grant to develop and implement long-term strategies to address the agency's teacher shortage, including carrying out Hometown Teacher programs such as the programs described in section 2051.

''(b) PERMISSIBLE USE OF FUNDS.—A local educational agency that receives a grant under this subpart may use the funds made available through the grant to—

''(1) develop and implement strategies to reduce the local educational agency's teacher attrition rate, including providing mentoring programs, increasing teacher salaries, and creating more desirable working conditions for teachers; and

''(2) develop and implement short-term strategies to address the agency's teacher shortage, including providing scholarships to undergraduates who agree to teach in the school district served by the agency for a certain number of years, providing signing bonuses for teachers, and implementing streamlined hiring practices.

''(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall be used to supplement, and shall not supplant, State and local funds expended to carry out programs and activities authorized under this subpart.

''SEC. 2057. SERVICE REQUIREMENTS.

''(a) IN GENERAL.—The Secretary shall establish such requirements as the Secretary finds to be necessary to ensure that a recipient of a scholarship under this subpart who completes a teacher education program subsequently—

''(1) teaches in a school district served by a high-need local educational agency, for a period of time equivalent to the period for which the recipient received the scholarship; or

''(2) repays the amount of the funds provided through the scholarship.

''(b) USE OF REPAID FUNDS.—The Secretary shall deposit any such repaid funds in an account, and use the funds to carry out additional activities under this subpart.''.

(b) CONFORMING AMENDMENT.—The Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) RESTATEMENT OF AUTHORIZATION LANGUAGE.—Part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

''SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $3,200,000 for each of fiscal years 1995 through 1999.''.

(2) CLEARINGHOUSE.—Section 13302(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8672(1)) is amended by striking ''section 2102(b)'' and inserting ''section 2032''.

(3) REFERENCES.—Sections 14101(10)(C) and 14503(b)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(10)(C) and 8893(b)(1)(B)) are amended by striking ''section 2103 and''.

BOXER (AND OTHERS) AMENDMENT NO. 2873

Mrs. BOXER (for herself, Mr. SCHUMER, Mr. LEVIN, Mr. JOHNSON, and Mr. ROBB) proposed an amendment to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) Any education measure passed by Congress is undermined by violence in the schools.

(3) The February 29, 2000 shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that the tragic gun violence in America's schools continues.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings, and suicides.

(6) In the 10½ months since the shooting at Columbine High School in Littleton, Colorado, the United States Congress has failed to pass reasonable, common-sense gun control measures that would help to make schools safer, improve the learning environment, and stem the tide of gun violence in America.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in schools.

COVERDELL AMENDMENT NO. 2874

Mr. COVERDELL proposed an amendment to amendment No. 2873 proposed by Mrs. BOXER to the bill, S. 1134, supra; as follows:

Strike all after the first work and insert the following:

SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

KENNEDY (AND OTHERS) AMENDMENT NO. 2875

Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. REED, and Mr. WELLSTONE) proposed an amendment to the bill, S. 1134, supra; as follows:

Strike section 101 and insert the following:

SEC. 101. FEDERAL PELL GRANTS.

There are appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

FEINSTEIN AMENDMENT NO. 2876

Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. BYRD, and Mr. LIEBERMAN) proposed an amendment to the bill, S. 1134, supre; as follows:

At the appropriate place, insert the following:

SEC. ___. ACHIEVEMENT STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE.

In order to receive Federal funds under the Elementary and Secondary Education Act of 1965 each local educational agency and State educational agency shall—

(1) require that students served by the agency be subject to State achievement standards in the core curriculum, to be determined by the State, for all elementary through secondary students; and

(2) assess student performance in meeting the State achievement standards at key transition points, such as grades 4, 8, and 12, before promotion to the next grade level.

SEC. ___. POLICY PROHIBITING SOCIAL PROMOTION.

(a) POLICY.—No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

(b) DEFINITION.—In this section, the term ''practice of social promotion'' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

(c) WAIVER PROHIBITED.—Notwithstanding any other provision of law, the Secretary of Education may not waive the provisions of this section.

KERRY AMENDMENT NO. 2877

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

TITLE ___—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. ___01. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

''SUBPART 9—SCHOLARSHIPS FOR FUTURE TEACHERS

''SEC. 420L. STATEMENT OF PURPOSE.

''It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

''SEC. 420M. SCHOLARSHIPS AUTHORIZED.

''(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies.

''(b) PERIOD OF AWARD.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

''(c) USE AT ANY INSTITUTION PERMITTED.—A student awarded a scholarship under this subpart may attend any institution of higher education.

''SEC. 420N. ALLOCATION AMONG STATES.

''(a) ALLOCATION FORMULA.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

''(b) AMOUNT OF SCHOLARSHIPS.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

''SEC. 420O. AGREEMENTS.

''The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

''(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

''(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

''(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

''(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

''SEC. 420P. ELIGIBILITY OF SCHOLARS.

''(a) SECONDARY SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this subpart shall—

''(1) have a secondary school diploma or its recognized equivalent;

''(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

''(3) have been admitted for enrollment at an institution of higher education; and

''(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

''(b) SELECTION BASED ON COMMITMENT TO TEACHING.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

''SEC. 420Q. SELECTION OF SCHOLARS.

''(a) ESTABLISHMENT OF CRITERIA.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

''(b) ADOPTION OF PROCEDURES.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

''(c) CONSULTATION REQUIREMENT.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

''(d) TIMING OF SELECTION.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

''SEC. 420R. SCHOLARSHIP CONDITION.

''The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

''SEC. 420S. RECRUITMENT.

''In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

''SEC. 420T. INFORMATION.

''The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

''SEC. 420U. APPROPRIATIONS.

''There are authorized to be appropriated, and there are appropriated, to carry out this subpart $10,000,000 for each of the fiscal years 2001 through 2005, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.''.

SEC. ___02. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) FEDERAL STAFFORD LOANS.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking ''for 5 consecutive complete school years'';

(2) by amending paragraph (1) of subsection (c) to read as follows:

''(1) AMOUNT.—

''(A) IN GENERAL.—The Secretary shall repay—

''(i) not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

''(ii) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

''(B) SPECIAL RULE.—No borrower may receive a reduction of loan obligations under both this section and section 460.''; and

(3) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.''.

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking ''for 5 consecutive complete school years'';

(2) by amending paragraph (1) of subsection (c) to read as follows:

''(1) IN GENERAL.—The Secretary shall repay—

''(A) not more than $5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

''(B) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A).''; and

(3) by adding at the end the following:

''(i) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.''.

WELLSTONE AMENDMENT NO. 2878

Mr. WELLSTONE proposed an amendment to amendment No. 2876 proposed by Mrs. FEINSTEIN to the bill, S. 1134, supra; as follows:

On page 2, after line 23, add the following:

(d) LIMITATION.—

(1) IN GENERAL.—The provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

(2) OPPORTUNITY.—A child shall not be considered to have been afforded an opportunity to learn under paragraph (1) unless—

(A) the child was taught by fully certified or qualified teachers as defined by the State;

(B) the child's parents had multiple opportunities for parental involvement;

(C) the child had access to high quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve to the highest performance levels, regardless of disability, income, and background;

(D) the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

(E) if necessary, the child received proper bilingual education and special education services; and

(F) the child had the opportunity to receive high quality early childhood education.

DURBIN AMENDMENT NO. 2879

Mr. DURBIN proposed an amendment to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

SEC. . REDUCTION IN SCHOOL VIOLENCE.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Act''.

(b) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The U.S. Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57% of the expulsions were high school students, 33% were in junior high and 10% were in elementary school.

(c) GRANTS.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to:

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) APPLICATION.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submt to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) PUBLIC SERVICE ANNOUNCEMENTS.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this Act, there are authorized to be appropriated funds of up to $7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

BOXER AMENDMENT NO. 2880

Mrs. BOXER proposed an amendment to the bill, S. 1134, supra; as follows:

At the end, add the following:

SEC. _____. PESTICIDE APPLICATION IN SCHOOLS.

(a) IN GENERAL.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA LIST OF TOXIC PESTICIDES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) LIST.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) PARENTAL NOTIFICATION OF TOXIC PESTICIDE APPLICATIONS IN SCHOOLS.—

(1) IN GENERAL.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) NOTICE.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) INCORPORATION OF NOTICE.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

ROTH AMENDMENT NO. 2881

Mr. COVERDELL (for Mr. ROTH) proposed an amendment to the bill, S. 1134, supra; as follows:

On page 5, line 10, strike ''if'' and all that follows through line 12, and insert ''if the homeschool operates as a private school or a homeschool under State law.

On page 9, strike lines 18 through 20, and insert the following:

(g) RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS EDUCATION SAVINGS ACCOUNTS.—

(1) IN GENERAL.—

(A) Section 530 (as amended by the preceding provisions of this section) is amended by striking ''education individual retirement account'' each place it appears and inserting ''education savings account''.

(B) The heading for paragraph (1) of section 530(b) is amended by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNT'' and inserting ''EDUCATION SAVINGS ACCOUNT''.

(C) The heading for section 530 is amended to read as follows:

''SEC. 530. EDUCATION SAVINGS ACCOUNTS.''.

(D) The item in the table of contents for part VII of subchapter F of chapter 1 relating to section 530 is amended to read as follows:

''Sec. 530. Education savings accounts.''.

(2) CONFORMING AMENDMENTS.—

(A) The following provisions are each amended by striking ''education individual retirement'' each place it appears and inserting ''education savings'':

(i) Section 25A(e)(2).

(ii) Section 26(b)(2)(E).

(iii) Section 72(e)(9).

(iv) Section 135(c)(2)(C).

(v) Subsections (a) and (e) of section 4973.

(vi) Subsections (c) and (e) of section 4975.

(vii) Section 6693(a)(2)(D).

(B) The headings for each of the following provisions are amended by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS'' each place it appears and inserting ''EDUCATION SAVINGS ACCOUNTS''.

(i) Section 72(e)(9).

(ii) Section 135(c)(2)(C).

(iii) Section 4973(e).

(iv) Section 4975(c)(5).

(h) 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, 2000.

(2) SUBSECTION (g).—The amendments made by subsection (g) shall take effect on the date of the enactment of this Act.

On page 13, line 14, strike ''INDIVIDUAL RETIREMENT'' and insert ''SAVINGS''.

On page 15, strike lines 12 through 14, and insert the following:

(e) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—

(1) IN GENERAL.—Subparagraph (A) of section 529(e)(3) (relating to definition of qualified higher education expenses) is amended to read as follows:

''(A) IN GENERAL.—The term 'qualified higher education expenses' means—

''(i) tuition and fees required for the enrollment or attendance of a designated beneficiary at an eligible educational institution for courses of instruction of such beneficiary at such institution, and

''(ii) expenses for books, supplies, and equipment which are incurred in connection with such enrollment or attendance, but not to exceed the allowance for books and supplies included in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Affordable Education of 2000) as determined by the eligible educational institution.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) QUALIFIED HIGHER EDUCATION EXPENSES.—The amendments made by subsection (e) shall apply to amounts paid for courses beginning after December 31, 2000.

On page 27, strike lines 5 through 7, and insert the following:

(b) EFFECTIVE DATE.—Subparagraph (E) of section 149(b)(3) of the Internal Revenue Code of 1986, as added by the amendment made by subsection (a), shall take effect upon the enactment, after the date of the enactment of this Act, of legislation expressly authorizing the Federal Housing Finance Board to allocate authority to Federal Home Loan Banks to guarantee any bond described in such subparagraph, but only if such legislation makes specific reference to such subparagraph.

On page 31, after line 7, add the following:

SEC. ___. DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES WITH RESPECT TO CAMPUS BUILDINGS.

(a) SHORT TITLE.—This section may be cited as the ''Campus Fire Safety Right to Know Act''.

(b) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking ''and'' at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(P) the fire safety report prepared by the institution pursuant to subsection (h).''; and

(2) by adding at the end the following new subsection:

''(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) FIRE SAFETY REPORTS REQUIRED.—Each eligible institution participating in any program under this title shall, beginning in academic year 2001-2002, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report containing at least the following information with respect to the campus fire safety practices and standards of that institution:

''(A) A statement that identifies each student housing facility of the institution, and whether or not each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

''(B) Statistics concerning the occurrence on campus, during the 2 preceding calendar years for which data are available, of fires and false fire alarms.

''(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

''(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

''(3) REPORTS.—Each institution participating in any program under this title shall make periodic reports to the campus community on fires and false fire alarms that are reported to local fire departments in a manner that will aid in the prevention of similar occurrences.

''(4) REPORTS TO SECRETARY.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

''(A) review such statistics;

''(B) make copies of the statistics submitted to the Secretary available to the public; and

''(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

''(5) DEFINITION OF CAMPUS.—In this subsection the term 'campus' has the meaning provided in subsection (f)(6).''.

(c) REPORT TO CONGRESS BY SECRETARY OF EDUCATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming dormitories and other campus buildings up to current new building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university facilities, including recommendations for methods to fund such cost.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, March 2, 2000. The purpose of this meeting will be to discuss risk management/crop insurance and possibly other issues before the Agriculture Committee.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 2, 2000, to conduct a hearing on ''Pooling Accounting.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 2 at 9:30 a.m. to conduct an oversight hearing. The committee will consider the President's proposed budget for FY2001 for the Department of Energy.

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

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 2, 2000 immediately following the first Senate vote, to consider favorably reporting the nominations to the Internal Revenue Service Oversight Board.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 2, 2000 at 10 a.m., for a hearing entitled ''Cyber Attack: Is the Government Safe?''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Ryan White CARE Act: Meeting the Challenges of an Evolving HIV/AIDS Epidemic during the session of the Senate on Thursday, March 2, 2000, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 2, 2000, at 10 a.m., in SD226.

COMMITTEE ON VETERANS AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the Legislative presentations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association. The hearing will be held on Thursday, March 2, 2000, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 2, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 2, 2000, at 10:30 a.m. on AOL/Times Warner Merger.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 2 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

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

SUBCOMMITTEE ON PERSONNEL

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 2, 2000 at 9:30 a.m. in open session to receive testimony on the Defense Health Program in review of the Defense authorization request for fiscal year 2001 and the future years Defense program.

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

SUBCOMMITTEE ON SEAPOWER

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Seapower Subcommittee, of the Committee on Armed Services, be authorized to meet during the session of the Senate on March 2, 2000, at 2 p.m. to receive testimony on shipbuilding procurement and research and development programs, in review of the Defense authorization request for fiscal year 2001 and the future years Defense program.

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

IRAQ

Mr. KERREY. Mr. President, I want to call to the attention of my colleagues an issue that is not being raised in the otherwise informative presidential primary campaigns. It is not a theoretical issue, nor is it an issue concerning budgetary decisions.

Rather, it is an issue which sends American pilots on combat missions almost daily. It is an issue which throughout the last decade has cost the lives of hundreds of American and thousands of soldiers and civilians of other nationalities. It is an issue which threatens the peace and security of some of our closest allies, and which, if not solved, could threaten the United States with weapons of mass destruction. It is an issue which starves and hold captive twenty-two million people in conditions of unparalleled terror of their government. It is an issue which we have failed to deal with decisively, and that failure calls into question our dedication to the freedom we prize so highly for ourselves.

The issue is the continuing rule of Saddam Hussein. Nine years after the United States led a coalition to eject Iraqi forces and liberate Kuwait, Saddam continues to brutalize his people, threaten his neighbors, and develop weapons of mass destruction—earlier versions of which he used on neighboring states, on Israel, and on his own people. The good news is that sanctions have weakened his military, and his political support base has shrunk to his immediate family. All of mountainous northern Iraq and large swathes of southern Iraq are free of his control. Nonetheless, he continues to rule the central part of the country and, as Jim Hoagland pointed out in today's Washington Post, Saddam is likely to outlast yet another American President.

The Administration will no doubt point to the restraining effect UN sanctions have had on Saddam's ability to threaten his neighbors. In truth, his regime would have been far more aggressive if sanctions and the no-fly zones guaranteed by U.S. and British airpower had not been in effect. But in choosing policy options against an outlaw like Saddam, restraint is a minimal objective.

For example, we and our allies in the former Yugoslavia are not seeking to restrain those accused of war crimes during the ethnic war there; we seek to catch them, lock them up, and get them to The Hague for trial. Saddam has killed far more than any of the wanted Yugoslavs, and he keeps on killing today. Our rhetoric, including mine today, calls for the same response to Saddam.

But our real policy is merely to restrain him. The fact that the restraint has endured nine years is what the Administration shows as evidence of its success. But adhering to the policy of restraint is actually taking us farther from our stated goals. Support for the sanctions policy is eroding at the UN. This, along with rising oil prices and Iraq's rising oil production, have made Saddam a key global energy player once again. In addition, Saddam has had thirteen months to develop weapons of mass destruction without the inhibition imposed by outside inspections. Now, a new inspection regime has been voted by the Security Council. If Iraq eventually accepts it, I presume Dr. Blix and his new inspectors will do their best. Yet, they will never be as intrusive, and therefore as effective, as UNSCOM. In sum, the restraints which we have kept on Saddam for nine years are loosening. He is very close to being free of the handcuffs in which both we and his people have invested so much.

Restraining Saddam was always a minimal objective. It was a way to avoid the strategic risk many see in the bolder objective of acting in support of the Iraqi opposition to remove Saddam from power and achieve democracy. It is ironic that the minimal objective requires the continual application of U.S. military force, not just for a decade, but presumably forever. The bolder objective, once achieved, would bring U.S. military operations and basing in the Gulf countries to an end. I believe Congress has recognized the need for bold action. In passing the Iraq Liberation Act in October 1998, Congress expressed its frustration with the status quo and provided resources with which the Administration could support the Iraqi opposition in their efforts to remove Saddam from power.

In signing the Iraq Liberation Act, President Clinton affirmed that U.S. policy was not merely to restrain Saddam but to see him replaced. Unfortunately, the President's policy pronouncement has not been followed by action. The President and Vice President have encouraging words for Iraqis seeking to free their country, but their words are belied by the inaction of their Administration. Despite unprecedented unity, the Administration has provided only a small proportion of available resources to the Iraqi opposition, and this only on superficialities which will have no effect on opinion inside Iraq. The countries in the region all agree the U.S. is not serious about supporting Saddam's removal. If you don't believe me, call the ambassador of any Middle Eastern country and ask him or her if our actions and rhetoric match.

If the Administration actively sought Saddam's replacement, our allies in the region would know it and they would cooperate with us. But the Administration has not asked because the

truth is, beneath the rhetoric, we are clinging to the old policy of restraining Saddam. There are now signs that the consensus for even that is fraying. I would hate to think that the boldest hope of our national security establishment is that our policy will hold until noon on January 20 of 2001.

I admit to coming late to an understanding of the evil of the Iraqi regime and the imperative of fighting it. After Saddam's invasion of Kuwait in 1990, I voted against the Gulf War resolution. My distrust of the Bush Administration's statements regarding the need for the use of force in Iraq were colored by my own experiences in Vietnam. But Iraq is not Vietnam. And I have come to understand the brutality of Saddam Hussein's regime and the overwhelming requirement to support the efforts of Iraqis to replace it. I understand the threat the regime poses to his people, to his neighbors, and to the rest of the world. Most of all, this is about our commitment to freedom.

The long night of the Iraqi people will not be ended through a policy of merely retraining the Iraqi regime. Instead, we must work to match our words and our deeds to actively support the Iraqi opposition in their effort to remove Saddam Hussein and establish a democratic Iraq. When the people of Iraq obtain their freedom, it will transform the Middle East. It will create a new region in which brutality, poverty, and unnecessary armaments will be supplanted by security, prosperity, and creative diversity.

Mr. President, this goal is within our reach. But the difference between success and failure in this endeavor will be measured by our willingness to act in support of the people of Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

SUDAN

Mr. FRIST. Mr. President, after going to the southern Sudan as a medical missionary and a surgeon 2 years ago, I came home with a realization that the unparalleled human disaster I went there to address was really, to my own surprise, inextricably linked to my role as a Senator. Yesterday, that realization was brought home again to me in the most horrific and despicable way.

As background, the Government of Sudan has, for over 16 years, carried out a war of unrivaled barbarity against its own people. Over 2 million people, mostly civilians, have died in bombings, intentional mass starvation, raids by militias on horseback, and what we call more conventional war. Slavery there today is common, so common that the raiding parties the Government of Sudan in Khartoum sponsors accept captive humans as their pay.

Yesterday, the regime in Khartoum struck once again, this time with old Soviet cargo planes that have been crudely outfitted as bombers of a sort, where large antipersonnel bombs are simply pushed through large cargo doors.

The accuracy is poor. Yet the intent could not be clearer. I received a phone call yesterday morning around 10 o'clock. It was at 6:25 a.m. yesterday morning, minutes before the first wave of relief flights were to leave the United Nations relief operations in Lokichokio, Kenya, they received a phone call from Khartoum instructing them that no relief flights would be allowed into Sudan the entire day.

The Government of Sudan then proceeded with a full day of bombing raids on nine sites in areas of rebel control.

What were the strongholds the Government of Sudan hit in those raids yesterday? What decisive blow did they deliver to those rebels?

Well, there is one location that I know for sure was a civilian hospital. They bombed and destroyed a tuberculosis clinic and one of the only x-ray machines in the entire country. They hit the local marketplace. They hit a feeding center for the starving and displaced.

In three passes over the small bush town, they dropped five antipersonnel bombs. They killed or maimed civilians, many of them patients in the hospital, others in the marketplace, others in a feeding center for the starving.

All of these were known civilian centers and all were intentionally targeted. The Government of Sudan knows exactly what is in that town and in those hospitals, and they targeted them anyway.

Why do I mention this? How do I know this was a civilian target? It is because it was approximately 2 years ago that in this very hospital I was operating in southern Sudan in a small village called Lui. The TB clinic is adjacent to a small schoolhouse that was converted to a hospital. It is in a small outpost, and there is a little airstrip town there just north of the border approximately 100 or 110 miles. The press release I received today describing the incident in this hospital where I worked says:

> Armed aircraft from Sudan's Islamic government dropped 12 bombs on the Samaritans First Hospital in Lui, the only hospital within a 100-mile radius. Eleven of the 12 bombs exploded at or near the hospital killing a number of people, critically wounding dozens, and damaging the hospital's children's and tuberculosis wards. More than 100 patients were being treated or housed at the hospital at the time of the bombing, where four American doctors are stationed. The bombing prompted many patients to flee, interrupting critical tuberculosis treatments needed to save their lives.

This release came to my office this afternoon.

Again, these senseless acts are militarily insignificant, I believe. The only purpose is to terrify and kill civilians and the doctors and the relief personnel who dare to provide life and comfort to them.

The most outrageous aspect of all of this is not that I have been there, that I know this hospital well, that I was one of the very few physicians and early surgeons to come to that hospital, and it is not that this could have just as easily happened when I was there; it is that this is not an uncommon practice. It is a chosen tactic in the war that lurks on the edge of the world's consciousness.

Just 2 weeks ago, the same government dropped bombs on a town in the Nuba Mountains area, killing 21.

What was the critical rebel target that day? It was a group of schoolchildren under a tree—not child soldiers, but children trying to learn to read.

These are just two in a long and sickening history of intentionally bombing civilians by the Government of Sudan.

How long does the world intend to tolerate these outrages? How long will the regime in Khartoum benefit from their prowess in public relations in the capitals of Europe and the Middle East—and on Wall Street? If indiscriminately bombing children and the infirm doesn't serve as a call to action, then what will it take?

I am realistic about what the world is willing to do. Rage and indignation are expected. But it is about 16 years past due for the ''international community'' that responds so generously and decisively in many other places to act forcefully and with clear purpose in Sudan.

The world should be ashamed that it has gone on so long. I am ashamed the United States has not made this a greater priority. For a country that is willing to act decisively in Bosnia and Kosovo, we should be ashamed of the anemic level of action to stop this war in Sudan. As a country that is willing to invade another country—Haiti—to stop violence and injustice, we should be ashamed by the fact that we are willing to do so little in Sudan.

I am not suggesting that the United States or anybody else become militarily involved in Sudan. Even if that were politically popular here, it would not be something I would recommend. But the world should be ashamed that we have failed to use all reasonable tools at our disposal. Some of our closest allies in Europe and the Middle East would be especially ashamed for their receptivity toward the regime in Khartoum.

Yes, I am outraged and disgusted by the bombings of yesterday. I am outraged by the bombings of 2 weeks ago. I am outraged and disgusted by the past 16 years of brutality. I believe the administration and the world should share that outrage, and in some cases they do.

But outrage alone gets us no closer to bringing the war to a conclusion. It requires a credible, coherent, and forceful policy from the United States and from the world.

Our policy is only selectively forceful and, as a consequence, lacks coherence and credibility—both in Khartoum and in the capitals of the countries we

must have on board to end the war. Correcting those problems cannot happen overnight, but I propose a few steps we can now take.

First, the House of Representatives should act now to take up and pass the Sudan Peace Act. This bipartisan legislation was written primarily to address the deficiencies in the way our vast amounts of food aid are delivered, and to compel the administration and our allies to bring as much pressure to bear on the Government of Sudan—and the rebels—to get serious in the limping peace talks. This is a sensible and helpful step Congress can take right now.

Second, the United Nations should deploy monitors to areas of conflict in the Sudan now. The Government of Sudan has escaped the condemnation they deserve in large part because the eyes of the world are so far from this remote and enormous land. Human rights monitors can bring this to light and give the world the information they need to push for resolution of the war. Most importantly, they can force the turned eyes of the world to confront the manmade disaster in front of them.

Third, we must overhaul our humanitarian operations in Sudan now. They are in complete disarray. The Government of Sudan has the right—and routinely exercises it—to block any food shipments anywhere in Sudan with the stroke of a pen. It is an outrage that we allow them to manipulate our food aid as a weapon of war. They do it, and they do it with devastating effect. The United States and United Nations must make ending that veto power a top priority. I also call on the humanitarian organizations and the rebels to end their squabbling over the rules of operating and in rebel-held areas and get back to work now. In an argument that can only be described as petty and childish compared to the catastrophe at hand, some of the groups most important to an effective relief operation are pulling out.

Fourth, the administration and our European, Middle Eastern, and African allies must get the floundering peace process moving on. They need to stop letting the Government of Sudan manipulate the process and stop promising cease-fires and cooperation while continuing to carry on the war. In fact, a cease-fire is in effect now, if you can believe it. Our allies must be convinced to stop offering ''alternative'' peace negotiations to distract from what is really at issue in the talks in Nairobi. They must now set aside legalistic excuses and put the necessary pressure on the combatants to get to the table and get serious about ending the war.

Fifth, we must push our allies to stop responding to what is called Khartoum's ''Charm Offensive.'' This PR campaign paints a picture where Khartoum is simply ''misunderstood'' and unfairly vilified by the United States. They offer the cruise missile attack against the pharmaceutical plant in Khartoum as convincing evidence. They deny the ethnic cleansing in the south as just another arm of the American propaganda machine. The lies have been alarmingly effective and little has been done to disabuse the world of the ridiculous notions.

No. 6, the access to weapons and capital the regime in Khartoum enjoys must be addressed now. The oil being exploited in contested areas of Sudan is fueling the war and allowing Khartoum to plow more money back into weapons purchases. Much of that money has been raised in the United States. Ironically, capital is raised on Wall Street, just blocks from the World Trade Center Towers, which were bombed by terrorist who operated with support from Sudan. I realize that controlling private and legal funds is tricky business, but the United States' continued ambiguity on this point gives the distinct impression that there is a price on the lives of the people of Sudan, and that the price has been determined. We cannot afford that ambiguity. We must begin an internationally coordinated effort to limit access to the weapons and capital that allows Khartoum to continue their war, just as the world did against the apartheid government of South Africa. Even now, a grassroots effort to push large investors in the United States and Canada to divest of the stocks of the companies operating in Sudan is gaining considerable momentum and having an effect on share prices. Their successes are drawn purely on the power of shame. Surely this tells us that economic pressures can work if coordinated and if supported with good information. Governments will respond to the same shame that investors respond to. It's a powerful tool in a coordinated diplomatic and economic push, and we would be remiss to not use it.

These recommendations are not unreasonable or particularly difficult tasks. These are things we can do right now beginning today.

It will not require a great deal of money. In fact, it may cost less than we spend now. What it will require, though, is effort, some discomfort and a significant amount of diplomatic and political capital.

What it requires most is leadership. We in Congress can press these issues, but we cannot unilaterally form our foreign policy. That is the Constitutional prerogative and responsibility of the President of the U.S.

The President should immediately become personally involved in seeking resolution and pressing these peaceful goals in Sudan. To date, he has not.

Just a little more than a month ago we observed ''the month of Africa'' at the United Nations. There, the war in the Congo was the focus. That war is compelling and the implications it has for the future of Africa are very real. It too deserves the focus and attention of the United Nations.

Yet the festering—and much more deadly—war in Sudan went without any serious consideration at the United Nations during ''the month of Africa.'' Not only is that shameful in itself, it was a lost opportunity.

We can afford no more lost opportunities when it comes to Sudan. This war has continued long enough and has cost enough lives. It has hovered on the edge of obscurity for too long. It is time to get the world to forcefully and directly address it.

Only the United States can provide that kind of leadership. And only the President can direct the United States' effort with any hope of ever being truly effective and bring the necessary diplomatic and economic forces to bear.

The President has a bipartisan group of Senators and Representatives in Congress willing and waiting to help in that effort. As Chairman of the Africa Subcommittee, I pledge my commitment to such an effort.

It is unusual that we see such opportunities for immediate, bipartisan action in Congress, especially in an election year. It is an opportunity we cannot afford to pass up. To many lives have been lost. Too many lives are still at stake. The time to act is now.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration en bloc of S. Con. Res. 89 and S. Con. Res. 90 submitted earlier by Senators MCCONNELL and DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A Senate Concurrent Resolution (S. Con. Res. 89) to establish the Joint Congressional Committee on Inaugural Ceremonies for the Inauguration of the President-Elect and Vice President-Elect of U.S. on January 20, 2001, and a Senate Concurrent Resolution (S. Con. Res. 90) to authorize the use of the Rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the Inauguration of the President-Elect and the Vice President-Elect of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions en bloc?

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent the concurrent resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table, and the above all occur en bloc.

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

The resolutions (S. Con. Res. 80 and S. Con. Res. 90) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follow:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee'') consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United States Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

PERMISSION TO FILE FAA CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the conferees be permitted to file the FAA conference report for printing on Friday, March 3, until 1:30 p.m.

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

COMMENDING THE FLORIDA STATE UNIVERSITY FOOTBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 265 submitted earlier by Senators MACK and GRAHAM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) commending the Florida State University football team for winning the 1999 Division 1–A collegiate football national championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MACK. Mr. President, I rise today on behalf of myself and my friend and colleague Senator GRAHAM to introduce a resolution contragulating Florida State University's football team on winning the 1999 Division 1–A Collegiate Football National Championship. As a Senator from Florida and the father-in-law of an avid Seminole, I join with all those in my home state and those across this country in honoring Coach Bobby Bowden, his staff, and the football team for this outstanding accomplishment. Not only is this a special achievement that will long be remembered by the coaches and the players but it is also a moment to savor for the students, alumni and supporters of Florida State University.

Florida State University has one of the most exciting, prolific and successful college football teams in the country. In fact, they won 108 football games between 1990 and 1999, more than any other Division 1–A college football team during this timeframe. By finishing the 1999 season undefeated and untied, they have also extended their NCAA Division 1–A record streak of top-four finishes in the final Associated Press poll to 13 years in a row, the only football team to have accomplished this feat.

But as impressive as all these achievements are, they have accomplished what no other football team has been able to do. The 1999 Seminoles are the first Division I–A collegiate football team in the country to be ranked number one for the entire season by the Associated Press since the preseason rankings began in 1950.

1999 will also be remembered fondly by my good friend Bobby Bowden for reasons other than surpassing the 300 victory mark, or winning his second football national championship, or for obtaining his first perfect season in 40 years as a head football coach. In 1999, Coach Bowden and his lovely wife, Ann, celebrated their 50th wedding anniversary. Coach Bowden, Priscilla and I wish you and your wife our sincere congratulations on this most important milestone.

The State of Florida is indeed fortunate to be the home to three of the finest college football teams in the nation: Florida State University, the University of Florida and the University of Miami. Together, these three schools have won seven Division 1–A college football championships since 1984. That's seven college football championships in the last 16 years. This proves that the road to the college football national championship goes right through the State of Florida.

For those who love to wear the Garnet and Gold and do the Seminole Chop and the FSU War Chant, I am honored to introduce this resolution on their behalf, which honors the 1999 Florida State football team, the coaches and staff for winning the Division 1–A Collegiate Football national championship.

Mr. President I ask unanimous consent to have printed in the RECORD a copy of the names of the 1999 Florida State University football players, coaches and staff, along with their season schedule, results and final polls recognizing the Florida State Seminoles as the 1999 Division 1–A national champions.

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

FLORIDA STATE UNIVERSITY SEMINOLES 1999 DIVISION 1–A COLLEGE FOOTBALL NATIONAL CHAMPIONS

Players	Position
Allen, Brian	LB
Amman, Justin	OL
Anderson, Paul	OL
Antosca, Joe	DB
Augustin, Allen	LB
Baggs, Joshua	OL
Bell, Atrews	WR
Benford, Tony	DL
Boldin, Anquan	WR
Boldin, Ronald	OL
Brannon, Ross	OL
Brett, Jeremy	OL
Brown, Rufus	DB
Canales, Mike	WR
Carmichael, Gerald	OL
Cason, Rian	DL
Chaney, Jeff	RB
Cody, Tay	DB
Collier, Carnelius	LB
Cottrell, Keith	P
Cox, Bryce	LB
Dockett, Darnell	DL
Donaldson, Carver	TE
Dorsey, Char-ron	OL
Dugans, Ron	WR
Duhart, Otis	OL
Durden, Reggie	DB
Eddy, David	WR
Edwards, Mario	DB
Emanuel, Kevin	DL
Ford, Davy	RB
Franklin, Nick	TE
Frier, Todd	DW
Gardner, Talman	WR
Gardner, Jarrett	WR
Gibson, Derrick	DB
Golightly, Randy	RB
Gwaltney, Chance	K
Hamilton, Michael	LB
Hardin, Blake	QB
Heaven, Donald	OL
Henderson, Pete	DB
Hoffman, Jay	LB
Holland, Montrae	OL
Hope, Chris	DB
Howard, Abdual	DB
Hudson, Jerel	LB
Hughes, Patrick	TE
Hughes, Doug	WR
Ingram, Clay	OL
Jackson, Alonzo	DL
Jackson, Octavis	DL
Jackson, Gennaro	WR
Jackson, Geordrell	WR
Janikowski, Sebastain	K
Jennings, Bradley	LB
Jeune, Jean	DB
Johnson, Jerry	DL
Jones, Jared	QB
Kendra, Dan	RB
Key, Sean	DB
Klein, Adam	OL
Lake, Kavano	RB
Lyons, Scott	DL
Maddox, Nick	RB
Maeder, Chad	RB
Maher, Rich	QB
McCray, William	RB
Minnis, Marvin	WR
Minor, Travis	RB
Mirambeau, Antoine	OL
Moon, Jarad	OL
Moore, Greg	WR
Moore, Jason	RB
Morgan, Robert	WR
Munyon, Matt	WR
Myers, Brandon	DB
Newton, Pat	DB
Outzen, Marcus	QB
Palmer, Kwaesi	LB
Parrish, Lemar	RB
Polley, Tommy	LB
Rackley, Theon	LB
Reynolds, Jamal	DL
Rhodes, Bobby	LB
Roach, John	DB
Rodeffer, WD	OL
Samuels, Stanford	DB
Sawyer, Brian	OL
Seymour, Roland	DL
Shaw, Michael	DL
Simon, Corey	DL
Smith, Anthony	LB
Smith, Travis	WR
Spardley, Travaris	DB
Sprague, Ryan	TE
Springer, Germaine	WR
Tatum, Malcom	DB
Thomas, Clevan	DB
Thomas, Eric	OL
Thomas, Tarlos	OL
Walker, Chris	DL

FLORIDA STATE UNIVERSITY SEMINOLES 1999 DIVISION 1–A COLLEGE FOOTBALL NATIONAL CHAMPIONS—Continued

Players	Position
Warren, David	DL
Warrick, Peter	WR
Weaver, Lee	LB
Weinke, Chris	QB
Whitaker, Jason	OL
White, Kentril	DL
Wiggins, Wiley	LB
Wilkins, Randy	DL
Williams, Brett	OL
Williams, Todd	OL
Womble, Jeff	DL
Woods, Chris	DL

Head Coach:
Bowden, Bobby
Assistant Coaches:
Amato, Chuck
Andrews. Mickey
Bowden Jeff
Demerest, Chris
Diaz, Manny
Gabbard, Steve
Gladden, Jim
Haggins, Odell
Heggins, Jimmy
Lilly, John
Richt, Mark
Sexton, Billy
VanHalaner, Dave
Wilson, Kyle
President:
D'Alemberte, Talbot
Athletic Director:
Hart, Dave
Football Operations:
Urbanic, Andrew

1999 REGULAR SEASON SCHEDULE AND RESULTS

Florida State University	41
Louisiana Tech University	7
Florida State University	41
Georgia Tech University	35
Florida State University	42
North Carolina State University	11
Florida State University	42
University of North Carolina	10
Florida State University	51
Duke University	23
Florida State University	31
University of Miami	21
Florida State University	33
Wake Forest University	10
Florida State University	17
Clemson University	14
Florida State University	35
University of Virignia	10
Florida State University	49
University of Maryland	10
Florida State University	30
University of Florida	23

2000 NOKIA SUGAR BOWL NATIONAL CHAMPIONSHIP GAME

Florida State University	46
Virginia Tech University	29

FINAL ESPN / USA TODAY TOP 25 POLL

January 5, 2000

Rank/Team/Record:

1. Florida State University	12–0
2. University of Nebraska	12–1
3. Virginia Tech University	11–1
4. University of Wisconsin	10–2
5. University of Michigan	10–2
6. Kansas State University	11–1
7. Michigan State University	10–2
8. University of Alabama	10–3
9. University of Tennessee	9–3
10. Marshall University	13–0
11. Penn State University	10–3
12. Mississippi State University	10–2
13. University of Southern Mississippi	9–3

FINAL ESPN / USA TODAY TOP 25 POLL—Continued

January 5, 2000

14. University of Florida	9–4
15. University of Miami (FL)	9–4
16. University of Georgia	8–4
17. University of Minnesota	8–4
18. University of Oregon	9–3
19. University of Arkansas	8–4
20. Texas A&M University	8–4
21. Georgia Tech University	8–4
22. University of Mississippi	8–4
23. University of Texas	9–5
24. Stanford University	8–4
25. University of Illinois	8–4

FINAL ASSOCIATED PRESS TOP 25 POLL

January 5, 2000

Rank/Team/Record:

1. Florida State University	12–0
2. Virginia Tech University	11–1
3. University of Nebraska	12–1
4. University of Wisconsin	10–2
5. University of Michigan	10–2
6. Kansas State University	11–1
7. Michigan State University	10–2
8. University of Alabama	10–3
9. University of Tennessee	9–3
10. Marshall University	13–0
11. Penn State University	10–3
12. University of Florida	9–4
13. Mississippi State University	10–2
14. University of Southern Mississippi	9–3
15. University of Miami (FL)	9–4
16. University of Georgia	8–4
17. University of Arkansas	8–4
18. University of Minnesota	8–4
19. University of Oregon	9–3
20. Georgia Tech University	8–4
21. University of Texas	9–5
22. University of Mississippi	8–4
23. Texas A&M University	8–4
24. University of Illinois	8–4
25. Purdue University	7–5

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 265

Whereas Florida State University is a proud member of the Atlantic Coast Conference;

Whereas Florida State University has previously won the Division 1–A collegiate football national championship in 1993;

Whereas the students, alumni, and supporters of Florida State University are to be commended for the dedication, enthusiasm, and admiration they share for their favorite football team;

Whereas Florida State University has one of the most exciting, prolific, and successful college football programs in the country;

Whereas Florida State University's football team won the 1999 Atlantic Coast Conference championship in football and finished the season undefeated and untied with a record of 12–0;

Whereas Florida State University is to be commended for being the first Division 1–A collegiate football team to be ranked number one the entire season by the Associated Press since the preseason rankings began in 1950;

Whereas Florida State University has won 108 football games between 1990 and 1999, more than any other Division 1–A college football team in the Nation during this period;

Whereas Florida State University should be commended for extending their NCAA record streak of top-four finishes in the final Associated Press poll to 13 years in a row, the only Division 1–A college football team to have accomplished this feat;

Whereas Bobby Bowden, Florida State University's legendary head football coach, is to be commended for surpassing the 300-victory plateau this year and for obtaining his first perfect season in 40 years as a head coach;

Whereas Florida State University is to be commended for having 20 of its football players selected to the 1999 All Atlantic Coast Conference football team;

Whereas Florida State University is to be commended for having 4 of its football players honored as 1999 Consensus All-Americans;

Whereas the 1999 Florida State University football team played and beat Louisiana Tech University, 41 to 7; Georgia Tech University, 41 to 35; North Carolina State University, 42 to 11; University of North Carolina, 42 to 10; Duke University, 51 to 23; University of Miami, 31 to 21; Wake Forest University, 33 to 10; Clemson University, 17 to 14; University of Virginia, 35 to 10; University of Maryland, 49 to 10; and University of Florida, 30 to 23;

Whereas Florida State University played Virginia Tech University in the Bowl Championship Series' Nokia Sugar Bowl on January 4, 2000, for the 1999 Division 1–A collegiate football national championship;

Whereas the Virginia Tech University football team and Head Coach Frank Beamer and his staff are to be commended for an outstanding football season, winning the 1999 Big East Conference football championship and for playing in the 1999 Division 1–A collegiate football national championship game;

Whereas Florida State University beat Virginia Tech by the score of 46 to 29 before a sold-out and electrified crowd of 79,280 in the Louisiana Superdome to win the 1999 Division 1–A college football championship; and

Whereas Florida State University now joins an elite group of only 14 Division 1–A collegiate football teams out of 114 Division 1–A universities which have won at least 2 or more Division 1–A collegiate football national championships: Now, therefore, be it

Resolved, That the Senate—

(1) commends Florida State University for winning the 1999 Division 1–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping Florida State University win the 1999 Division 1–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 1999 Florida State University football team and invite them to Washington, D.C. for the traditional White House ceremony held for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to Florida State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 1999 Division 1–A collegiate national championship football team.

CLIFFORD P. HANSEN FEDERAL COURTHOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 432, S. 1794.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1794) to designate the Federal Courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1794) was read the third time and passed as follows:

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLIFFORD P. HANSEN FEDERAL COURTHOUSE.

The Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, shall be known and designated as the ''Clifford P. Hansen Federal Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in section 1 shall be deemed to be a reference to the Clifford P. Hansen Federal Courthouse.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT—CONFERENCE REPORT

Mr. FRIST. Mr. President, I submit a report of the committee on conference on the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 376) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report. (The conference report is printed in the House proceedings of the RECORD of today, March 2, 2000.)

Mr. BURNS. Mr. President, I extend my sincere appreciation to Senate Commerce Committee Chairman MCCAIN, Senator HOLLINGS, House Commerce Committee Chairman BLILEY, Representative MARKEY, and all of the other Members of the Senate-House conference for working together in a bi-partisan manner on satellite reform legislation. Through the dedication of the conference, and in particular Chairman BLILEY, the 106th Congress can now present President Clinton with the opportunity to sign into law a meaningful bill that will enhance market competition and benefit consumers everywhere.

When I undertook the challenge of guiding legislation through the Senate that would encourage genuine competition in the rapidly evolving international satellite communications industry through deregulation, I declared five basic principles that would serve as the foundation for my effort.

(1) The legislation must enhance competition in the global satellite communications market;

(2) The legislation must be consistent with the United States' existing treaty obligations;

(3) The legislation must enhance global satellite connectivity to all areas, including remote and rural;

(4) The legislation must ultimately increase consumers' choices, enable technological innovation and lower costs; and

(5) The legislation cannot impose any unnecessary new regulatory schemes on this vibrant global industry.

These principles were incorporated into The Open Market Reorganization for the Betterment of International Telecommunications Act, known as ORBIT, S. 376 which the Senate swiftly and unanimously passed. I am very pleased to note that the conference agreement now before the Senate retains the core principles reflected in ORBIT while accommodating the concerns articulated by Chairman BLILEY and his House colleagues.

This compromise legislation represents the desire of Congress to inject more competition and more privatization into the international satellite communications market. Specifically, the conference agreement achieves these important objectives by:

Establishing definite and reasonable criteria and dates certain for the privatization of INTELSAT and Inmarsat.

Calling for an IPO of the privatized INTELSAT of October 1, 2001, but prudently recognizing that market conditions must be taken into account and therefore, allowing the IPO date to be extended to no later than December 31, 2002.

Eliminating INTELSAT's and COMSAT's privileges and immunities while protecting COMSAT for action taken in response to instructions of the U.S. Government in carrying out its responsibilities as the U.S. signatory.

Eliminating upon enactment the antiquated ownership and board restrictions on the U.S. signatory to INTELSAT, thereby allowing Lockheed Martin to complete its acquisition of COMSAT upon enactment of this bill without conditions.

Creating a competitive, level playing field in the satellite industry.

Removing the intrusive role of government in the commercial satellite industry.

Using access to the U.S. market as a strong incentive to keep INTELSAT's privatization effort moving forward without delay.

I am especially pleased that the conference agreement rejects any notion that the government should be interfering in the contractual arrangements between COMSAT and either its customers or INTELSAT. The government should not be permitting, let alone encouraging, abrogation or modification of any such arrangement. Among my serious concerns, I concluded long ago that this would be contrary to the Fifth Amendment's Takings Clause. The bill before us is very clear on this point. This legislation in no way directs the FCC to take any action that would impair private contracts or agreements.

On a related point, the conference agreement also flatly rejects ''Level IV direct access'' in any form. Permitting or requiring Level IV direct access would have unfairly forced a divestiture of COMSAT's INTELSAT assets. I am pleased that the conference agreement flatly rejects Level IV direct access.

Let me also commend Senator STEVENS and our good friend, Mr. DINGELL, in the other body for improving this bill in conference with the addition of language to preserve our national security interests. The conference has produced an agreement that will encourage expeditious privatization of INTELSAT and Inmarsat and allow Lockheed Martin to reinvigorate COMSAT as a competitor in the international satellite marketplace.

At the end of the day, the conference agreement will lead to enhanced competition in telecommunications services, resulting in real consumer benefits of more choices, lower prices and new services. For this, we should all be very proud. I strongly urge my colleagues to adopt this conference report.

Mr. FRIST. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

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

The conference report was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 5

Mr. FRIST. I ask unanimous consent that H.R. 5 be placed on the calendar.

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

CONGRATULATING THE REPUBLIC OF LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF ITS INDEPENDENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 91 introduced earlier today by Senators DURBIN, GORTON, LOTT, HELMS, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, March 11 will mark the 10th anniversary of the declaration of independence of Lithuania from the domination of the Soviet Union. Lithuania led the way for other Soviet Republics to throw off the yolk of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union.

This declaration was not without cost—in January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. Soviet forces attacked the television station and tower in Vilnius, killing 13 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier.

But these courageous Lithuanians did not suffer and die in vain. Lithuania has now become a vibrant democracy. It has established a free-market economy and the rule of law. Lithuania wants to be fully integrated into Europe, and is seeking membership in the European Union and the North Atlantic Treaty Organization, NATO.

This year we also celebrate the 60th anniversary of the U.S. Congress' insistence that Soviet domination of the Baltic states would not be recognized by the United States. The logic then and the logic now is that the United States will only recognize a free and independent Lithuania. What we celebrate this year is what we must help preserve next year and the year after that. We must carry on that principle today by being sure that Lithuania, Latvia, and Estonia are admitted into NATO as an unequivocal statement that we will never tolerate domination of the Baltic states again.

I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all my colleagues can agree on the importance of Lithuania's contribution to freedom and independence for the former Soviet Republics and will join me in congratulating Lithuania in celebrating ten years of that precious freedom and independence.

I am honored that my mother was born in a tiny Lithuanian village many years ago; that she came to this country proud of her heritage, but determined to be an American citizen. This Senator, the son of that proud Lithuanian mother, now serves in this great body and takes pride in being able to rise and salute the courageous people of Lithuania on this the occasion of the tenth anniversary of their independence from Soviet domination.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and, finally, any statements be printed in the RECORD.

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

The concurrent resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

ARTS EDUCATION MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 128 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 128) designating March 2000 as ''Arts Education Month.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, that any statements be printed in the RECORD.

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

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 128

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful;

Whereas effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence;

Whereas the 1999 study, entitled ''Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education'', found that the literacy, education, programs, learning and growth described in the preceding clauses contribute to successful districtwide arts education;

Whereas the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts;

Whereas educators, schools, students, and other community members recognize the importance of arts education; and

Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.

The Senate—

(1) designates March 2000, as ''Arts Education Month''; and

(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—

(A) celebrate the positive impact and public benefits of the arts;

(B) encourage all schools to integrate the arts into the school curriculum;

(C) spotlight the relationship between the arts and student learning;

(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;

(E) recognize school administrators and faculty who provide quality arts education to students;

(F) provide professional development opportunities in the arts for teachers;

(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;

(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;

(I) honor individual, class, and student group achievement in the arts; and

(J) increase awareness and accessibility to live performances, and original works of art.

ORDERS FOR MONDAY, MARCH 6, 2000

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, March 6. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, 12 noon to 1 p.m.; Senator THOMAS, or his designee, 1 p.m. to 2 p.m.

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

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will convene at 12 noon on Monday, March 6, and will be in a period of morning business until 2 p.m. Following morning business, the Senate may begin consideration of the Export Administration Act, the Social Security earnings bill, or the FAA conference report.

A number of conflicts must be worked out before consideration of the Export Administration Act can begin. However, no votes will occur on Monday due to the Super Tuesday primaries, yet Senators can expect votes to begin at 5 p.m. on Tuesday, March 7.

ADJOURNMENT UNTIL MONDAY, MARCH 6, 2000

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:50 p.m., adjourned until Monday, March 6, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 2, 2000:

DEPARTMENT OF STATE

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

NATIONAL LABOR RELATIONS BOARD

SARAH MCCRACKEN FOX, OF NEW YORK TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM NOVEMBER 19, 1999, TO JANUARY 24, 2000.

THE JUDICIARY

BONNIE J. CAMPBELL, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE GEORGE G. FAGG, RETIRED.

DEPARTMENT OF STATE

THOMAS P. FUREY, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.