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.
Sec. 407. Equitable distribution.
Sec. 408. Definitions.

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.
Sec. 503. Report to Congress regarding extent and severity of child poverty.
Sec. 504. Careers to classrooms.
Sec. 505. Pesticide application in schools.
Sec. 506. Sense of the Senate regarding a safe learning environment.
Sec. 507. Reduction in school violence.

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.