

Great Plains site uses the same ammonia by-product as a reagent in a flue gas scrubber system to produce yet another fertilizer, ammonia, sulfate. This represents the first commercial application in the world of this new technology, developed by General Electric Environmental Systems, Inc. It is a process that converts a waste by-product, which would have otherwise been disposed of in a landfill, into a marketable product.

Mr. President, one thing is absolutely clear about the Great Plains facility and the work of the Dakota Gasification Co. Not only have they successfully commercialized the technologies that Great Plains was constructed to demonstrate as contemplated by the 1974 act, but they are also developing important new applications. Given all this, I sincerely hope that the FERC Commissioners will reconsider the initial ruling made in this case and take whatever steps are necessary to ensure the future operation of Great Plains as a successful alternative energy facility.

I suggest the absence of a quorum.

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

The bill clerk proceeded to 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

THE BALANCED BUDGET DOWNPAYMENT ACT, I

Mr. LOTT. Mr. President, we have been working with the leadership, the chairman of the Appropriations Committee, and the distinguished ranking member of the Appropriations Committee. We have an agreement worked out on proceeding with the continuing resolution and the first amendment that would be offered thereto.

So, I ask unanimous consent the Senate now turn to the consideration of H.R. 2880, the continuing resolution, and Senator KENNEDY be immediately recognized to offer an amendment regarding education, that no amendments be in order to the amendment, and there be 1 hour and 30 minutes, equally divided, for debate in the usual form; following conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I do not intend to object but is the chairman of the Appropriations Committee going to make a statement for the record?

Mr. LOTT. Mr. President, if the distinguished Senator from West Virginia will yield, I believe he will. He is on his way to the floor at this moment, so he should be here momentarily.

Mr. BYRD. Yes. I have a statement also. I wonder if it would be agreeable

for the chairman and ranking member to proceed with their statements first? That is the normal thing to do.

Mr. LOTT. Mr. President, I think that is certainly appropriate. I would like to amend the unanimous-consent request to state that after the opening statements by the leadership of the committee, we then immediately proceed to the amendment by Senator KENNEDY.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished majority whip for his courtesy.

Mr. LOTT. Mr. President, I further ask unanimous consent that once the KENNEDY amendment has been disposed of, Senator MOYNIHAN be recognized to offer an amendment regarding the debt limit.

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

Mr. LOTT. For the information of Senators, we do expect to have votes to begin sometime around—I guess it would be 2:30, between 2:30 and 2:45, depending, of course, on the length of the opening statements. But after this time has been used or yielded back, we will have a vote then between 2:30 and 2:45.

I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2880) making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

The Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. 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. HATFIELD. Mr. President, we have before us now the continuing resolution that the House acted upon last night, H.R. 2880. The existing continuing resolution expires today at midnight, the 26th. All of us want to avoid another shutdown of the Federal Government, and its departments' and agencies' funding in the appropriations bills not yet signed into law. Therefore, we need to act expeditiously on the measure now before us, which provides for continued operations until March 15th.

For the activities funded in the Commerce, Justice, State, Judiciary, and related agencies appropriations bills and the VA-HUD appropriations bill, the measure before us will provide funding at the levels established in the conference agreements on those bills generally under the terms and conditions of fiscal year 1995. The exception

is made for the Department of Justice, which will operate at fiscal year 1996 funding levels, under fiscal year 1996 terms and conditions.

Activities funded in the Interior and related agencies appropriations bill and the Labor-HHS, Education and related agencies appropriations bill will continue to operate until March 15 at the lower of the funding levels established in the House-passed bill, the Senate-passed bill, or the current rate.

The exceptions made for activities of the Indian Health Service and the Bureau of Indian Affairs, the National Park Service of the U.S. Forest Service, and the U.S. Fish and Wildlife Service, which will operate until March 15 at the levels established in the conference agreement on the Interior.

Further, special provision is made for the activities funded in the foreign operations bill. My colleagues will recall that for fiscal year 1996, the foreign operations bill has been a contention between the House and the Senate for some time over the matter of population planning assistance programs. The Senate has voted three times on this matter, one during the Senate consideration of the bill reported from our committee and twice in connection with an amendment in disagreement on the conference report.

Since the House returned the bill to us in November after further insisting on its position, we have found ourselves in an extraordinary parliamentary situation that requires unanimous consent—unanimous consent—to take further action. Unable to secure that consent, we have been unable to once again uphold a Senate position, or even to have the Senate consider a compromise.

To break that impasse, the House has now presented us with provisions in the measure which will fund all activities in the Foreign Operations bill with the exception of population planning assistance at the level of the conference agreement for the remainder of the fiscal year 1996. There will be no funding for population planning assistance programs until July 1, unless expressly authorized. And, as you know, the authorization bill has yet to be completed. Following July 1, funding may be provided at 65 percent of the fiscal year 1995 level apportioned on a monthly basis for 15 months.

Mr. President, this is a near calamitous formulation of these programs, and it may very well provoke a result entirely antiethical to the "pro-life" position. These programs promote family planning and birth control in the developing nations of the world. Without them, there will inevitably be more unwanted pregnancies, which will result in either more abortions or more unwanted children facing lives of disease and deprivation.

I cannot for the life of me understand the action of the House. I believe it is wrong. It puts the gun to our heads,

Mr. President. I speak as a pro-life Senator. I do not see any reason, any legitimate rationale, that people who stand in a pro-life position should do a thing of this kind to increase the possibilities of abortion—increase them, not diminish them.

There is a substantial majority in this Senate that would reject the cuts in population planning assistance, and I am one. But if we prevail on amendment, the bill must be returned to the House for an uncertain future, and a Government shutdown could ensue. I am not sure the House is in a business position this afternoon or this evening to take further action on this. We are sort of in one of those situations where, as I say, it is a gun to our head. Otherwise, we then stand the responsibility of shutting down the Government.

This predicament graphically illustrates why we should avoid continuing resolutions of any sort. As our former chairman, Senator BYRD, has told us many times, the right to debate and amend is the very essence of the Senate. We, in effect, are being deprived of this by this timetable and this kind of procedure. When we allow ourselves to get into this position, we risk losing those rights.

Now, Mr. President, I do not blame our colleagues in the other body entirely. It is not their job to protect our prerogatives. But I will say that the Senate cannot and will not indefinitely forgo its right to amend. Perhaps we should consider initiating further action in this realm rather than waiting for the House to act and then hand us a document that is a fait accompli. We may not prevail, but we will not be reduced to the mere ministerial function of approving what the other body may determine and hand to us.

With that off my chest, Mr. President, let me summarize briefly the other major provisions of this bill and yield the floor to Senator BYRD, our ranking member and former chairman, for any opening comments he wishes to make.

The no-furlough provision of prior continuing resolutions has been dropped. A new provision is included, however, to give agency managers the flexibility to avoid immediate severe staffing reductions. Flexibility.

Ten programs in the Labor-HHS bill are terminated. New grants for another two dozen are held to 75 percent of their prior monthly rate.

I would like to also indicate on this one there has been communication at least from our side with the White House and the agencies involved, and even as late as last night I had further conversation with the Secretary of HHS, and it is not one of those things that is perhaps advocated or welcomed, but there is at least an indication of acquiescence to these actions on the part of the administration.

Travel by Cabinet Secretaries in excess of 110 percent of the 1995 average is prohibited. A national security exemp-

tion is granted for defense, the Secretary of Defense, that is, the Secretary of State, the Director of the CIA, and the U.S. Ambassador to the United Nations.

Authority is granted for the sale of a House office building.

Section 128 prohibits certain embryo research. I might indicate that no such research is underway or contemplated at this time, but it is a further definition of the congressional position.

Provision is made for the sale of oil from the Weeks Island facility of the strategic petroleum reserve in keeping with the conference agreement on the interior bill.

Legislative provisions from the VA-HUD conference agreement that will achieve significant savings in the operation of housing programs are included.

The maximum Pell grant award is established to be at least \$2,440. That is a \$100 increase over the previous fiscal year.

Those are the issues. Those are the parts of this bill that we will be discussing and hopefully act upon in an expeditious manner.

At this time, I thank also the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New York [Mr. MOYNIHAN] for entering into a time agreement on their two amendments to further expedite this process.

Mr. President, again, I wish to say this is not the kind of document I believe would have come out of the Senate Appropriations Committee. Yet, we are in this situation. I wish I could be enthusiastic about this product, but I do see the fact that we live with it but until March 15. And hopefully within that period of time we can resolve these differences and have them peeled out of the CR and enacted in a regular form with the consensus of both the House and the Senate in the product rather than this being exclusively a House product.

Mr. President, I now yield to my good friend and colleague and mentor and compatriot who shares the misery, as we share misery together in the many duties that we have to perform. And I thank the Senator from West Virginia again for his cooperation, for the fine cooperation between Keith Kennedy and Jim English representing our respective staffs, that represent a bipartisan approach to as many issues as possible within the context and the framework of this moment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I also thank my colleague, my cherished colleague, the distinguished senior Senator from Oregon, the chairman of the Appropriations Committee, from whom I have learned much, indeed. I thank him for his very thoughtful remarks. They were cogently articulated, reasonable in every degree. I share with him a concern about the situation that has developed in which the Senate at least for a time

is being deprived of its right to amend, in essence it is being deprived of its right to amend. We do not have to agree to that. But that is a right of the Senate which the Framers were very careful to include in the Constitution of the United States, which says that revenue bills shall begin in the other body, but the Senate shall have the right to amend as in all other bills. So we, I think, have to zealously guard those rights but at the same time we have to keep in mind some other circumstances that are prevailing at the moment.

Mr. President, the House of Representatives has chosen to call the pending measure "The Balanced Budget Downpayment Act, I." In reality, H.R. 2880, the pending measure, is the latest in an unprecedented string of continuing resolutions. H.R. 2880 is the ninth continuing resolution for fiscal year 1996, and since this resolution will expire on March 15, 1996, it is likely that one or more additional continuing resolutions will be required subsequent to the enactment of H.R. 2880.

I have been advised by the Congressional Research Service that this is by far the largest number of continuing resolutions for any fiscal year since 1977, and perhaps the most for any year. During Mr. Reagan's 8 years in the White House, which covered fiscal years 1982-1989, continuing resolutions were the norm. In fact, for every year except President Reagan's last year in office—fiscal year 1989—continuing resolutions were required. But, over this 8-year period the largest number of continuing resolutions that were required for any 1 year during Mr. Reagan's terms was fiscal year 1987, when six continuing resolutions were required. In three other years, fiscal years 1985, 1986, and 1988, five continuing resolutions were required; for fiscal year 1982, four continuing resolutions were required; and for fiscal years 1983 and 1984, two continuing resolutions were required.

During President Bush's 4 years in the White House, fiscal years 1990-1993, three continuing resolutions were required in his first year in office, fiscal year 1990, and five continuing resolutions were required for fiscal year 1991, the year of the 1990 budget summit. At the end of that summit, it was determined that a full-year continuing resolution should be enacted for all 13 appropriation bills and that was done on November 5, 1990. For fiscal year 1992, four continuing resolutions were required; and for fiscal year 1993, one continuing resolution was required to carry appropriation measures through October 5th in order to give the President time to sign all appropriation bills for that year.

It is not unusual for a number of continuing resolutions to be required for any given fiscal year to give the President and Congress time to complete their work on annual appropriation bills. But this is a different situation. Never before in my memory have the

Congress and the President been unable to reach a successful conclusion on the amounts to be appropriated for the 13 appropriation bills without having to pass nine and perhaps even more continuing resolutions.

This has been a unique year in that respect, but it is understandable. The Republican leadership in Congress feels very strongly about not only the levels of funding they think should be appropriated for a number of these appropriation bills, but also about a number of legislative, policy-type issues that they have chosen to attach to each of the six unsigned fiscal year 1996 appropriation bills. The President has made it clear that he is unable to sign five of the remaining bills because of insufficient funds or because of the legislative riders attached to them, or both. So it appears that this impasse is unlikely to be resolved until a final determination is made in relation to the 7-year budget agreement. The President hopes that such an agreement, if achieved, would result in additional discretionary spending for fiscal year 1996 and other years. If those additional funds are allocated, obviously the difficulties remaining on the six unsigned appropriation bills would be greatly lessened. Even then, however, the issue of legislative riders will have to be resolved.

So, it is difficult to know when or if we will be able to finally enact appropriations for the remaining fiscal year 1996 appropriation bills for the rest of the fiscal year.

Meanwhile, turning to the pending measure, let me compliment the chairman of the committee, Senator HATFIELD, as well as the very capable and articulate chairman of the House appropriations committee, Mr. LIVINGSTON, for their efforts in putting together this bill. They and their staffs worked very closely with Mr. OBEY, the distinguished ranking minority Member of the House Appropriations Committee, and with my office and our staffs in attempting to solve as many problems as we could in connection with this current continuing resolution.

Mr. President, I also want to thank our staffs. The names have already been mentioned by the distinguished chairman. I would simply say without their expertise and their dedication and hard work, we would not be where we are today. But this bipartisan approach was, I am sure, a key reason why this bill passed the House by a vote of 371 to 42.

I will not give a brief summary of the bill. The distinguished chairman has already laid that in the RECORD. I will just simply include that in my remarks.

The resolution as passed by the House funds four bills through March 15, 1996: VA/HUD, Commerce/Justice/State, Interior, and Labor/HHS.

The resolution funds the Foreign Operations Appropriations Bill through the balance of the fiscal year, Sep-

tember 30, 1996, at the levels contained in the conference report on the bill. Also included in the foreign operations portion in the resolution is a special provision prohibiting population assistance funding until July 1, 1996, unless expressly authorized.

A floor of 75 percent of fiscal year 1995 funding has been set for certain programs which would have received little or no funding. Those programs are: Advanced Technology Program; Ounce of Prevention Council; GLOBE/Climate change-Internet; Cops on the Beat; Drug Courts; AmeriCorps; Community Development Financial Institutions; and HHS Office of Consumer Affairs.

Additionally, the resolution contains a number of general provisions, among which are the following: travel expenses of Cabinet Secretaries may not exceed 110 percent of the 1990-1995 average, except for Defense, State, CIA, and the Ambassador to the United Nations; Section 128 of the bill prohibits the use of funds for embryo research; "no-furlough" language of the existing continuing resolution is dropped but furloughs are limited to no more than one day per pay period per employee; full furlough protection for the Council on Environmental Quality; a freeze of new grants and elimination of 10 programs in Labor/HHS; the Architect of the Capitol is directed to sell an excess House Office Building; a maximum Pell Grant of "at least" \$2,440 (\$100 above fiscal year 1995); and \$1.2 billion in legislative savings agreed to in the VA/ HUD conference.

In conclusion, Mr. President, while I would prefer to have enacted all of the 13 appropriation bills through the balance of the fiscal year in this measure, that was not possible for the reasons that I have stated. Under the circumstances that we face, I believe that this measure is the best that we can achieve at this time. The House passed it overwhelmingly; the President indicated that he will sign the measure when it reaches his desk; so I urge my colleagues to refrain from offering amendments to the measure unless they address urgent and critical matters. Failure to enact H.R. 2880 by midnight tonight would result in another government shutdown, which is an unacceptable alternative.

I urge the adoption of H.R. 2880.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is now recognized to offer his amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3119

(Purpose: To maintain funding for education programs)

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of myself, Senator JEFFORDS, Senator SNOWE, Senator SIMON, Senator BINGAMAN, Senator WELLSTONE, Senator

PELL, Senator DODD, Senator REID, Senator HARKIN, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. SIMON, Mr. PELL, Mr. DODD, Mr. REID, Ms. MURRAY, Mr. HARKIN, Mr. BINGAMAN, and Mr. WELLSTONE, proposes an amendment numbered 3119.

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

The amendment is as follows:

At the end of title I, insert the following new section:

SEC. . (a) Notwithstanding any other provision of this Act (except sections 106, 115, 119 and 120), the amount appropriated for each education program under this Act shall be not be less than the amount made available for such education program under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995.

(b) For the purpose of subsection (a), the term "education program" means each continuing project or activity of the Department of Education and each continuing project or activity under the Head Start Act and the School-to-Work Opportunities Act of 1994.

Mr. KENNEDY. As I understand, at the request of the two leaders, the time allocated for this was to be an hour and a half evenly divided. I would yield myself now 7 minutes.

The PRESIDING OFFICER. The Senator is correct. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today we are asked to consider the fourth temporary funding measure of this fiscal year. The proposed continuing resolution, if extended for the entire year, contains the largest education cut in the Nation's history, over \$3 billion, and will cause disruption and chaos in colleges and school districts across the country.

President Clinton has made clear that he will not consider a budget agreement unless it protects education. But the longer we accept these short-term cuts, the more damage is being done to the very areas, particularly education, that we have vowed to protect. We are in danger of accepting, through the back door, what we would have never accepted through the front door.

This amendment, cosponsored by Senators SIMON, JEFFORDS, SNOWE, and others, stops the hemorrhage of Federal education dollars. It provides funds for education programs at the 1995 levels, so that schools and colleges have the funds they need to plan for the next academic year. Without those funds, schools and colleges across the country face drastic cuts in vital education programs.

Boston, for example, is required by State law to submit its school budget for next year to its school committee by the first Wednesday in February. The school committee must submit its

budget to the mayor by the last Wednesday in March. Teacher contracts require teachers to be notified of any layoffs for the next year by May 15, or else teachers must be paid for the entire year.

Because there are no 1996 figures for key Federal programs, the city, for example, must adopt a budget based on the worst-case level of funding for the title I program. This would be a 15-percent cut for Boston schools. The city will have to eliminate title I services at 14 of their 79 title I schools. They will also have to lay off teachers.

The Detroit public schools are planning their budget for a worst-case scenario, will lose \$16 million in title I alone—an 18-percent cut that will force them to lay off 419 teachers and serve 10,000 fewer students. They will also lose \$4 million in Medicaid funding that helps pay for 800 special education teachers and medical professionals. Detroit Superintendent Dr. David Snead says that the burden of these Federal cuts will be transferred squarely onto the back of the local school district. Mr. President, the list goes on.

According to Lyn Guy, superintendent of Monroe County Public Schools in West Virginia—25 percent of her \$13.5 million budget comes from Federal funds. Her district has begun its planning process, and she has no choice but to plan for the lowest cuts. She must announce teacher contract renewals by April 1, and she expects to be forced to lay off 15 to 20 teachers in her 6 schools. Yet in Monroe County, the public school system is the largest employer and teachers are the highest paid workers. A loss of 15 to 20 teacher jobs will cause significant economic hardship.

In addition to personnel cuts, Monroe County will have to dismantle programs begun last year that are helping the district serve children from birth to 8 years old more effectively. It will be forced to eliminate a coordinated services project begun this year to bring comprehensive health and nutrition services to all students. It will also be forced to eliminate Project TLC, which uses title I and Head Start funds to help children come to school ready to learn. It will be forced to eliminate the Parents as Teachers Program, which brought 50 parent volunteers to the elementary schools that had never had parent volunteers before.

Mr. President, this chart here indicates where we have been going in the recent years in education funding. We have seen a modest increase in total numbers over the past few years. This \$0.9 billion, almost \$1 billion, increase also reflects a \$600 million rescission from the last year.

All we are trying to do is go back to the 1995 levels. If this continuing resolution that is before us today were extended for a year, we would effectively cut \$3.1 billion from the 1995 levels, which would be the largest cut in education in the history of the United States. It is not warranted. It is not justified.

Mr. President, the effect of this will mean some 1,100,000 children that are receiving the title I services for extra help in reading and math would be denied those services, and 31,000 teachers would be laid off. More than 250,000 students who otherwise would be eligible for Pell grants, will not be eligible.

In the Safe and Drug-free Schools Program, 14,000 school districts will eliminate or drastically reduce their drug abuse and violence prevention programs. The Goals 2000 Program, which helps States and districts establish the higher standards for students across the country, would be slashed.

Mr. President, we have to ask ourselves where these priorities are. This is a simple amendment. All we are trying to do, for the period of this amendment, which is some 49 days, is to say that we will set the mark for these school districts and for the colleges at the 1995 level. We are not extending the continuing resolution for a year, and that is explicit in the legislation.

Mr. President, arguments are going to be made here that if we extend the continuing resolution, with our amendment, for a year, it will take scarce resources from other programs. What we have before us, Mr. President, and before the country is what the President offered the other evening, and that was his hand to the Republican leadership in the House and Senate to work out an agreement. Every one of us want the agreement to work out. But the President also said that he will work out an agreement to protect education.

If we are going to continue the funding of education at 75 percent of the 1995 level, we are going to be sending the message to school districts and colleges across this country to count on a significant cutback in funding, and that is not correct.

So, Mr. President, we are hopeful that this amendment will be accepted. We are prepared to deal with the various challenges that will be made about the budget order and various procedures and allocations in various agreements. What we have seen at other times is that when an agreement is going to be made between the President and the Congress, and he is going to make that agreement with regard to education, then the ceilings and limits and terms of allocations under the Budget Act will be expanded.

This is in the best tradition of a bipartisan education effort. We have seen for years that Republicans and Democrats work together in education. We saw it last year when the Senator from Illinois and the Senator from Maine worked together to bring us all together with 67 votes indicating the Nation's priorities on education.

Today, we are trying to make sure that in these final hours, when this legislation was called up at 2 o'clock on a Friday afternoon with a 1½-hour debate on this measure, without having the full knowledge of what was going to be included in that continuing resolution until 6 or 7 o'clock last night,

that we can raise this important issue. We believe that this is the kind of amendment that the American people stand for.

I will introduce in the RECORD the sentiments which have been expressed by the American people on education. More than 80 percent of the American people say, Do not cut education programs. We are supporting the elimination of those education programs which have been eliminated in the continuing resolution. But when you are talking about Head Start, when you are talking about moving children from high school into work, School to Work, when you are talking about title I, when you are talking about the Pell grants, when you are talking about the Perkins loan program, when you are talking about Safe and Drug-free Schools, when we are going to see our school population increase by 10 percent—some 8 million children—we ought to be willing to say that no matter how necessary it is to balance the budget—and it is—we are not going to do it on the backs of the schoolchildren of this country.

I reserve the remainder of my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 45 minutes. The Senator from Massachusetts controls 37 minutes 40 seconds.

Mr. SPECTER. I thank the Chair.

Mr. President, I agree with a great deal of what the distinguished Senator from Massachusetts has had to say. During the course of my tenure in the Senate, I have been a strong supporter of education funding. I am the chairman of the Appropriations Subcommittee which funds education, and when the Senate drew a larger education allocation than the House did, I took the lead, along with Senator HARKIN, the distinguished ranking minority member, in putting the \$1.5 billion extra all into education.

I would like to see education funded at the 1995 level. But the import of this amendment, as I understand it, and I qualify it to that extent because we are dealing in great complexities—one thing I strongly disagree with the Senator from Massachusetts on is when he says this is a simple amendment. If there is anything that I think is plain, it is that this is not simple.

As I have gone through the work with very able staff in trying to understand the implications of this matter, because I did not get notice of it until a telephone call from Senator KENNEDY last evening, there would be a reduction—if I may have the attention of the Senator from Massachusetts, because I would like to have a dialog with the Senator. We just had one informally before the amendment was called up, and I think we ought to have a discussion to see if we can agree as to what the import of this amendment is or if we can agree to disagree.

As I understand the amendment, if these funds came to fruition in the context of what we currently have available, there would be a 10.5-percent reduction across the board in funding on the subcommittee appropriations which covers the Departments of Education and Labor and Health and Human Services.

So if we come to employment and training programs—and I know that no one is a stauncher advocate for that than the Senator from Massachusetts, although there are some equally as strong, such as Senator KASSEBAUM, myself, and others—there would be a reduction of almost \$334 million. And if this spending came to fruition without an increase in the allocation, there would be a decrease in spending on NIH, the National Institutes of Health, of \$1.253 billion, and on LIHEAP—so necessary in Massachusetts, as well as Pennsylvania and many, many other States; the distinguished Senator from Minnesota, Senator WELLSTONE, has spoken emphatically on this subject, as well as many others—there would be a decrease in funding of \$105 million.

When Senator KENNEDY says we need to know what funding will be available for education, I agree with him totally. But if his amendment is adopted, there will be a doubt as to what the funding will be for NIH, for employment and training programs, and for many, many programs, so it will all be confused.

When he says President Clinton extended his hand to work out an arrangement here, when he extended his hand, I stood up and extended mine when he made that point in his speech about Americans working together. But I suggest that this amendment is not going to accomplish the purposes the Senator from Massachusetts looks for.

When he says it is for 49 days, it is not annualized, that is true, but what does it mean? If it only lasts for 49 days and the funds are not expended until July 1 and after, nothing will happen unless there is an increase in the allocation for this subcommittee—

Mr. President, will you call the Senate to order, please?

The PRESIDING OFFICER (Mr. CRAIG). I thank the Senator. The Senate is not in order.

Mr. SPECTER. I thank the Chair. Mr. President, if the Senator from Massachusetts is correct, that it is not annualized, that it stands for only 49 days, no other funds are added and this money is then spent for education, which I would like to see, it is going to come out of other programs.

If the Senator from Massachusetts wants to make a point that we discussed privately, I would like to find a way to do that. I have sat repeatedly, as recently as the day before yesterday, with Congressman PORTER, who chairs the House committee, trying to preconference a report covering education.

We have not been able to bring this bill to the floor because of a disagree-

ment. I am prepared to accept 50 percent of the responsibility. I would like to divide it equally between the Democrats and the Republicans for a change, instead of arguing that it is all the Democrats because you are filibustering striker replacement, or it is all the Republicans. We have not brought it to the floor, and there is enough blame on all sides.

The question I ask the distinguished Senator from Massachusetts is, on the basis of the current allocation for the subcommittee which covers education and also the Departments of Health, Human Services and Labor, if that figure is not increased, and if the amendment stands, if it is adopted and is not rescinded, is it not true that, if you add this money to education and the allocation for the subcommittee stands, there will have to be a \$686 million reduction from the AIDS funding for the Ryan White Program? That is my question.

Mr. KENNEDY. The answer to the Senator—

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will yield on the Senator's time, if I can.

Mr. SPECTER. I say to Senator KENNEDY, why not take your time? This is an argument on your behalf.

Mr. KENNEDY. I will come back and answer it, but I have a number of Senators who are here. It was at the request of the majority side that we limit our time in this way, over my objection.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Massachusetts?

Mr. KENNEDY. When the Senator is going to yield the floor, I will make a brief comment, and then I want to be able to yield time to others.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I will yield time, reasonably, to the Senator from Massachusetts. Parliamentary inquiry. What are the magic words if I want to regain the floor after yielding the time if the Senator goes too long?

The PRESIDING OFFICER. The Senator can reclaim the floor.

Mr. SPECTER. I yield to the Senator on my time.

Mr. KENNEDY. I listened to the Senator's question. The Senator may not like the answer, but I am going to give the answer that I believe is responsive to the question.

The other side of what the Senator asked is committing this country, over the period of the next year, for the 25-percent cut in many programs, which is in effect in the continuing resolution. I say I am not prepared to accept those allocations that the Senator has mentioned, the straitjacket that the Senator has indicated we put ourselves into, because I believe that that straitjacket can be lifted, and the American people are going to demand that we lift it.

If the Senator is saying, look, we have agreed to some procedure and

therefore we are going to see a continuing diminution of support for education, I reject that. I will join with the Senator from Pennsylvania, because he has been a leader in this body, in making sure that we are going to have adequate funding. I say that the best way to get that adequate funding is to accept this amendment and build on that with the President and the congressional leaders, as they work out a final agreement on the balanced budget to reflect the President's priorities and the American people's priorities, and that is to increase the funding on education, certainly not to cut it 25 percent.

Mr. SPECTER. My next question for the Senator from Massachusetts is, is it not true that if the funding is not increased and the amendment of the Senator from Massachusetts stands, that there will be a decrease of \$1.253 billion from NIH?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Massachusetts?

Mr. SPECTER. I yield on my time.

Mr. KENNEDY. Mr. President, that question is like saying, if we accept what happened here in the U.S. Senate in cuts on Medicare and Medicaid, we are going to have to live with them. I reject that premise. The President rejects that, and the American people do. The way we are going to see the significant cuts of some 25 percent on the education budget and these \$3.1 billion cuts is by rejecting this amendment. We will be able to deal with the allocations as part of the overall agreement, which, as I understand, there are negotiations between Republicans and the President at the same time. The President supports this amendment.

Mr. SPECTER. Mr. President, I take the answer from the distinguished Senator from Massachusetts to be a yes. The import of his answer is that there will be a decrease in NIH funding, and there will be a decrease in funding for every other program covered by the appropriations allocation for my subcommittee, which has the Department of Health and Human Services, Department of Labor, as well as the Department of Education.

I have asked the question twice, and twice the Senator from Massachusetts has said that he does not accept the allocation. Well, I do not accept the allocation either, but Senator KENNEDY does not run the U.S. Government, and neither does ARLEN SPECTER. Before there is going to be a change in the allocation, there has to be an agreement between the executive branch, the President, and the Congress of the United States. Right now, what we are dealing with is an allocation for three departments. I do not like the allocation, but that is the allocation. And you cannot take \$3 billion and add it to education without crippling many, many other vital accounts. You will be taking an enormous amount of funding out of the older worker's jobs program, community and migrant mental health

centers, maternal and child care, substance abuse; and if I did not have a limitation of time, I could go through many, many programs, which I know the Senator from Massachusetts would not want to take funding out of.

But the answer is—and it is reading between the lines on what the Senator from Massachusetts has responded—these programs will lose funding under the current allocation. I am prepared to fight with him to increase the allocation. But I am not prepared to see an amendment pass here today which gives false and unrealistic hopes to the education community. It is not even Confederate money that Senator KENNEDY is offering here today, it is illusory money, it is pie-in-the-sky. He says it lasts for 49 days. There is no expenditure in that period of time. If it lasts longer, he is going to gut many, many other programs.

So I think it just has to be rejected.

How much time remains?

The PRESIDING OFFICER. The Senator has 32 minutes remaining.

Mr. SPECTER. I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 15 seconds. If the Senator wants to continue to defend the Republican position of having \$245 billion in tax cuts as part of his premise, when we are going ahead and cutting these education programs, go ahead. But this President is not accepting it, and this Congress is not accepting it.

We are stating, with this amendment, our priorities. It is in education. There are good bean counters around here, but we are talking about the hearts and souls of the American people. If we gut the \$245 billion, when the President sits down, he is going to say, Let us put at least \$3 billion of that right back here in education.

I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator yields 5 minutes.

Mr. SPECTER. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am a little surprised to hear the Senator from Massachusetts make the statement that this Senator supports a \$245 billion tax cut. I am surprised to hear the Senator from Massachusetts make that representation because, even though he cannot be on the floor all the time, I know he very seriously reads the CONGRESSIONAL RECORD. He must have noted my vote against the tax cut repeatedly when it came up on the reconciliation bill. This Senator has not supported any tax cut at all.

On my time, let me ask the Senator from Massachusetts if he agrees with President Clinton that there ought to be a \$130 billion tax cut.

Mr. KENNEDY. On the Senator's time, I supported the tax cut for tuition and also for the child care program. I think it ought to be somewhat smaller. But the Senator knows that he is speaking as the floor manager for

the majority party. He can have an independent position, but to disclaim the fact that his side of the aisle is committed to a \$245 billion tax cut and to also cut back education is disingenuous, I would say.

Mr. SPECTER. Mr. President, let me make strong exception to the Senator from Massachusetts using the word "disingenuous." That is the most inappropriate thing he has said here today, among many inappropriate things. I am interested to know that he supports a tax cut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized and has been yielded 5 minutes.

Mr. JEFFORDS. Mr. President, I rise to speak in favor of the amendment. I commend the Senator from Pennsylvania for the work he has done. I am on the subcommittee. I know what an incredibly difficult job it is to try and divide too few dollars among too many very valuable and worthwhile programs. I also believe that at this critical time, in this year when all of the cities and towns of my State and others are trying to figure out what they are going to be doing with their education budgets for the next year. They have the problem of having to notify teachers of their plans. It appears that the track we're on now does not provide schools with sufficient information to make decisions. It would be much better to do what we are proposing in this amendment, and that is to let them know that at least is they should be able to plan on not having any substantial cuts in the educational programs.

If I read the minds of the budgeteers as represented in their statements to the press, the only real agreement that has come out is there should not only be no cuts in education, but that education services should be increased to account for inflation. There seems to be unanimity even within the House on this point. I do not think we are in any way misrepresenting to our people if we say that this year we should at least have a freeze on funding at the 1995 levels. That is even less than it appears they have agreed to at the summit.

What we have in Vermont, and I am sure across the country—we have all our town meetings in March. We have all the dates that we have to send out notices on contracts. The 45 days provided for in this continuing resolution will take us almost halfway through the fiscal year and yet this continuing resolution leaves the Senate on record saying to States figure it out for yourselves.

If the budgeteers, in principle, have agreed to giving current services—it will create problems for the Appropriations Committee. However, those dollars do not necessarily have to come out of the allocation of the education subcommittee. There can be allocations from other subcommittees to fund education programs at the current

services level. We can do anything in the Senate and the House if we work together to make promises and to keep promises to the people.

In all 50 States, 14,000 school districts are currently developing their financial plans for the 1996-97 school year. As I said, it is extremely difficult to move forward on such planning without a funding resolution in place.

It has been pointed out that 80 percent of those who are in favor of a balanced budget, those who are fiscally conservative, have said, "Do not cut education." Passage of this amendment would show that the Congress of the United States is living up to what has already been agreed to in principle in the budget discussions.

For instance, if you have to lay off 10 percent of your teachers, who do you notify? You have to notify them all, probably, because you do not know which ones you will pick—the terrible dilemmas that will go on if we do not give them an idea if there will be funding available. In Vermont, layoff notices will have to go out in March.

In Vermont, we lose \$2.4 million for title 1, which accounts for 2,000 students. The current budget situation creates chaos in Vermont's town meetings because they have little guidance in setting their budgets.

I am hopeful this amendment will pass. I cannot believe that the Congress, working with the President, will not agree to what they have already agreed to in the budget discussions. That is, we should not cut education, at least carrying through another 45 days, and hopefully, then, of course, we can get a further commitment to the funds that are necessary to do what must be done.

Mr. KENNEDY. I yield 3 minutes to the Senator from Illinois, and then the Senator from Rhode Island.

Mr. SIMON. Mr. President, first of all, in response to what Senator SPECTER had to say, we are not asking that these funds be taken out of the Ryan White Program or NIH. Everyone knows the budget figures are not written in stone yet.

Ask the American people, instead of a \$245 billion tax cut, should we have a \$240 billion tax cut or \$5 billion more for education, and 90 percent of the American people would say, "Let's do that."

Every economic study that has been made—conservative, liberal, whatever—says we have to do more in education in this country, both quantitatively and qualitatively. Yet, you look at those figures on the graph back there that Senator KENNEDY has, and they are even warped to this extent: They do not count inflation. When you eliminate inflation, for example, on that \$900 million, that brings it down to about zero for 1995. When you add inflation to the \$3.1 billion cut, that brings it up to a \$4 billion cut.

What does this mean in practical terms? The Chicago School District really is a struggling school district,

and they see us cutting back. They get 15 percent of their funds from the Federal Government. They are making the assumption, on the basis of these 25 percent cuts, that they will get 18 percent less Federal funding. That may be optimistic. On the basis of that, they are planning to discharge 600 teachers.

Does anyone believe we can build a better Chicago or Illinois or America by discharging 600 teachers in a desperate school district in urban America?

What about our colleges and universities? Students going to colleges and universities right now say, "What kind of help can I get when I go to the University of Idaho," or whatever school it is. Colleges and universities are saying, "We cannot tell you."

Now, I recognize that the continuing resolution in theory raises the Pell grant to \$2,440. But that is public relations. Am I for that? Sure. I want to raise it to \$10,000. I am for it. These are not entitlements. I would love to make an entitlement out of that program. Those have to be appropriated. So while we raise the Pell grant to \$2,440, we say we are cutting back on the appropriations to make that possible. That is just nonsense.

What we are doing here is sending a signal to the House, to the American public, as you work out a budget agreement, education has to be a priority. That ought to be a simple reality that every American, every Senator, every House Member can recognize.

Mr. SPECTER. Mr. President, I again agree with a good bit—almost all—of what the distinguished Senator from Illinois has had to say. However, if we do not pass this continuing resolution—the House of Representatives rejected a motion to recommit last night by a vote of 222-193. Now, there is an additional factor beyond what we have debated so far. That is, at least according to the information provided to me, there is not a quorum in the House to act on what the Senate will do.

I do not like the posture that we are in. The practical fact of life is that if we add this amendment, there will be a disagreement, no continuing resolution, and the funding which now goes to the schools in your State, Senator SIMON, including Chicago, on education, schools in my State, schools across the country, will not have any additional funding.

Mr. SIMON. Will my colleague yield?

Mr. SPECTER. Briefly. On Senator KENNEDY's time?

Mr. SIMON. If you could on your time, I would appreciate it.

Mr. KENNEDY. I yield half a minute.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, there are really three alternatives. If my colleague is correct about not having a quorum, they can accept it by voice vote. That is not unprecedented. No. 2, it could come back here and we could decide in desperation we can take this off. And No. 3, we can decide we are

going to have a continuing resolution by voice vote for another 5 days while we get this worked out.

We do not need to supinely say, whatever the House decides we are going to have to do. I have never known the Senate to do that on any consistent basis.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I agree with the Senator from Illinois that we ought not to simply accept anything, what the House says or anyone else says. I compliment him on his imaginative three alternatives, but none is going to come to pass. I yield the time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield the Senator from Rhode Island?

Mr. KENNEDY. I yield him 3 minutes, and I will just yield myself 15 seconds.

Mr. President, just for others who are interested, the Senator from Illinois has stated it correctly. We could extend the continuing resolution that expires tonight into next week. The House is meeting next week and they expect a vote. We could extend it for 96 hours. That would bring it into Tuesday, and the House of Representatives could vote.

Mr. SPECTER addressed chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Notwithstanding the suggestion by the Senator from Massachusetts, you cannot do that unless the House of Representatives agrees to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has been yielded 3 minutes.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I know I speak for many of my constituents when I say that the continuing resolution before us is a welcome breakthrough in the protracted deadlock that has stalled our National Government for the past 2 months.

But as welcome as that breakthrough is, I would be remiss if I did not state my disagreement—in the strongest terms—with the provisions of the resolution dealing with education. And I join in wholehearted support of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY].

In doing so, I recognize that the pending resolution is a product of considerable compromise across partisan and ideological lines and that no one among us is completely satisfied with its terms.

But the Federal commitment to education, to my mind, should be the very last area of concession. As I have said before, we should treat education as a vital capital investment of the Nation's future. It is an investment which is closely tied to our objective of deficit reduction because a well-educated citizenry is essential to preserving a strong and vibrant economy.

The continuing resolution before us would finance programs of the Department of Education at 75 percent of fiscal year 1995 levels, which I view as an unduly and unwisely low level of funding. If extended over the fiscal year it would cut education funding by \$3.1 billion and adversely impact many programs of proven merit.

I am particularly concerned about the impact of a 25-percent cut in title I spending, which provides compensatory education for disadvantaged children. I am told that the result could be reduced services for 1.1 million children and the layoff of some 90,000 support personnel.

And the damage would go beyond that. Goals 2000, Safe and Drug Free Schools, vocational education, adult education, Perkins loans, and other programs would suffer from loss of a quarter of their funding. In Rhode Island, the loss to the six programs affected by the cuts would amount to \$5.6 million, of which \$3.5 million would be taken from title I funding.

And as the Senator from Massachusetts has reminded us so cogently, with every passing week without a correction of these adverse impacts, school districts across the country and educational institutions at all levels are facing a dilemma in planning their commitments for the coming year.

The effect of the CR on education therefore is another step in the drastic defunding of Federal education programs. There is still room to hope that the direction of this unwise course of action can still somehow be changed before the expiration of the pending resolution on March 15. Far better that we do so now if we can. So I support the Kennedy amendment and hope that we can remedy the faulty provisions of the resolution before us.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

Mr. BINGAMAN. Mr. President, I thank the Senator from Massachusetts for his leadership on this issue. I strongly support the amendment he has offered because it would put back into some kind of reasonable balance the priorities that we should be pursuing here in this Congress.

In a few hours we are going to vote on a defense authorization bill. In that bill the Congress has decided to add \$7 billion to what the Pentagon requested in funding for this year. At the same time we are voting \$7 billion extra for defense, we are, in our appropriations process, proposing to cut \$3.1 billion from what goes to education.

Those priorities are out of whack, in my opinion. They are out of line with the priorities of the American people, and this amendment would help correct that. I strongly support it.

I would like to mention one other area, the issue of educational technology. The President spoke the other night about the importance of bringing all of our students up in educational technology and making them all technologically literate as they go into the next century. He said each of our classrooms should be hooked up to the Internet by the year 2000. The truth is, the President asked for \$50 million to begin this process. On the House side the proposal is to cut that in half. On the Senate side the proposal is to cut it by two-thirds. The bill which we are now considering, this continuing resolution, cuts it by even more. Our priorities are not what they should be.

Let me also say something about the procedure we are following here. This

is the ninth continuing resolution since the beginning of this fiscal year. In addition to that, we have in this continuing resolution a statement that the act should be cited as the Balanced Budget Downpayment Act, No. 1. Essentially, what we are saying here is that not only have we had nine continuing resolutions so far, but that this is the first of a series of additional continuing resolutions.

Our States cannot plan. They do not know what their funding is going to be from the Federal Government. Our school districts cannot plan. Our teachers, our parents, our students cannot plan. This is an irresponsible way for us to be conducting our business. People deserve better from the U.S. Congress than they are getting with this

process. A great nation like this should deal with its children in a more responsible way.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished Senator from New Mexico said that the House reduced the President's request on education technology by half and the Senate reduced it by two-thirds. I offer the statistics made available to me by staff and ask unanimous consent they be printed in the RECORD, the full sheet.

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

CONGRESSIONAL ACTION, FISCAL YEAR 1996—CONTINUING RESOLUTION

(In thousands of dollars)

| Office, account, program and activity | D/M | 1995 revised appropriation | 1996 amended request | 1996 House action | 1996 Senate action | 75 percent of 1995 appropriation | CR annual level |
|--|-----|----------------------------|----------------------|-------------------|--------------------|----------------------------------|-----------------|
| Office of Educational Research and Improvement [OER I] | | | | | | | |
| Education research, statistics, and improvement: | | | | | | | |
| 1. Research (ERDDIA) | D | 86,200 | 97,600 | 101,578 | 90,000 | 64,650 | 86,200 |
| 2. Statistics (NESA) | D | 48,153 | 57,000 | 48,153 | 44,301 | 36,115 | 48,153 |
| 3. Assessment: | | | | | | | |
| (a) National assessment (NESA section 411) | D | 29,757 | 34,500 | 29,757 | 29,757 | 22,318 | 29,757 |
| (b) National Assessment Governing Board (NESA sec. 412) | D | 12,995 | 3,500 | 3,000 | 2,760 | 2,246 | 2,995 |
| Subtotal | | 32,752 | 38,000 | 32,757 | 32,517 | 24,564 | 32,752 |
| 4. Eisenhower professional development national activities (ESEA II-A and C) | D | 21,356 | 35,000 | 0 | 18,000 | 16,017 | 16,017 |
| 5. Educational technology (ESEA III): | | | | | | | |
| (a) Technology for education (Part A): | | | | | | | |
| (1) K-12 technology learning challenge (section 3136) | D | 9,500 | 50,000 | 25,000 | 15,000 | 7,125 | 9,500 |
| (2) Adult technology learning challenge (section 3136) | D | 0 | 20,000 | 0 | 0 | 0 | 0 |
| (3) National activities (sections 3122 and 3141) | D | 13,000 | 13,000 | 0 | 10,000 | 9,750 | 9,750 |
| Subtotal | | 22,500 | 83,000 | 25,000 | 25,000 | 16,875 | 19,250 |
| (b) Star schools (Part B) | D | 25,000 | 30,000 | 0 | 25,000 | 18,750 | 18,750 |
| (c) Ready to learn television (Part C) | D | 7,000 | 7,000 | 0 | 6,440 | 5,250 | 5,250 |
| (d) Telecommunications demonstration project for mathematics (Part D) | D | 1,125 | 2,250 | 0 | 1,035 | 844 | 844 |
| Subtotal | | 55,625 | 122,250 | 25,000 | 57,475 | 41,719 | 44,094 |
| 6. Fund for the Improvement of Education (ESEA X-A) | D | 36,750 | 36,750 | 36,750 | 36,497 | 27,563 | 36,750 |
| 7. Javits gifted and talented education (ESEA X-B) | D | 4,921 | 9,521 | 3,000 | 3,000 | 3,691 | 3,691 |
| 8. National Diffusion Network (ESEA XIII-B) | D | 11,780 | 14,480 | 0 | 10,000 | 8,835 | 8,835 |
| 9. Eisenhower regional mathematics and science education consortia (ESEA XIII-C) | D | 15,000 | 15,000 | 0 | 15,000 | 11,250 | 11,250 |
| 10. 21st century community learning centers (ESEA X-I) | D | 750 | 0 | 0 | 750 | 563 | 0 |
| 11. National writing project (ESEA X-K) | D | 3,212 | 0 | 0 | 2,955 | 2,409 | 0 |
| 12. Civic education (ESEA section 10601) | D | 4,463 | 4,463 | 3,000 | 4,106 | 3,347 | 3,347 |
| 13. International education exchange (Goals 2000 EAA title VII) | D | 3,000 | 3,000 | 0 | 6,000 | 2,250 | 2,250 |
| 14. Extended time and learning (ESEA X-L) | D | 0 | 0 | 0 | 2,000 | 0 | 0 |
| Total | | 323,962 | 433,064 | 250,238 | 322,601 | 242,972 | 293,339 |
| Outlays | D | 326,816 | 340,340 | 295,043 | 0 | 0 | 0 |

¹ Reflects a reduction of \$5 thousand for this account's share of a \$1,525 thousand rescission in fiscal year 1995 administrative and travel funds.

Mr. SPECTER. The President had a request for \$122 million. Last year's funding was \$55,625,000. The subcommittee recommended a figure of fiscal year 1996 of \$57,475,000. So we did not cut the President's request by two-thirds.

Mr. BINGAMAN. Mr. President, could I just respond to that and respond to the Senator from Pennsylvania?

The PRESIDING OFFICER. Does the Senator yield time for that response?

Mr. KENNEDY. Mr. President, I yield 30 seconds.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. The figures I was given were that in the Improving America's Schools Act, which we adopted in the last Congress, we adopted the technology for education provisions. The President requested \$50 million for K-12 funding for educational technology there.

The House has cut that request from \$50 to \$25 million. The Senate Appropriations Committee cuts it down to \$15 million. The bill we are considering here would result in even less funding for educational technology.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the matter which the Senator from New Mexico refers to involves the K-12 technology learning challenge, where the request was in at \$50 million and the House was at \$25 million and the Senate was at \$15 million. But the overall education technology, ESEA, title III, are on the figures I cited where we are funding in excess of last year, more than twice the funding recommended by the House.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Minnesota has been yielded 5 minutes.

Mr. WELLSTONE. Mr. President, I thank my colleague from Massachusetts.

I feel a little uncomfortable out here in debate with the Senator from Pennsylvania because I think he cares fiercely about these programs, and I certainly do not think he represents the full priorities of some of those in the House who have sort of been the impetus for these programs. But let me just say, processwise, I view this as slash and burn on the installment plan. I think that is really what is going on here, and I think it is a backdoor way of making some fairly deep cuts in educational programs. I do not think that reflects the priorities of the people in the country.

Altogether, on present course, this continuing resolution for the whole fiscal year would cut education by \$3.1 billion. The Senator from Massachusetts mentioned this earlier, but I think it is worth repeating. Title I reading and math programs are cut by \$1.1 billion, meaning that over 1 million children will lose services and 31,500 teachers could be laid off.

The first argument we made was that, really, we cannot restore this funding for education and children because, if we do it, then that would mean less for low-income energy assistance or that would mean less for other very important programs. But that is not the tradeoff. We do not have to do the \$245 billion of tax cuts. We do not have to have \$7 billion in the Defense bill over what the Pentagon wanted. We do not have to go forward with B-2 bombers to the tune of \$2 billion each. That is not the real national security of this country. The real national security is when we invest in the health and skills and intellect and character of our children.

Mr. President, then the second argument, all of a sudden, as we were going through this debate, was a different one than I heard, which was OK. But the problem is that if this should pass, then the House will not accept it and we would have a Government shutdown.

What that means to me, as I hear this argument, is that the House of Representatives, because, in fact, we decided to invest \$3 billion more on the projected, year-wise, because we decided over this next critical period of time to invest more money in safe and drug-free schools, in support for children with special needs, in making sure that higher education was accessible for our young and not so young students—many of our students in higher education have gone back to school. Men and women, some having lost their jobs, are going back for additional education so they can be independent. What I am hearing is that, if we should restore funding for this investment in people in our country, the House of Representatives would find that so unconscionable that they would then shut the Government down. I mean, what kind of priorities are we talking about here in this Congress? Certainly it is not the priorities of people in this country.

Mr. President, I am also concerned just thinking about my own State. I will not even talk about this numberwise. I will talk about it peoplewise. I am hearing from higher education people, from some of our colleges and universities, and they do not really know what the situation is with low-interest loans or Pell grant programs. Students need that assistance.

By the way, Mr. President, I will tell you that in the State of Minnesota, many undergraduates are now taking 6 years because they are working two and three minimum-wage jobs. I mean, students sell plasma at the beginning

of the semester in order to buy textbooks. These are students who need this financial assistance. They do not know what the situation is.

Mr. President, school boards do not know what the situation is. They are trying to figure out what is going to happen with this title I money. These are kids with special needs, kids with special problems. Are we going to walk away from them? Are we going to provide fewer services? Is it going to be made up through higher property taxes? Nobody knows.

I hear people from our school boards, whether they are Democrats or Republicans or Independents alike, saying to me, "Senator, what in the world is going on? This is the last place we should be making these cuts."

Mr. President, I mean, from Head Start, which is not a part of this amendment—but we now have proposed reductions in Head Start programs, which is nothing more than an effort to give some children who need a head start a head start all the way to higher education, all the way to kids with special needs and vocational education and safe and drug-free schools. These are distorted priorities. So today we are taking on those distorted priorities. We are not going to let this be slash and burn on the installment plan. We are not going to let this be a backdoor disinvestment in education.

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

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I inquire of the distinguished Senator from Minnesota. The question is about what happens on the current state of the allocations. Again, with much of what he has had to say, I do not disagree in terms of priorities. But if you do not increase the allocation to the subcommittee which I chair, which has jurisdiction over Health and Human Services, which has funding for LIHEAP as well as education—what happens to the other programs.

I ask this of the Senator from Minnesota because he spoke extensively and eloquently on this subject. Unless we increase the allocation, which I would like to do, is it not true that we are going to lose \$105 million in funding for LIHEAP?

Mr. WELLSTONE. Mr. President, the answer is, if we do not increase the allocation—and we must increase the allocation. I do not accept these priorities.

What I understand the Senator from Pennsylvania is doing is putting some of us in the position of having to argue for a zero-sum-game situation. We do not believe that there should be these tax cuts to the tune of \$245 billion. We do not believe in some of these other priorities. We believe some tax cut—some of which goes to people who do

not need it—you should have enough revenue to make sure people do not go cold in Pennsylvania, or Minnesota, or Massachusetts, and, in addition, we do not make cuts in educational opportunities for children. You are presenting a false choice for the Senator from Minnesota and, for that matter, for the people of the country.

Mr. SPECTER. Mr. President, I ask the Senator from Minnesota, because he talks about the tax cuts, does the Senator from Minnesota agree with President Clinton to cut the tax by \$130 billion?

Mr. WELLSTONE. No, I do not, Mr. President.

Mr. SPECTER. Mr. President, when the Senator from Minnesota talks about choices and says that I am putting him in that position, this amendment puts the whole subcommittee in that position because if it passes and there is no increased allocation, the fact of life is that everything in the whole bill with the exception of the Department of Education, Headstart, and school-to-work programs would be cut by 10½ percent.

I yield the floor.

Mr. KENNEDY. Mr. President, on this point, just before the Senator from Washington speaks, I would like to yield a minute to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I know the Senator from Pennsylvania is aware of this, but we have not passed the appropriations bill out of the Senate yet in this area. So there is nothing in concrete yet. The Congress has not passed an appropriations bill for education. So there is nothing locked in concrete at this particular time.

So there is certainly not only time but obviously the ability to modify the figures and not to have to cut back on these other programs. It will take some doing. But you still have to negotiate with the House. Changes can be made in the whole process on these things right now.

It is not the fault of the Senator from Pennsylvania that the Senate has not acted on this, and we have a problem that everybody knows about in this area. But there is nothing locked in concrete at this time.

I yield the floor.

Mr. SPECTER. Mr. President, reluctant as I am to disagree with my distinguished colleague from Vermont, the Senate is locked into the allocation. We are locked into the allocation which has been given to the subcommittee which has jurisdiction over these three Departments.

If the amendment by the Senator from Massachusetts passes, there is only so much air in the balloon. If you take it out of one section, we are going to lose by 10½ percent over everything else unless the allocation is increased.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. There are 16 minutes remaining.

Mr. KENNEDY. I yield 5 minutes to the Senator from Washington.

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

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from Massachusetts, Senator KENNEDY, for his leadership on this critical issue of making sure that our children across this country have adequate funding for the education they so desperately need for the world they are being handed.

Recently a poll showed that 92 percent of the American public say that we should fund education at either the same or increased levels for Federal education. Why this continuing resolution speaks only about 8 percent of the population makes no sense to me.

But before I address that, let me also express my frustration and my increasing anger at this Congress and the way it is governing this country today by passing continuing resolutions for 30 days, 25 days, 45 days, and on and on. What we are doing to this country is wrong. We have the responsibility to govern in a way that gives security to everyone that we represent and give the ability to people out there across this country who serve our constituents' needs the security they have to put in place their ability to make sure that their programs work effectively. And we are really undermining that effort today.

I speak to you as a former school board member who knows well what the impacts of these 35- and 45-day continuing resolutions are and this \$3.1 billion reduction in funding. What it means to those poor school board members is that in a few short weeks, they are going to be facing angry parents across this country telling them that their class size will be reduced, that they will have to let teachers go, that textbooks will not be available, that security guards will not be in their schools next year because they simply do not know what this Government is going to do for them in the coming year. That is not right.

Every Member should know that the real answer here is, we are asked to pass a budget. The numbers are on the table. There are budgets that balance the budget by the year 2002. That is what we should be doing instead of these continuing resolutions.

Mr. President, as we do this, every one of us is going to have to go home and face our constituents. I assure all of my colleagues they will meet a young woman like I met just a few short weeks ago in a grocery store who looked at me and told me she is trying to go to college next year, and the only way she will be able to go is if she has a student loan or a grant or gets Federal help. Yet the college she is applying to told her they cannot tell her what is going to happen because they do not know what we are going to do.

That is not fair to that young girl, it is not fair to her family, and it is certainly not right for the future of this country.

Mr. President, my colleagues have done a good job of outlining how important this education amendment is, but let me make it even more clear for you. For the State of Washington, we will lose \$24 million. That is about \$24 or \$25 per student in my State. That translates to a textbook. That translates to a few less hours with a teacher. That translates to actually losing real dollars for every one of our kids. Yes, it speaks to specific programs but school boards are going to have to go back into their budgets and transfer dollars around in order to make up the funding that we are taking away. And every single one of our children in this country is going to lose.

It seems crazy to me that we are going to sacrifice our children and America's future for the sake of political ego. We have the good fortune in this country of changing political leadership every few years in our democracy, but we do not have the fortune of reversing an uneducated and unprepared generation. For our kids, for our future, for this country's ability to compete in the worldwide technological society that we have today, let us support this resolution. Let us send a message to our kids that we do care about them, we understand their needs, and we are not going to neglect them in this Nation's Capital.

Just last week, headlines across America rang out. Education is our top priority. Polls throughout our Nation strongly show that Americans support an investment in education; 92 percent would like the same or increased levels of Federal funding for education.

Apparently some of my colleagues are listening to that 8 percent of our population. They are forcing upon the American people a continuing resolution that would cut \$3.1 billion from education through this year. This would be coupled with the \$600 million in rescissions in education already enacted for fiscal year 1995.

This would represent the largest setback to education in the history of the United States. Why? It is very easy to target a group that has no vote, no political action committee, no lobbying dollars to create a political voice—our children. These are the same kids who are already giving up. They are faced with overcrowded classrooms, outdated textbooks, and frustrated teachers. They lack purpose knowing they cannot afford or gain entrance to an institution of higher education and wonder if the skills they learn today will ever lead to a job tomorrow.

Certainly, throwing money at a problem is not the answer. But eliminating programs that have been proven to provide long-term educational skills and enhance school-to-work training are essential to our society. Last week in hearings before a joint House-Senate committee, we heard from Dr. Milton Goldberg who emphasized that the need for skilled labor from the business community has never been greater. NYNEX recently interviewed 60,000 ap-

plicants to fill 3,000 jobs and Motorola found less than 10 percent of job applicants are qualified for their entry level jobs.

Yet, the existing continuing resolution would deny millions of America's children and young adults valuable educational opportunities. Already, a third of the fiscal year has elapsed with no funding levels for education and school districts are facing an 18-percent increase in enrollments over the next decade.

These cuts would deny 1.1 million students crucial help in reading, writing, math, and advanced reasoning; 100,000 would lose English assistance and hundreds of thousands more would be denied vocational training; 14,000 school districts would have to cut back their safe and drug-free school programs and many would jeopardize their disabled education programs.

We will continue to debate the role of our Federal Government in the education process. Michael DiRaimo of the Pittsburgh public schools told us last week, however, that though Federal funds account for a small portion of the district's budget, the services provided with those funds are vital to the district's ability to serve needy and at-risk children.

My own State of Washington will lose over \$24 million for education under this continuing resolution. Washington State has been a national leader in the school-to-work field and will lose \$3 million in vocational education dollars because we are unable to reach agreement on the budget. Additionally, the State will lose \$16 million in title I funds that greatly aid our classrooms in basic educational skills.

At the very least, we cannot cut education programs beyond fiscal year 1995 levels. Let us not sacrifice our children and America's future for the sake of political ego. We have the fortune of changing political leadership every few years in this democracy. We do not have the fortune of reversing an uneducated and unprepared generation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to my friend and colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts has been yielded 3 minutes. The Senator from Massachusetts.

Mr. KERRY. Mr. President, first of all, I congratulate and thank my senior colleague from Massachusetts for his leadership and for his effort, a very important effort to bring before the Senate the real choices that are facing our country.

I listened to my friend from Pennsylvania and while, indeed, we must contend with some so-called caps, funding levels that have been allocated among the Appropriations subcommittees, et cetera, everybody here knows that we are engaged in tough bargaining right now and that none of those

caps is set in concrete—because if we were to resolve this budget crisis, we could make any number of changes in the budget. We could decide that we were going to find some more revenue and use it to fund services critical to our nation's future. We could remove the firewall that protects funding for the Defense Department and take some of the \$7 billion that the Congress added to the budget request of the Joint Chiefs of Staff and instead put it into education or another priority of the American people.

So let us not fool the American people. These choices are in our hands. We are not helpless here. We are not powerless. If we believe something is sufficiently important to this Nation's people and future, we can make it happen. Everybody understands that what we are doing now is drawing dramatic lines between one group's set of priorities and others' priorities.

I do not understand how my colleagues in the Senate can ignore every single analysis from the best educators in our country, the best scientists in our country, the best child psychologists in our country, the best criminologists in our country, all of whom say that we have to find a way to impart to our children the high skills they need to compete for jobs here, and to permit our industries to compete globally. This is absolutely essential if we are to create and fill high value-added jobs that will raise the incomes of the American people. Analysts agree that last year, if you were a graduate degree holder in America, you lost income by 1 percent. If you were a high school graduate, you lost income by about 15 percent. And if you were a high school dropout, you lost income by about 27 percent.

Each of those categories, in addition to experiencing significantly different income change, experiences significantly different health care coverage—as a reliable rule, the workers with the lowest educational levels have the least health care coverage. In this way, the success of our educational system has a profound social effect that extends well beyond the job market and personal finances. Failure of our educational system contributes directly to our nation's health care crisis.

Those are the choices, and here we are in the Congress being told we have to accept a continuing resolution that accepts and perpetuates a continuing process of diminishing all of these opportunities for our citizens.

It is fundamental; Pell grants cut by 40 percent in the budget. Why? Why do we want to make it harder for people to get the higher education that is the gateway to good jobs? Why is it that we are going to reduce the capacity of our kids in the most hard hit, economically depressed areas of our country where there is the least property tax base from which to draw in order to support the school system? Why would we want less Federal assistance that is provided in an effort to minimize that

inequity according to a national standard, and thereby attempt to make real the commitment of equal opportunity?

The Federal Government does not run the schools. We do not tell them what they have to do. We do not intrude on local control. We are simply holding out this enormous carrot and saying: Look, if you will raise your standards, if you will teach better, if you will make these improvements, we will offer to pay some of the costs in order to help you put your kids in a higher education status.

Eliminating this assistance and the incentives it provides is just incomprehensible. We must face this directly, and add these funds for education programs—recognizing the fact we then must come back and adjust budget allocations in order to prevent other vital services from being inadvertently reduced as a result.

Funding for badly-needed services offered by the Departments of Labor and Health and Human Services must not be further reduced as a result of this amendment. Indeed, there is a crying need to increase funding for a number of these other key services as well.

The amendment before us will increase Federal spending through the expiration date of this resolution—March 15—for a handful of education programs, in order to enable schools and colleges to plan for the year ahead and not find themselves forced to cancel vital services and programs for their students. This is something we must do. But before this resolution expires, we must act to restore the amount of this amendment that technically will be deducted from other services funded by the Labor/HHS/Education appropriations bill—for example, to ensure sufficient resources for training adult workers, retraining dislocated workers, and assuring summer jobs for at least 600,000 economically disadvantaged young people who otherwise will be tempted to spend their summertime in pursuits that may jeopardize their lives or their futures as well as the health and safety of other Americans. The House-passed appropriations bill will deprive Boston alone of \$2.3 million for summer youth jobs, and will deprive all of Massachusetts of nearly 11,000 summer jobs.

We also must restore funds for helping dislocated workers which are slashed by 30 percent in the House Republicans' appropriations bill. This program is extremely important in Massachusetts in helping laid-off workers—most recently, 448 workers from Raytheon Corporation and 2,400 workers who lost their jobs as a result of the tragic Christmas fire in Methuen.

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

Mr. KERRY. I urge my colleagues to vote with the senior Senator from Massachusetts to provide this minimal but vital increase in funds for education.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when the Senator from Massachusetts, Senator KENNEDY, denigrates my arguments, I have to respond. When he says, "Let us not fool the American people," I would suggest that his arguments and this amendment do precisely that, and the reason they do it is because this amendment proposes to reinstate funding to the 1995 level, makes that representation, but in fact it does not do it. It does not do it because it lasts for only 49 days, and because almost all of the expenditures in an appropriations process do not take effect until July 1.

When you talk about the expectations of the educators as to what they are going to do and representations made about how many teachers will be laid off, they are not going to derive any solace from this amendment. What this amendment really is, is a grand show to say that there are many people who are arguing for it who think education ought to have a higher funding level. That is something that I agree with. And that when the Senate was allocated \$1.6 billion more with my leadership and the leadership of Senator HARKIN, that was all put into education.

To personalize it for just a minute, I have expressed repeatedly, on this floor and off, my support for education. And on the personal level, neither of my parents had any education to speak of. My father came to this country as an immigrant, had no formal education. My mother came at the age of 5, went to the eighth grade, and my brother and my two sisters and I have been able to share in the American dream because of our educational opportunities.

I do not take second place to either Senator from Massachusetts on my devotion to educational funding or to anybody else who has argued in favor of it. If they seek to gain momentum, I think they are counterproductive here. They are going to lose votes on this amendment. If you want to say how many Senators support an increase in funding for education, you are not going to be able to tell it when this vote is taken. I know the distinguished Senator from Oregon, the chairman of the Appropriations Committee, is going to vote against it. He has told me so. I am going to vote against it because of what it does, if it stands, it is going to take tremendous sums of money from many, many other programs which everybody who has spoken in favor of the amendment would hate to see happen. This is an exercise in futility and an exercise in counterproductivity. So that when you say, "Let us not fool the American people," let us identify who is trying to fool the American people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is yielded how much time?

Mr. KENNEDY. Four minutes.

The PRESIDING OFFICER. Four minutes. The Senator from Connecticut.

Mr. DODD. I thank the Senator very much.

Let me begin by thanking our colleague from Massachusetts as well as my colleague from Maine, Senator SNOWE, and our colleague from Vermont, Senator JEFFORDS, Senator SIMON of Illinois, and others, who have been the prime movers of this amendment. I commend them for it.

My colleague from Pennsylvania suggests this amendment is meaningless and that everybody is for increases in education. Well, if that is the case, this amendment ought to be adopted by voice vote. But instead what we are doing here with this CR is nibbling and nibbling away at education. So in 49 days when we come back to another continuing resolution this becomes the floor for the next continuing resolution.

We have viewed continuing resolutions as a procedure used to delay any final action until a broader solution could be reached on spending matters. That is how they have been used historically.

This year we are seeing a whole new use of the continuing resolution. It is now becoming a vehicle by which we make policy decisions on a piecemeal basis. Even though there is broad agreement at the leadership level of each of our parties to protect education from cuts, these continuing resolutions are cutting education. That is what this effort is, despite the fact that 75 to 80 percent of the American public have told us from one end of this country to the other, we want you to balance this budget, we want you to do it in 7 years; and, we also hope you understand that we need to grow in this country.

Our economic growth levels are too low. If we are going to grow as a Nation in the next 7 to 10 years, one of the critical ingredients is going to be education. My colleague from Pennsylvania talks about the status of his parents and the difficulty as immigrants coming to this country. His story is an ennobling one, and one that could be told by millions of American families.

The problem in the fall of 1996 is that opportunity will be limited for millions of American students. In higher education, where an awful lot of institutions now have tuitions of \$20,000 a year and more, financial aid is more important than ever. Even public institutions cost thousands of dollars. And yet, institutions are telling us, "We cannot plan. We cannot process applications for student aid or student loans because you in Washington can't get your act together. We don't know what you are going to do on Pell grants or work study. We don't know what you are going to do on student loans." And

each of these institutions represents hundreds or thousands of students who do not know how they are going to pay for college next year, because of our delay.

I mention higher education. It is also true at the elementary and secondary level. School boards all across America are looking to this debate today and saying, "What message are you sending us? How do we plan for the next school year? What do we tell our teachers, aides and workers on contract? What do we do to our local tax base?"

We should not be going through this process here. It is one thing to hold Federal workers hostage to our inaction. Now we are holding middle-class, working families and their children hostage because we cannot get our work done. This is an abuse of our privilege here.

We want to send a different message today with this amendment. Instead of cuts, we should be talking in terms of restoring education funding levels to at least the 1995 levels. We do have to deal with the larger budget question for the next 7 years and education must be a part of this. But cutting education for the next 49-days sends all the wrong signals on certainty of funding.

Washington has got to grow up. We have to learn how to get our business done. Education is no area in which to play games. It is too critically important for the well-being of this Nation and for families who are planning for the education of their children.

So, Mr. President, I sincerely hope that on this one issue, despite what other differences we have in other areas—because my colleague from Pennsylvania has said over and over again it is not in debate whether or not we ought to be doing in education—let us send the other body the signal this afternoon that we agree with our colleague from Pennsylvania and that we are going to take education off the table here, not for these 49 days, but also down the road. We can send that message by voting for the amendment offered by the Senator from Massachusetts.

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

Who yields time?

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. The other side has 20 minutes 41 seconds remaining.

Who yields time?

Mr. KENNEDY. Generally, Mr. President, the proponents of amendments get a chance to make the final comment. I do not know what the desire of the opponents would be. I would yield myself, Mr. President, 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, sometime around Thanksgiving, when there

were negotiations about continuing resolutions, the Republican leadership and the President of the United States agreed to work out a process that would put the budget in balance over 7 years using CBO numbers but also protect education. It included the environment, Medicare, and Medicaid, and protected education. That was agreed to. That was after the assignment of these numbers that are constantly referred to here on the floor of the U.S. Senate.

One has to ask, as we are considering this amendment, how in the world are we going to protect education, which Republicans and Democrats and the President agreed to, if we are going to cut the funds that were implemented just last year? The school population is expanding by 10 percent, rising to over 50 million students. We need new technologies and computers in the schools. We are asking our schools in this country to do more and more as they are faced with different kinds of challenges, whether it is violence, substance abuse, immigration, use of many languages, or other kinds of challenges, how can we cut education now?

All we are saying with this amendment is let us fulfill the promise that was given by Republican and Democratic leaders at that time when they agreed to a balanced budget in 7 years, CBO numbers, but protect education.

Mr. President, as these negotiations continue, with the clear admonition by Republicans and the President of the United States to say we are going to protect education, we believe that the only way you are going to protect it is at least use the same kind of commitment to education programs that were used in 1995. Do not increase it to take into consideration the expansion of the school population, do not increase it to meet the additional kind of challenges in technology, do not increase it to try to raise additional academic standards, which are the possibilities, but just keep it to 1995 levels.

Mr. President, the logic of the other side that we have to continue along with a continuing resolution that is going to result in a diminution of those funds by some \$3.1 billion defies all logic and all understanding. I hope the Senate will accept this amendment. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Senator from Pennsylvania controls 20 minutes 40 seconds.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be allowed to use some of my leader time to make a statement.

The PRESIDING OFFICER. The minority leader has that right.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Massachusetts for his eloquent remarks and his leadership on this issue. This issue obviously is one of great importance to all of us, but it is not the

only problem that is created as a result of this continuing resolution. The problem is not just education; the problem is funding for the environment, the problem is in funding for housing, for parks, for reservations, for veterans hospitals. This situation is getting worse and worse because we have not been able to pass the appropriations bills that directly address the many funding issues that this continuing resolution does in a very inefficient and unsatisfactory way.

The 75 percent funding level represents the largest cut in education in history, Mr. President. Others stated that, but it bears repeating. We are cutting \$3.1 billion out of education this year. There is no other time and no other situation that we have ever cut education that deeply. That is what this continuing resolution represents.

It means cuts in reading and math programs for the disadvantaged students in title I. It means deep cuts in technology. It means cuts in our efforts to bring about meaningful school reform and the Goals 2000 and national education goals that are really a bipartisan effort that we called for all the way back in 1989. It means deep cuts in teacher development and training. It means cuts—in some cases elimination—of safe and drug-free schools.

That 25 percent cut in title I, just that alone, means over 1 million people will be deprived of help in reading and math. It means 31,500 of their teachers will be given pink slips in the near future. Cities across this country are going to be very hard-hit. In Detroit that 25 percent reduction means a loss of \$16.8 million in their budget this year alone. Ten thousand fewer children will be served; 419 teachers will be laid off.

The chairman of the Democratic mayors in this country was kind enough to come to the Hill this morning with a very simple question. His question was: Which 25 percent of my students in Detroit should I not educate? Which 25 percent do we tell they can no longer come? Which 25 percent are the ones who are going to be detrimentally affected simply because we have not resolved this problem?

In Dallas, Mr. President, public schools must submit a budget by March 21. They expect an increase of 4,000 students next year, but do not yet even know if Federal funding will meet the demand they know they have.

In Philadelphia, they could lose \$14 million for math and reading programs. Many of our Republican colleagues say that their only agenda is to protect our children's future, but I ask, how do we protect our future, how do we protect their future, if we deprive children of the quality education they need to succeed in the future? Siphoning off money for education consigns America's children to a second-class future of reduced opportunities.

Speaker GINGRICH has often talked about the importance of bringing stu-

dents and classrooms into the computer age, and I agree with that. But the GOP budget rejects that goal. The President's budget had requested \$50 million for technology to do exactly what the Speaker suggests, but the House Appropriations Committee cut it in half, and the Senate proposed to cut that by two-thirds.

The problem is not just funding. It is the uncertainty that we are creating in every single school district about the budget that they must endure and the extraordinary decisions that they are going to have to make if we have not resolved this matter in the near future.

Schools have to submit budgets. They are doing that right now. But they do not know what their funding levels are going to be. The contractual obligations will force districts right now—as they consider the obligations they have and the ramifications of this funding—to send pink slips to teachers across the country.

Trinity College just recently indicated that, because of problems with past continuing resolutions, they have been able to provide only estimates with regard to financial aid eligibility and that the uncertainty about funding and budgeting has complicated the application process tremendously. This situation has the potential to discourage qualified students from applying to college.

The Federal Government provides only 7 percent of overall education funding, but those dollars can mean 100 percent of the resources for a young person who needs help.

Mr. President, children learn by example. Let us set an example of responsibility, of foresight. Let us keep our commitment to America's education. Let us keep our commitment to America's children. Let us adopt this amendment this afternoon.

I yield the floor.

Mr. NICKLES addressed the Chair.

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

Mr. SPECTER. Mr. President, how much time does the Senator from Oklahoma desire?

Mr. NICKLES. Will the Senator yield me 4 minutes?

Mr. SPECTER. I do.

Mr. NICKLES. Mr. President, first, I compliment my friend and colleague from Pennsylvania for his leadership, and I just want to make a couple of general comments. I, for one, would like to see us pass the Labor, Health and Human Services appropriations bill. We should have passed it by the end of September. We did not get it done. We should have passed it by the end of the year. We did not get it done.

You might ask, Why didn't you pass an appropriations bill? Because we had something very unusual. As a matter of fact, I have been in the Senate now—this is my 16th year. I cannot remember a party holding up moving to considering an appropriations bill for months. That is unique. That is historic, and the reason is because the

Democrats in Congress, in the Senate, did not want us to take up the Labor and Health and Human Services bill. We tried. We even had votes.

On September 29, we had a vote on whether or not we would move to this bill, and they said, "No, we don't want to move to the bill." They did not want to move to the bill because there is a provision in there dealing with striker replacement. Somebody said, "Well, that wasn't a germane amendment to this bill." It certainly was. It said no money should be used to enforce the President's Executive order dealing with striker replacement.

There is also money in the bill that says no money will be used to enforce the President's order dealing with the prevailing wage on helpers. That has been in there for a few years. I wanted it out. I might mention, the helper amendment I wanted out. I had an amendment against that a couple years ago and I lost. I was willing to accept defeat, and we went ahead and passed the appropriations bill.

In this case, most people in this body favor keeping this language for striker replacement so that the President would not legislate by Executive order. Some of us feel strongly about that. Legislation should pass through Congress, not by Executive order. The President had a chance to pass the legislation a year or two ago, and he did not get it passed. Now he is trying to do it with Executive order. We are trying to protect the prerogatives of the Congress. Article I, section 1: Congress shall pass all laws.

Because we had that striker replacement provision in, the Democrats would not allow us to take up the bill. It has been several months. So when I hear my friend and colleague say we are so concerned that education school districts do not know what their budgets are, they should not be looking on this side of the aisle, because we wanted to pass this bill.

I might mention as well, Mr. President, if we pass the Labor and Health and Human Services bill, we have \$1.5 billion more in the Senate bill than the House. We would come up with higher education figures in the conference if we could get to conference. We cannot even get to conference with this bill because, unfortunately, Members on the Democratic side have not allowed us to take up the bill.

They will allow us to take up the bill if we do it under unanimous consent and they win on all their issues. That is not the way we should legislate. There are about five fairly contentious issues dealt with in the Labor and Health and Human Services bill—about five. I am willing to let the majority vote on all of those and let us find out how the Senate votes—let the majority rule—and pass the appropriations bill and go to conference and work out the differences with the House and then send the bill to the President. If he vetoes it, then we will have to come back. Maybe we will still be under a

continuing resolution, but this is the only bill in the Senate this year we have not been able to pass. I think that is regrettable.

The reason we have not been able to pass it, unfortunately, is because Members on the Democratic side of the aisle have not allowed us to proceed to the bill, and that needs to change.

Mr. President, I ask my colleague for an additional minute.

Mr. SPECTER. Agreed.

Mr. NICKLES. Mr. President, we did finally, under this bill, pass the foreign operations bill. That was one of the contentious bills. We finally have that resolved. We should pass the Department of the Interior bill. That was vetoed by the President. That shut down the parks; that shut down the museums. That is unfortunate. It should not have happened. But we have really an agreement on every contentious issue to pass the Department of the Interior bill.

I compliment Senator GORTON for his leadership. We should send that to the President. He should sign that bill. There is no reason for that bill to still be caught up in some of this controversy.

We still have Commerce, State, Justice, VA-HUD, Labor, and Health and Human Services. Labor and Health is the only one that has not passed the Senate, and it has not passed because our friends on the other side of the aisle have refused to let us proceed to it. We should proceed to it, vote on those amendments in disagreement and send it to the House, go to conference and finish our bill.

I yield the floor and thank my colleague and compliment the Senator from Pennsylvania, because he has tried endlessly to bring this bill before the Senate and have it finally resolved.

Mr. KENNEDY. The programs included in our amendment are not the only ones that deserve to be fairly funded. They are not the only programs that will experience damaging effects under the current CR. I am committed to addressing those other programs at the earliest opportunity.

I am particularly concerned about programs in the Department of Labor that provide critical protection for the lives, and health and economic security of America's workers. The CR makes deep cuts in funding for the agencies that protect workers from being forced to work long hours of overtime without adequate compensation. Child labor inspectors will be laid off, and the sweatshop conditions the Labor Department has attacked in the garment industry this year will only worsen.

The Department's pension protection initiatives will be seriously damaged by these cuts. One out of twelve employees in the pension agency could be laid off, leaving hundreds of troubled pension plans unaudited. The pension agency recovers \$350 million a year as a result of its investigations. Thousands of employees will be hurt if plans that have cheated them go undetected

because of these budget cuts. The Department's recent success in prosecuting abuse of 401(k) plans cannot be continued if these cuts are not rescinded.

In addition, as a result of these cuts, OSHA will see its budget reduced by 16 percent by this bill. Already, we spend less than \$3 per worker on workplace safety and enforcement. Dangerous workplaces can already go years without an inspection, because there are so few OSHA inspectors already. Thousands of workers will be jeopardized by these cuts, because hazards that would have been found and corrected go undetected. It is not just the inspectors who will be cut, but the consultants who work with employers to improve their safety, as well.

We cannot fix everything that is wrong with this budget today. But I look forward to working with others in Congress to see that funding for these critical agencies that protect the lives and pocketbooks of American workers is restored.

Mrs. BOXER. Mr. President, I rise in strong support of my colleagues' amendment to the continuing funding resolution regarding education funding.

The Kennedy, Simon, Jeffords, Snowe amendment will provide that for the duration of this continuing resolution, funding for education programs will not go below the fiscal year 1995 appropriation.

Education is a priority among the American people. In 1995, 75 percent of Americans said that aid to education should be expanded—not cut. In poll after poll, the American people strongly oppose cuts to education programs and youth programs to balance the Federal budget.

This continuing resolution funds education programs at the lower of the House or Senate levels, with no program being funded at less than 75% of the fiscal year 1995 funding levels. With these funding levels, education cuts will exceed \$3 billion in the current fiscal year.

The Kennedy amendment would restore funding for education programs to the full fiscal year 1995 funding levels for the duration of the continuing funding resolution.

Although the continuing funding resolution extends only through March 15, it hits school districts and colleges in their peak planning and budgeting cycles for the next school years.

If the funding levels in this continuing resolution continue throughout this fiscal year many educational programs will be affected.

Title 1 reading and math programs will lose \$1.1 billion, which means that over 1 million children will lose services and 31,500 teachers will have to be laid off this year.

Goals 2000 will face a \$93 million cut, which will jeopardize innovative projects for 8 million students in 9,000 school districts. In my State, that is over a \$10 million loss in this fiscal year.

Safe and Drug Free Schools will face a \$115 million cut, which endangers violence and drug-abuse prevention programs in more than 14,000 school districts. In my State that means over a \$12 million dollar loss in this fiscal year.

Political fights cannot and should not get in the way of important educational programs. I urge my colleagues to support the Kennedy amendment and restore funding for education programs to its full fiscal year 1995 funding level, even if it is only for 45 days—45 days is better than none.

Mr. KOHL. Mr. President, I rise in support of the amendment offered by Senator KENNEDY. This amendment would go a long way toward easing fears of educators and parents alike by locking in education at a strong level under this funding measure.

Holding education funding hostage during the ongoing budget struggle is wrong. In the process of reaching a budget agreement we should not leave education programs underfunded and adrift in uncertainty.

Absent a miraculous and quick resolution to those issues holding up the Labor, Health and Human Services, and Education appropriations bill, we should approve funding for education consistent with last year's levels. The Kennedy amendment would do just that.

Mr. President, shutting down the Government as a budget bargaining ploy was the height of fiscal irresponsibility. The piece-meal, short term budget measures are not much better. Although necessary to end or prevent further Government shutdowns, the temporary spending bills have meant severe reductions in education resources.

Many critical education programs have been cut by 25 percent under the short term spending bills. As a result, school administrators and parents are left wondering whether the Congress really is committed to education.

The American people know that improving our elementary and secondary schools, and increasing access to higher education are sound investments. Like money spent on our Nation's defense or a safe environment, resources directed toward educating young people is essential to our competitiveness and quality of life in the next century.

We all profess to support our students and communities, but now is the time for action and not just words.

As we demand that students stay in school, study harder, and act responsibly, we must fulfill our own responsibilities to children and their schools by passing a strong education budget.

Communities in each of our States are waiting for us to pass annual legislation so that they can make decisions on what to fund and what must be sacrificed. Superintendents and school boards are trying to act responsibly and balance their own budgets for next year, yet their hands are tied until the Congress takes decisive action.

This amendment would assure educators, parents and students that Congress is committed to improving education. Such an assurance is long overdue.

I am pleased to support the Kennedy amendment and I encourage my colleagues to do the same.

Mr. ROCKEFELLER. Mr. President, education determines our future—the future of our children, our States, and our Nation. Without a good education, children in West Virginia cannot fulfill their potential. Our country must increase its commitment to education, not pare it back, in order to meet the fierce challenges of a highly competitive world and to ensure the long-term security of our citizens.

While I recognize the need to enact this next continuing resolution to keep the Federal Government open, I am immensely sorry to see that the majority party still persists in cutting education and other programs that are so essential to the families of our States. The \$3 billion cut in education programs, implicit in the funding levels of this bill, is exactly what Americans fear.

Obviously, the continuing resolution has to pass to avoid a much larger crisis. But this education amendment I am cosponsoring will establish a clear record that some of us believe education should be treated as the priority that it is for children and families, and some do not.

Education is a priority for the people of West Virginia and our country. And it has been a priority for me throughout my career in public service.

Because of other, noneducation issues, the full Senate has not had its opportunity to vote on education funding this Congress, and consequently this continuing resolution endorses the House-passed education cuts, up to 25 percent. This is too harsh, and it will devastate education funding in counties across my State, potentially causing lay-offs among title I teachers.

When the House of Representatives passed its appropriations bill that cuts education programs so severely, I wrote to West Virginia school superintendents to ask what would happen in their counties if such cuts became law. According to the Nicholas County Superintendent:

... a reduction of federal dollars would be hard to overcome. The cuts in Title I would mean loss of services to our students in critical programs that would reflect in lower test scores. ... The increasing cost of equipment and supplies for Vocational Education especially in the area of technology have doubled yearly. Our students desperately need the equipment and supplies to gain the skill necessary for productive and worthwhile lives after graduation. ... Our country cannot be put in the position of having a second rate educational system as compared to other countries in the world. If our students are not prepared both academically and with the skills necessary to compete in a worldwide job market, our country will fall behind and eventually deteriorate.

Other superintendents sent similar letters.

I completely agree with William Grizzell, the Nicholas County Super-

intendent, and the other West Virginia educators who wrote to me. We must continue to invest in education for our children and I support the Kennedy amendment for them and for the students who need title I, Safe and Drug-Free Schools programs, vocational education, and other effective education programs.

Opponents of the Kennedy amendment claim that this amendment will hurt other programs within the Labor-HHS-Education appropriations bill. They say that it will impose harsher cuts on the National Institute of Health and other meritorious programs. Such an argument is a smoke-screen. This argument assumes that Congress and the President will ultimately accept the spending levels approved by the House of Representatives in August 1995. Since then, the President and congressional leaders have already acknowledged that funding should be increased in the key areas. We should not accept the argument of opponents and allow a short-term, 7 week spending bill dominate—and devastate—education funding for an entire year.

We should not kid ourselves and pretend that we are “helping our children in the future” with a Federal budget that cripples education and program cuts that limit educational opportunities for children from Head Start through college. It is simply wrong. We should not accept such harsh cuts in education programs and risk our children's future. I am sorry to see the majority party pushing a continuing resolution that treats education and children so poorly. This is a big mistake, and I support this amendment to make it clear that some of us really stand by our words about the importance of educating every child to his and her potential.

Mr. PRESSLER. Mr. President, today the Senate will vote to waive the budget act to increase funds for education. I certainly agree with the goal of the amendment. Federal programs such as Impact Aid and title I are important to South Dakota schools and students across the country. However, although this amendment looks favorable at first glance, further study reveals two significant problems.

First, in order to pay for the amendment, other vital programs would be cut. The National Institutes of Health, elderly nutrition programs, Maternal and Child Health block grants, and job training programs would be reduced beyond the levels outlined in the continuing resolution. This amendment simply would rob Peter to pay Paul.

Second, this amendment would risk another Government shutdown by sending the bill back to the House of Representatives. The previous continuing resolution expires at midnight tonight, and any delays in sending this bill to the White House could cause a shutdown. Good progress has been made in budget talks this week. We must continue to move forward to a

balanced budget. We cannot afford to slide backward to gridlock.

Let me emphasize, the funding levels for education are temporary, until March 15 of this year. I will continue working to ensure that vital education programs receive sufficient funds for the remainder of the fiscal year. In fact, the Senate should consider the Labor, HHS, and Education appropriations bill, I intend to offer an amendment to increase funding for the Impact Aid Program. I hope to offer this amendment in the near future.

In the meantime, we must pursue the goal of a balanced budget without wavering. The greatest single threat to education and a bright future for younger generations is runaway Federal spending. If we do not act, young people will be saddled with a much greater burden—the burgeoning \$4.8 trillion debt. Without balanced budgets, interest on the Federal debt will continue to skyrocket, eventually squeezing out funding for legitimate programs such as title I or school lunches. The most important step the Federal Government can take to improve the opportunities for young people is to control Federal spending and eliminate the deficit. I look forward to working with my colleagues to this end.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator's side has 16 minutes remaining.

Mr. SPECTER. Mr. President, I will be in a position to yield back time after a brief statement. The Senator from Massachusetts has claimed the prerogative of the last argument. I do not know that he is entitled to it, but I will let him have the last minute.

The essence of this matter is that the Senator from Massachusetts has offered an amendment to restore funding in education to the 1995 level, and that is a proposition that I agree with on the merits. I chair the subcommittee which has jurisdiction over the Departments of Labor, Health and Human Services, and Education. When the subcommittee received an allocation which was \$1.534 billion more than the House, all of that money was put into education, with the leadership of the distinguished ranking member, Senator HARKIN, and myself.

While I agree that we ought to have more money in education, I must oppose this amendment. If the allocation stays as it is, and no additional money is added to the subcommittee allocation by an agreement reached between the President and the leadership in the Congress, then there will be a 10.5 percent cut on many, many very, very important programs. These programs included the National Institutes of Health, employment and training and older workers' jobs programs, Social Security Administration, nutrition and

other programs for the elderly, LIHEAP fuel assistance, community and migrant health centers, Ryan White on AIDS, maternal and child health substance abuse, railroad retirement benefits and many, many others.

Now, that is simply an intolerable situation. What the Senator from Massachusetts may be intending to do here is to get momentum to have more money in education. I have already suggested that I believe that is counterproductive because I would favor that as a matter of principle, but cannot support this amendment. There are other Senators I know who would also favor it as a matter of principle. So if you take a look at the number of Senators who are going to vote in favor of this amendment, it is not going to be representative of those who would like to have more funding in education.

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

Mr. SPECTER. Mr. President, I yield to Senator NICKLES.

Mr. NICKLES. I ask my colleague from Pennsylvania, is it not correct that the House has finished their business, and if we amend this, we jeopardize—or have the possibility of having another Government shutdown because of this amendment?

Mr. SPECTER. That is correct. That argument was made earlier. It led to the counterargument of should we have to defer because the House is not in session? I am somewhat unwilling to base action on the House not being in session. But the Senator from Oklahoma is correct that the House is not in session and that the practical reality would be that there would be no continuing resolution. I had said earlier to the Senator from Illinois that, as much as the funding is in jeopardy in Illinois and Pennsylvania and Oklahoma, it would be more so if we shut down the Government.

I have relied principally on the substantive arguments that this amendment simply takes too much away from Peter to pay Paul, and that the resolution is going to have to come with the subcommittee bill and with the reallocation of funds. I think there will be more funds, Mr. President. There have been signals given that there will be an additional \$5 billion on a number of programs, which will have to be shared with the Environmental Protection Agency and the Veterans Administration. But I expect a significant amount of money to be added as a result of the negotiations to the subcommittee which has jurisdiction over education.

That concludes my argument. I will allow my colleague from Massachusetts to take his last minute, and then I will seek to regain the floor before formally yielding the remainder of the time before making a point of order under section 311 of the Budget Act.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, in response to Senator NICKLES, the House

is in session for a pro forma, or whatever, and it can be ratified by the House later this afternoon.

The Republicans will raise a point of order. The point of order is based on section 311 of the Budget Act, which requires that levels of all spending should not exceed the totals in the budget reconciliation for the whole year. By that standard, we are already over the 1996 allocation because there is no budget reconciliation bill enacted at this point. So by the majority's reasoning, the two underlying continuing resolutions and previous continuing resolution, as well, also would violate the Budget Act, and a point of order could have been raised against them, as well, which shows the double standard applied to this education amendment.

Mr. President, with this amendment, we are taking the commitment of the President and the Republican leadership in the House and Senate that says we are going to protect education, and we are going to insist that that be the case by, at least, assuring the 1995 levels for the next 49 days so that the budget can be worked out between the President and the Congress and enacted—and protect education. This provides the basis for that program.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, I do not believe I have yielded back my time yet. I intend to do so, but first I wish to say that the current level of budget authority and outlays exceed the aggregate levels set forth in the budget resolution for fiscal year 1996. The pending amendment provides additional new budget authority and will result in additional outlays in that year and its adoption will cause the aggregate levels of budget authority and outlays to be further exceeded. I, therefore, raise a point of order under section 311 of the Budget Act against this amendment.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment and the underlying bill.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY], are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "nay."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLINGS] is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 40, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—51

| | | |
|----------|------------|---------------|
| Akaka | Feingold | Levin |
| Baucus | Feinstein | Lieberman |
| Biden | Ford | Mikulski |
| Bingaman | Glenn | Moseley-Braun |
| Boxer | Graham | Moynihan |
| Bradley | Harkin | Murray |
| Breaux | Hatch | Nunn |
| Bryan | Heflin | Pell |
| Bumpers | Inouye | Pryor |
| Byrd | Jeffords | Reid |
| Chafee | Johnston | Robb |
| Cohen | Kennedy | Rockefeller |
| Conrad | Kerrey | Sarbanes |
| Daschle | Kerry | Simon |
| Dodd | Kohl | Snowe |
| Dorgan | Lautenberg | Warner |
| Exon | Leahy | Wellstone |

NAYS—40

| | | |
|-----------|------------|-----------|
| Abraham | Grams | Murkowski |
| Ashcroft | Grassley | Nickles |
| Bond | Gregg | Pressler |
| Brown | Hatfield | Roth |
| Burns | Helms | Santorum |
| Cochran | Hutchison | Simpson |
| Coverdell | Inhofe | Smith |
| Craig | Kassebaum | Specter |
| D'Amato | Kempthorne | Stevens |
| DeWine | Lott | Thomas |
| Dole | Lugar | Thompson |
| Domenici | Mack | Thurmond |
| Frist | McCain | |
| Gorton | McConnell | |

NOT VOTING—8

| | | |
|----------|-----------|--------|
| Bennett | Faircloth | Kyl |
| Campbell | Gramm | Shelby |
| Coats | Hollings | |

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment fails.

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

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

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader. The Senator will suspend for a moment. The Senate will come to order.

The Chair recognizes the minority leader.

COMMENDING SENATOR SAM NUNN FOR CASTING 10,000 VOTES

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) commending Senator SAM NUNN for casting 10,000 votes.

S. RES. 213

Whereas, the Honorable Sam Nunn has served with distinction and commitment as a