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# *Senate*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

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

A bracing word from the Lord calls us to prayer. Through Isaiah He says, ''Woe to those who call evil good and good evil; who put darkness for light and light for darkness; who put bitter for sweet and sweet for bitter. Woe to those who are wise in their own eyes and prudent in their own sight.''—Isaiah 5:20–21.

Let us pray.

Almighty God, we reaffirm the absolutes of Your Commandments and the irreducible mandates of the Bible. We commit ourselves to those principles rather than our own prejudices. Make us moral and spiritual leaders of our culture and not chameleon emulators of the equivocations of our time. Help us to discern Your good and reject the clever distortions of evil. May we be people of the light who dispel the darkness of deceit. Keep us from solicitous sweetness or unforgiving bitterness.

Dear God, bless the women and men of this Senate with the divine wisdom to lead and the greatness to inspire our beloved Nation. Through our Saviour and Lord. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COATS, is recognized.

## SCHEDULE

Mr. COATS. Mr. President, this morning the Senate will resume consideration of the Coats amendment No. 1249 to S. 1156, the D.C. appropriations bill. Under the order, there will be 1 hour of debate prior to the cloture vote on the Coats amendment regarding school choice.

Following the 11 a.m. cloture vote, the Senate will continue debating amendments to the D.C. appropriations bill with the hope of finishing action on that bill during today's session. In addition, the Senate will consider the continuing resolution at some point during the session.

As previously ordered, the Senate will recess from 12:30 p.m. to 2:15 p.m. in order for the weekly policy luncheons to meet, and the Senate may also return to consideration of S. 25 regarding the financing of political campaigns or any conference reports that are cleared for Senate action. Therefore, Members can anticipate additional rollcall votes throughout the day.

## CONGRATULATIONS TO THE KENNEDY FAMILY

Mr. COATS. Mr. President, I want to take a moment here to congratulate the Senator from Massachusetts for winning a major sailing race this past weekend, and he did not hire a professional crew. He used his sister and son and family and came in first, which is no small feat. The Senator deserves our congratulations for that, and hopefully we can get off to a good debate this morning on vouchers with the Senator feeling so good about winning that race.

Mr. KENNEDY. Mr. President, if the Senator will yield, I thank the Senator very much for his kind comments, once in awhile, it's nice to win something around here.

I thank the Senator for his comments.

Mr. COATS. It was clearly a family affair, Mr. President, and congratulations to the entire Kennedy family for that.

## RESERVATION OF LEADER TIME

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

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1156, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Wyden amendment No. 1250, to establish that it is the standing order of the Senate that a Senator who objects to a motion or matter shall disclose the objection in the CONGRESSIONAL RECORD.

Graham-Mack-Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Mack-Graham-Kennedy amendment No. 1253 (to amendment No. 1252), in the nature of a substitute.

### AMENDMENT NO. 1249

The PRESIDING OFFICER. The pending question is the Coats amendment No. 1249. Who yields time?

Mr. COATS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I am pleased that over the last few days we have had the opportunity to debate what I think is a very vital and very important issue, particularly one that affects low-income children in the District of Columbia. We have had a number of debates on the Senate floor on the question of vouchers for students to have a choice to attend another school because the parents do not feel the school their child is in is providing the education they need to succeed.

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

We have a particularly acute situation in the District of Columbia whereby a number of children find themselves trapped in schools, in particularly low-income, primarily minority neighborhoods, with virtually no way out. We know that many aspire to be pro athletes, and I join that group that aspires to do that, but unfortunately God only gives a very select few the kind of talent to do that. Education is one of the primary ways for young people to better their circumstances, particularly in situations where children of limited means or practically no means find themselves locked in a situation that gives them no choice. Then their opportunities for meaningful and gainful employment in the workplace or for continued education to give them better opportunities is forfeited.

The D.C. Scholarship Program is something that Senator LIEBERMAN and I have coauthored and have worked to pass. We are moving toward a very important vote at 11 o'clock that will allow us to continue the debate, which I think is not just a debate focused on this bill but a debate that this Senate, Congress, the President, and the entire country should be engaging in: How do we improve our education system? It has been nearly a decade and a half since the report ''A Nation at Risk.'' That report cited the mediocrity of American public education. There have been a number of reforms that have taken place in different parts of the country, but it seems that those who are left behind are those who occupy low-income homes, mostly minority students in failing schools, urban school systems.

Now, our goal is not to replace the public school system in the District of Columbia or anywhere else. Clearly, given the number of students we have, the limited availability of private schools, we need to find ways to strengthen the public school system. We believe that this offers an opportunity to provide that impetus, that spur, to help move along the necessary reforms in the D.C. public school system. We also believe it offers an opportunity to 2,000 children in the District to better their situation, to utilize the voucher to provide an opportunity for a better education. So this bill would provide scholarships for 2,000 young people in grades K through 12 in the District of Columbia that are at or below 185 percent of poverty. It would also provide tutoring help for those who chose to stay within the public schools but needed some assistance in terms of reading and math.

Mr. President, I yield at this particular time. I know we have a limited amount of time. Senator LIEBERMAN and I will be dividing that time up, and I believe we have one or two other speakers on our side.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I oppose the voucher amendment to the District of Columbia appropriations bill. Students in the District of Columbia deserve good public schools, safe public schools, well-trained teachers and a decent education. Vouchers will undermine all of these essential goals by undermining the public schools, not helping them.

Vouchers will simply subsidize private school tuition for 3 percent of the students in the public schools and leave the other 97 percent of the students even worse off. Public funds should be used for public school reforms that help all students, not to pay for a few public school students to attend private and religious schools. Our goal is to improve public schools, not encourage families to abandon them.

We all want the children of the District of Columbia to get the best possible education. We should be doing more, much more, to support efforts to improve the local schools in the District. We should oppose any plan that would undermine these efforts.

A year ago, as part of an overall effort to deal more effectively with the serious financial and other challenges facing the District of Columbia, Gen. Julius Becton was appointed to improve the D.C. schools. General Becton asked for $87 million to make the critical repairs necessary to ensure that all schools would be ready to open for the 1997–98 school year on time, yet only $50 million was appropriated by Congress to repair the schools. Requests for additional funding were initially denied and were only made available by Congress at the last minute. So Congress bears part of the responsibility for the continuing problems of the D.C. schools, including the festering problems that led to the embarrassing delayed opening of the schools this fall.

This voucher amendment would further undermine General Becton's efforts just as he is making headway in repairing D.C. schools, increasing security and developing effective ways to improve the schools and help all students reach academic standards.

In addition, the voucher system would impose yet another bureaucracy, another federally appointed board on the District of Columbia to use Federal funds to implement the voucher system. The nominations of six of the seven board members would be controlled by Republican leaders of Congress. Only one representative of the District of Columbia would serve on the corporation.

Instead of supporting local efforts to revitalize the schools, the voucher proponents are attempting to make D.C. public schools a guinea pig for an ideological experiment in education that voters in the District of Columbia have soundly rejected and that voters across the country have soundly rejected, too. Our Republican colleagues have clearly been unable to generate any significant support for vouchers in their own States, and it is a travesty of responsible action for them to attempt to foist their discredited idea on the long-suffering people and long-suffering public schools of the District of Columbia. If vouchers are a bad idea for the public schools in 50 States, they are a bad idea for the public schools of the District of Columbia, too.

Many of us in Congress favor D.C. home rule and many of us in Congress believe that the people of the District of Columbia should be entitled to have voting representation in the Senate and the House, like the people in every State. It is an embarrassment to our democracy that the most powerful democracy on Earth denies the most basic right of any democracy—the right to vote—to the citizens of the Nation's Capital.

The District of Columbia is not a test tube for misguided Republican ideological experiments on education. Above all, the District of Columbia is not a slave plantation. Republicans in Congress should start treating the people of the District of Columbia with the respect that they deserve.

General Becton, local leaders, and D.C. parents are working hard to improve all D.C. public schools for all children. Congress should give them its support, not undermine them.

We have here, Mr. President, the examples of some of the activities that are taking place in the Walker Jones Elementary School in Northwest Washington working with the Laboratory for Student Success, using Community for Learning, a research-based reform model, and it is working. The concept is called whole school reform. With increased and more intensive teacher training, in proven methods and materials geared toward better student learning, student test scores have improved. After 6 months in the program, the school raised its ranking in the District on reading scores from 99th in 1996 to 36th in 1997. In math, the school climbed from 81st in the District to 18th. It is working. These kinds of investments are working in this particular school.

The John Tyler Elementary School in Southeast Washington uses the Comer School Development Model Program to restructure school management, curriculum, and teacher training. Teachers focus on reading and math instruction as well as hands-on learning in science and math. All of the students in the Tyler School, of whom 95 percent come from low-income families, are benefiting from the reforms. Academic achievement is going up. It is improving.

Spingarn High School in Northeast Washington has extended the day because they felt that school safety was a first priority. The school is a safe haven for students, and the academic standards are going up.

The District of Columbia has created the so-called Saturday academies for students who read below grade level. The Saturday curriculum reinforces

the weekly instruction and benefits from a reduced student-teacher ratio, and the results show that it is working.

These are examples of what is taking place in the District of Columbia, working for all students. They should be encouraged. They should be expanded. They should be given the resources to be able to implement those programs.

Mr. President, $7 million would provide afterschool programs for every school in the District of Columbia. That would benefit all students, not just a very small group.

Scarce education funds should be targeted to public schools. They do not have the luxury of closing their doors to students who pose challenges, such as children with disabilities, limited English-proficient children, or homeless students. Vouchers will not help children who need the most help.

Voucher proponents argue that vouchers increase choice for parents. But parental choice is a mirage. Private schools apply different rules than public schools. Public schools must accept all children. Private schools can decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away.

In fact, many private schools require children to take rigorous achievement tests, at the parents' expense, as a basic for admission to the private schools. Lengthy interviews and complex selection processes are often mandatory. Private schools impose many barriers to admission. Few parents can even get to the schoolhouse door to find out if it is open to their child. For the vast majority of families with children in public schools, the so-called school choice offered by the voucher scheme is a hollow choice.

Public schools must take all children, and build a program to meet each of their needs. Private schools only take children who fit the guidelines of their existing programs. We should not use public tax dollars to support schools that choose some children, and reject others.

There are also serious constitutional objections to the voucher scheme. The vast majority of private schools that charge tuition below $3,200 are religious schools. Providing vouchers to sectarian schools violates the establishment clause of the first amendment of the U.S. Constitution. In many States voucher schemes would violate the State constitution, too. Courts in Wisconsin, Ohio, and Vermont have all reached decisions this year upholding the ruling that the use of public funds to pay for vouchers for religious schools is unconstitutional.

If voucher proponents genuinely wanted to help the children of the District of Columbia obtain a good education, they would use the $7 million in this amendment to support reform efforts to improve the public schools. Money is not the only answer to school reform, but it is a principal part of the answer. Public schools in States across the country are starved for funds, and so are the D.C. public schools.

We saw an example just this morning. The Ballou Senior High School here in the District was forced to close due to a leaky roof caused by the weekend rainstorms. Students were sent to Douglass Junior High School, one of the buildings closed by the District. Again, the students of the D.C. schools suffered because of poor facilities. Seven million dollars would begin the critical repairs to the 80 buildings that did not get new roofs this year, to make sure that this will not happen to other schools.

We know what works in school reform. Steps are available with proven records of success to improve teaching and instruction, reduce crowded classrooms, and bring schools into the world of modern technology—let alone repairing crumbling schools facilities and making classrooms, corridors, and playgrounds safe for children trying their best to learn in conditions that no private schools would tolerate.

Too often, with good reason, children in too many public schools in too many communities across the country feel left out and left behind. Vouchers will only make that problem worse. Three percent of the students would be helped by enabling them to attend private schools, while 97 percent of the students are left even farther behind.

Supporting a few children at the expense of all the others is a serious mistake. We don't have to abandon the public schools in order to help. We should make investments that help all children in the D.C. schools to obtain a safer and better education. I hope my colleagues will reject this amendment.

Again, we should not impose on the District of Columbia what voters in other States don't want. In the last year, voters in Colorado, Washington, and California have rejected the vouchers. In the past 10 years, State legislatures in 16 States have voted this down. Even the Texas legislature rejected even the vouchers this year, and we should as well.

I reserve the remainder of our time.

Mr. COATS. Mr. President, I yield 4 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I note at the outset we should not impose on the children of the District of Columbia what Members of the U.S. Senate are not willing to do. We did a survey of Members of the U.S. Senate to find out how many sent their children to the District of Columbia public schools. Of the 100 Members of the U.S. Senate, we were able to get ahold of 95 offices. We have not found an office yet that sends their children to the District of Columbia public schools.

Should we require students whose families do not have the income to be able to either move to other schools or to go to private schools to stay in this public school system? I submit we should not. It is not fair to the kids.

Listen to the statistics. These are just the facts. No. 1, 78 percent of the fourth grade students are below basic reading achievement levels in the District of Columbia. I chaired this subcommittee. I have held numerous hearings on this. I have gone to the schools. These are the facts.

No. 2, 11 percent of the students in the D.C. public schools have avoided going to school for safety reasons.

Fact No. 3, 11 percent of the students in the D.C. public schools report being threatened or injured with a weapon during the past school year.

Fact No. 4, this amendment provides low-income students and their parents a choice, a choice they currently do not have under the D.C. public school system. Right now, pupils in the District do not have a choice but to risk their lives and their potential for educational achievement by going to the D.C. public schools.

Fact No. 5, General Becton, who heads the reform in the District of Columbia public schools, said, ''Give me to the year 2000. We will fix the schools up by the year 2000.'' And I am behind the General and the work he is trying to do to make these public schools better. But if you are a first grade student that means you are going to be in the first and second and third grade in these schools that have failed the kids. And they have failed the children. Some of them have worked, but overall they have failed the students. They have to learn to read and write and add and subtract during those 3 years. That time is too valuable to condemn those students to that type of situation.

It is not fair to the kids. If they had the wherewithal, if they had the income, a number of them would move out to different schools in Maryland or Virginia or to private schools. They don't have the option to be able to do that. This is not fair to the kids, to condemn them to this system. All we are asking is for students below that certain level of poverty, that they be able to have the possibility of doing what most of the Members—in fact all we have been able to find, of the 95 that we surveyed and got ahold of—all of the Members in the U.S. Senate do, and that is send their children to other schools because this system has failed. This system has failed the children, according to the District of Columbia control board itself. This system has failed the children. Let's not condemn that first grader, that second grader, that third grader, not to be able to read or write by not allowing this choice.

One of my highest priorities as the chairman of the Senate Subcommittee on Oversight of Government Management, Restructing, and the District of Columbia, is to make sure the children in the Nation's capital are receiving the quality education they deserve. The District's public schools, unfortunately, have failed too many students.

I'm pleased to join Senators COATS, LIEBERMAN, and LANDRIEU in offering this amendment to empower students and their parents in the District with a choice in their education.

I, along with the distinguished ranking member of my subcommittee, Senator LIEBERMAN, have held hearings to explore options to improve public education in the District. I know there are public schools which are working and where students are thriving in their learning environment. I had the privilege to visit two schools in the District: Stuart-Hobson Middle School and Options Public Charter School. I was impressed by the success of their educational programs and how the students took pride in their education. The Options Public Charter School was especially interesting as an example for future charter schools in the District to follow. These schools, unfortunately, are exceptions in the District public school system.

The overall facts about the District public schools speak for itself: 78 percent of fourth grade students are below basic reading achievement levels; 11 percent of the D.C. public schools have avoided going to school for safety reasons; and 11 percent of the students report being threatened or injured with a weapon during the past year. We cannot continue to trap these students in an educational system that is failing them.

This amendment provides low income students a choice they currently do not have under the D.C. public school system. Right now, pupils in the District do not have a choice but to risk their lives and their potential for educational achievement by going to the D.C. public schools. Right now, students in the District do not have a choice but to go to a D.C. public school knowing the glaring reality that the longer they remain in the D.C. public schools, the less likely they will succeed. The Coats-Lieberman-Brownback-Landrieu amendment would give low-income students and parents the choice to enroll their children in a safe environment with high quality education at a private school. Under this amendment, the parents and the students are empowered with a choice in their education. It is an immediate solution to an immediate crisis in the District.

Gen. Julius Becton, chief executive officer and superintendent of the District of Columbia Public Schools, and the District of Columbia Emergency Transitional School Board of Trustees have said that they will make significant improvements by the year 2000, and I recognize and respect the work that lies ahead of them. But the year 2000 is 3 school years away. In three school years, a child progresses through grades one through three in which they learn to read, write, add, subtract, and so forth. These 3 school years are too valuable to force these students to continue in the public school system that has not delivered.

The focus of this amendment is on the low-income student in the D.C. public schools. By providing up to $3,200 in individual scholarships to low-income families who will choose the school for their children, this amendment would give these students the chance to make sure the next three school years do not go to waste while General Becton improves the D.C. public schools. Improving the chances for these children to get the education they need is one of the most fundamental elements to restore the Nation's capital into the shining city the United States deserves.

Mr. President, I ask the Members to support the Coats amendment and yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to my friend from Massachusetts, thank you for leading this side.

Mr. President, this amendment—and this is the reason why we are voting against cloture—this amendment would use $7 million of public taxpayer funding to pay tuition at private schools. We are in battle to balance the budget. I am proud to say we are making great progress. But I know that Americans agree that education is a priority and, while we cannot give every child a scholarship, while we cannot do everything we want to do, while we cannot fund, as we would like, Senator CAROL MOSELEY-BRAUN's incredible initiative as we rebuild our crumbling schools—while we cannot do that, here we are diverting $7 million of taxpayer funds and giving them to private schools.

Who are we helping in the District of Columbia? Who, under this idea, do we contend would be helped? Mr. President, 2,000 out of 78,000 children; 3 percent. It is the 3 percent solution when we need a 100 percent solution. You know, you could really debate whether 3 percent of the kids would be helped. Because I have read this proposal, and I have to tell you, if I were for vouchers I would have written it a little differently. Why do I say that? This allows schools to spring up, mom-and-pop-shop schools, untested, if they can show that they can draw 25 children. Untested schools will spring up to grab this new source of funding from Uncle Sam. Because, as we know, the good schools that are touted around here, No. 1, many of them are filled up; No. 2, most of them charge at least twice the tuition that these children will get. So we are, in essence, going to start a whole new cottage industry of people popping up with ''new schools,'' to grab this taxpayer money. To supposedly help 3 percent of the kids. I contend 3 percent of the kids will not be helped by going to some of those operations.

So, I hope my colleagues will read this proposal because, if you read it, you learn a lot of interesting things. For example, a new board of directors is set up. This is a bureaucracy, folks—a new bureaucracy. The board of directors are going to be political appointees, political appointees. So here we have a lot of talk about, ''get government out of our lives,'' and who is going to decide this? Political appointees: The Speaker of the House, NEWT GINGRICH, is going to recommend these appointees to the President. Guess what, buried in that bill, the people who sit on these boards can earn up to $5,000 a year in a stipend. That $5,000 is more than the tuition check for the child. So we are creating a little cushy new bureaucracy here, with political appointees, to help 3 percent of the kids, which I contend would not be helped.

So, I feel Members ought to look at this. My State, California, has rejected vouchers twice. Let me tell you the reason. The reason is they want to help 100 percent of the kids. They are smart. They know the answer lies in better schools. That's why we backed charter schools, that's why we want national standards, to make sure that our children are living up to their potential. So these are the things that we want to do in California.

Mr. President, we could take this $7 million and we could do a lot of repairs on some of these D.C. schools. Some of them need boilers, because it is freezing in those schools. We could set up an after-school program. That is so important. We are doing it in Los Angles and Sacramento, so these kids have something to say ''Yes'' to after school. We could set up many of those after-school programs with this $7 million. By the way, just take the half-million off the top you are going to use for this new bureaucracy, you could fix a lot of schools. You could put after-school programs in. You could mentor a lot of children.

So I want quality schools for every child in America. I think this is a surrender. This is a surrender. And even with it, if it went into place, in my view it would encourage these new little schools to pop up, untested, because somebody would get the idea: Oh, this is great. I can get $3,500 per child. I will just set up my own school. And convince this board of directors that is politically appointed that they ought to be allowed to continue.

I hope we are going to reject this. I do not doubt for one moment that the people who put this forward are very sincere and caring about children. I just think it will have unintended consequences. I hope we will vote this down.

I thank my colleague from Massachusetts and I yield the remainder of my time to him.

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

Mrs. BOXER. I believe I yielded my time back to the Senator.

Mr. KENNEDY. I yield the Senator 3 more minutes, if we need to.

Mrs. BOXER. Yes.

Mr. KENNEDY. Seven years ago, 53 percent of the D.C. teachers were not certified. Last year that number had dropped to 33 percent. In 1997, all new teachers are going to be certified and existing teachers who are here must be certified by January, 1998, or risk dismissal. Is that the kind of reform that you are talking about, a comprehensive solution, rather than helping just a few children? Programs that enhance the training and bring teachers up to speed so they have world class standards and world class certification, to be able to work with all children? Is that the kind of thing that the Senator from California is talking about?

Mrs. BOXER. Absolutely. I am talking about quality schools for 100 percent of the children, and I think the chart behind the Senator from Massachusetts explains the situation:

Restructure the whole school; foster world-class instruction; extend the school day; enhance family centered learning.

I talked about after school. Senator CAROL MOSELEY-BRAUN talks about fixing the crumbling schools. This is what we ought to be doing, not surrendering and giving these dollars to private institutions, some of them that are going to be totally untested, I say to my friend.

Mr. KENNEDY. Will the Senator yield further? Under General Becton's new initiatives, students in grade 3 and 8 have to have the basic reading skills before advancing to a higher grade. This requirement reflects the commitment of the District of Columbia to ensure all children master basic reading skills. That has been the new program.

Do I understand that if we had $7 million to try to implement those kinds of programs to work with kids, particularly those that may have more difficulty working through and enhancing their academic achievement, we would see all of the students in that class moving along together in enhancing their reading capabilities, which is key to all learning in the future? Those are the kind of investments that the Senator thinks would make sense for all the students, I imagine?

Mrs. BOXER. Absolutely, and testing. We support, you and I, this voluntary national testing. It is interesting, some of the people who are the strongest supporters of giving back to these private schools are fighting against testing. They don't want to have the children tested. Therefore, we will never know who is being left behind. The Senator is on target. We know what we have to do to make these kids whole. We know what we have to do to help 100 percent of the kids.

Mr. KENNEDY. I thank the Senator. I reserve the remainder of our time.

Mr. COATS. Mr. President, I yield 4 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let's begin by talking about testing. I have here a pie chart that talks about people who attend D.C. public schools. These are the cold realities of the situation: 52.9 percent of them drop out of D.C. public schools before they graduate. So, obviously, they don't have a chance of going to college.

Of the less than half who graduate, 22.1 percent of all people who are in the system never take the SAT test that would allow them an opportunity, if they are successful, to attend a major college or university.

Of those who take the test, half make below 796 on the test. That is below the minimum standard set by most major colleges or universities in this region of the country.

So to begin with, roughly only one out of eight students has any chance in the world of attending a major college or university. That is the quality of the system that we see defended today by people who are willing to let children go to schools that don't teach, that don't deliver, that don't produce quality in order to defend teachers unions and vested interests.

Let me show you the next chart. The next chart basically points out where we are in the District of Columbia as compared to what is required to actually be successful and go on to a college or university.

The average student in the District of Columbia makes 790 on the SAT test. The average for the country as a whole is about 1050. To go to the University of Maryland, you have to average about 1170. To go to Penn State, you have to average about 1190. To go to the University of North Carolina, you have to score about 1230, and to go to the University of Virginia, you have to make about 1300.

Talk about discriminating against children. You force working families in the District of Columbia to send their children and their money to schools that turn out children that make 790 on the SAT test, and you are discriminating against them before they ever have any opportunity to use their God-given talents to advance themselves and their families.

Let me make note of the fact that the NCAA says that if you don't make 840 on the SAT test, you are not a real student and you are being exploited by playing football or basketball at a major college or university. The average SAT score in the District of Columbia is 789. That is clearly a case of failure.

Is it a failure to commit money? The average school system in America spends $5,765 per student. The District of Columbia spends $10,180 per student, roughly twice the national average, and yet look at the final product. But not for children of D.C. teachers. They want a mandatory program for everybody except themselves.

Nationwide, 12.1 percent of public schoolteachers on average send their kids to private schools. But in the District of Columbia, it is 28.2 percent. So despite more money than any other school system in America—twice the national average, more than twice the number of teachers in the District of Columbia send their children to private schools as the national average. Yet the test scores continue to reflect failure, and this is not new.

The failure of the D.C. schools to deliver in terms of hard achievement are well documented, and they have been in existence for a long time. Why not spend $7 million to give people a chance to compete? For God's sakes, this is something we ought to do. We ought to be ashamed of denying these children an opportunity to compete. I yield the floor.

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

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

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining.

Mr. KENNEDY. I yield 6 minutes, or more, if the Senator from Illinois wants it.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. To my colleague and friend from Texas, I raise the point that this is not just a matter of a mandatory system for everybody but themselves, referring to people in the District of Columbia, but, as I understand it, the State of Texas has rejected an attempt to put in vouchers. So this issue is one which is applied to the District but not to the State of the Senator from Texas. I think we ought to consider for a moment if it is not good for Texas, it is not good for anyone else in the country.

I point out this argument about helping poor kids ought to be looked at very seriously. Are we really helping poor children, No. 1, and, No. 2, does it help poor children to hold them out to be guinea pigs in an experiment that has not worked anywhere that it has been tried for which we have no information and in which, quite frankly, it represents a clear capitulation and a clear admission of failure, not just of failure, but of a lack of will to reform and revive the system of public education that we have in the District of Columbia?

The fact of the matter is, the $7 million that is to be diverted from the District schools won't fix a single school, won't fund reform and won't support the children who are there. I think that we should be building up the schools, not tearing them down, not taking money or bleeding money away from a public school system that admittedly is troubled. We want to reform the public schools in the District, but they have started a reform effort and, much as the reform effort in my home State of Illinois, it has shown to have great success where there is energized and committed leadership. We can reform our schools if we will just believe that they can be reformed, if we will just invest in them.

The fact is, again, with the $7 million we could make a real difference in the D.C. public schools. We could fully fund every after school program in the D.C. schools. We could buy 368 new boilers for the schools. We could rewire 65 of the schools that don't have the electrical wiring to accommodate computers and multimedia equipment. We could upgrade the plumbing in 102 schools with substandard facilities. We could buy 460,000 new books for the D.C. school libraries.

Instead of engaging the $7 million to fix what we have, we are going to say, let's bleed this patient to death, let's spin off enough for 2 percent of the schoolchildren and leave the others behind.

Let me point out for a moment, and it has been mentioned in the debate already, that one of the schools in the District just today had to close because of a leaky roof. As you know, I have been speaking about the whole issue of school facilities for a while, and in the District of Columbia, we see, according to reports by the General Accounting Office and others, that 67 percent of the schools have crumbling roofs.

If you know anything at all, you know if you have a leaky roof, you are likely to have walls that collapse and floorboards that curl and electrical wiring that can't be used. So having a leaky roof goes to the very heart of the environment for learning.

Are we going to put the $7 million into fixing some of those crumbling roofs? Apparently not, according to this plan.

Sixty-five percent of the schools in the District of Columbia have faulty plumbing, again, a situation where we have children who go to schools where the plumbing doesn't work. Yet, instead of saying we are going to fix the plumbing we are going to engage to support and build up and improve education for these kids, we are going to spin off some of them into another system, again, that has never been tried and created, and that we don't, frankly, know whether or not it is going to provide any benefit at all even to them.

Forty-one percent of the schools don't have enough power outlets and electrical wiring to accommodate computers and multimedia equipment. Everybody knows in this generation of students, computers are what books were to my generation. The kids have to have computers, and that is one of the reasons people do want to have quality education because they want to make certain their youngsters can get on the information superhighway. You can't plug the computer in if you don't have electrical wiring in the wall.

Yet, instead of putting $7 million into fixing the electrical wiring in the schools, we want to spend that money somewhere else.

Sixty-six percent of the schools have inadequate heating, ventilation, and air conditioning. Again, I don't know if people listening have spent a summer in the District of Columbia, but if you get here toward summertime, being in a room without air conditioning is close to being sentenced to purgatory. The children in the public schools would benefit if we were to make the kind of investment in them, as opposed to, again, bleeding the system as this proposal suggests.

I think, Mr. President, though, that at the heart of this debate is really almost a sad kind of capitulation, a sad kind of a lack of will that says that education is just a matter of whether or not I got mine, get yours, go into the market, buy an education for this chit and if you don't get a chit and can't buy a better education, that is too bad for you. The whole notion of public education is that it creates a public good, that it is something that benefits all of us, and that public education becomes, if you will, the great center of meritocracy that defines what this country is all about.

The ladder of opportunity is crafted in the classroom in America. What we are now saying is that some will get the opportunity and others will not. Assuming for a moment that this proposal were adopted—and I am going to do everything I can in opposition to it—but assuming it were adopted, of the 80,000 children in the District of Columbia, about 2,000 of them would be served. That would leave then 78,000 children left behind, left behind with schools that have crumbling roofs, faulty plumbing, not enough electrical power, and inadequate heating, ventilation, and air conditioning. That is what this proposal really represents.

I had in my office two students who were interns briefly. They were actually high school students from the District of Columbia. The reason they were working in my office as recently as last week was because they couldn't go to school, and they couldn't go to school because the courts had closed their school down for bad facilities. The infrastructure was so bad in their schools that they had no place to go to get an education. So we took them in to give them an opportunity just to do something during the daytime.

In the face of that failure, how we can suggest or how it can be suggested that bleeding that system even further instead of investing in it and giving it the support seems to me to be not only shortsighted but counterproductive. I think we can afford to waste no child. I think we should leave no child behind. To the extent that the combination of money and leadership, because it is not just money alone, it has to take an engaged population, if we engage to preserve, to revive and to reform these public schools, we can save them, and we can provide opportunity for all of our children.

The idea is not to create a two- and three-tier system of education so some can get and others cannot, what we want to do is have quality education for every child, so whether that child is an orphan or that child has parents who don't understand the school system or don't speak the language, that child will not be left behind in that which we have relegated to the back burner, that which is left over after we have siphoned off the resources into a private system.

I say let's not make the children of the District of Columbia guinea pigs in this ill-considered experiment.

I thank the Chair. I yield the floor.

Mr. HELMS. I am grateful to the Senator from Indiana [Mr. COATS] and the Senator from Connecticut [Mr. LIEBERMAN] for their having introduced the pending amendment. They are to be commended for offering this proposal, which will improve the circumstances of many students who live in the District of Columbia, and who want to escape—and no other word really fits—escape the horrific conditions that exist in so many local public schools.

I would say to my friends from Indiana and Connecticut that it takes a lot of courage to stand up against the public education establishment. They're a powerful bunch, the National Education Association crowd, and they're not afraid to use all of their muscle to oppose any effort to help parents find alternatives to failing public school systems.

Those who have examined the appalling state of the D.C. public schools are fully aware that parents need an alternative to the status quo. On February 20 of this year, even the Washington Post reported the following dismaying statistics:

Sixty-five percent of D.C. public school children tested below their grade levels for reading in the Comprehensive Test of Basic Skills.

Seventy-two percent of fourth-graders in the D.C. public schools tested below the ''basic proficiency'' level on the National Assessment of Education Progress test given to students every 2 years—this was the lowest score of any school system in the country.

The dropout rate among D.C. public schools students is an astounding 40 percent.

Meanwhile, even those that graduate are unprepared. More than half of D.C. public school graduates who take the U.S. Armed Forces Qualification Test scored below 50 percent on the test—that's a failing grade, Mr. President. That might be the saddest statistic of all. These young people—who want to better their lives through association with our armed forces—cannot pass the vocational aptitude exam given to aspiring recruits because the D.C. public schools are not properly preparing them.

So, Mr. President, the list goes on and on. The Heritage Foundation reports that 11 percentage of students in the D.C. public school system avoid school because they fear for their own safety. Isn't that sad, Mr. President? Children in our Nation's Capital are afraid to go to school.

Then again, why wouldn't they be afraid? Sixteen percent of the students

in the D.C. public schools have at one time carried a weapon into their school. There are metal detectors at many if not all schools to prevent pistols, switchblade knives and narcotics from being smuggled into the classrooms.

Nor is it just the students who are afraid. Almost one in five D.C. public school teachers report that verbal abuse from their students is a serious problem. With conditions like these, no wonder student performance is so low.

Mr. President, again I congratulate Senator COATS and Senator LIEBERMAN for offering this amendment, which opens up the alternative of private or parochial schools to parents whose family income is below 185 percent of the poverty level. Their plan provides opportunity scholarships of up to $3,200 for parents who are fed up with the education—or, rather, the lack of education—provided by the D.C. public schools.

Mr. President, there is a lot of misinformation swirling about concerning the high cost of private and parochial schools. When the words private school are mentioned, the image of elite and high-priced education often springs to mind. Nothing could be further from the truth.

In fact, there is a vast and accessible network of private schools in the Washington area. My friend, the Senator from Indiana, informs me that there are 60 private schools in this area that cost less than $3,200 a year—the amount that families living below the poverty level can receive under the Coats/Lieberman amendment.

Of these 60 schools, many are the remarkable Catholic schools that operate in the most poverty-stricken parts of Washington, DC. These schools are willing and able to provide true quality education to poor students; in fact the Catholic Archdiocese of Washington reports over 1,000 spaces are available in its 16 Washington schools.

They want to do the job, Mr. President. But first, Congress must stand up to the teachers' unions and the rest of the public school establishment that doesn't want to answer for the poor performance of public schools. The Coats/Lieberman amendment is a day of reckoning for the failure of the D.C. public school system—and an outstanding way for Congress to help school children receive the education they deserve.

Mr. DODD. Mr. President, I rise today in strong opposition to this amendment.

Few issues are as divisive in education as this one—private school vouchers. There are very strong feelings on both sides of this issue. This is as it should be on issues affecting our children—strong feelings should be the norm. But I believe we should be concerned for all children, not just for a few.

Our universal system of public education is one of the very cornerstones of our Nation, our democracy and our culture.

In every community, public schools are where America comes together in its rich diversity. For generations, educating the rich, poor, black, white, first-generation Americans—be they Irish, English, Japanese or Mexican-Americans—and all Americans has been the charge and challenge of our public schools. It is clearly not the easiest task. But it's importance cannot be undervalued.

These efforts are essential to our democracy which relies on an educated citizenry, to our communities which require understanding of diversity to function, and to our economy which thrives on highly educated and trained worker. Education—public education—is also the door to economic opportunity for all citizens individually.

However, voucher proposals, like the one before us today, fundamentally undermine this ideal of public education.

Supporters of these programs never argue they will serve all children. They simply argue it is a way for some children to get out of public schools. The amendment offered today would provide 2,000 children, at most, with vouchers. But the D.C. public schools serve 78,000 children and about 50,000 are low-income.

I do not argue that our public schools do not face challenges—violence, disinvestment and declining revenues plague some of our schools, just as they do many other community institutions.

And our schools are not ignoring these problems—even with limited resources.

Many are digging themselves out of these problems to offer real hope and opportunities to students. James Comer in Connecticut has led a revolution in public schools across the country by supporting parents and improving education through community involvement and reinvestment in the schools. Public magnet and charter schools are flourishing offering students innovative curriculum and new choices within the public school system. School safety programs, violence prevention curriculum and character education initiatives are making real gains in the struggle against violence in our schools and larger communities.

And these reform efforts are beginning to show results. Our schools are getting better. Student achievement is up in math, science and reading. The reach of technology has spread to nearly all of our schools. The drop out rate continues to decline.

We clearly have a ways to go before all our schools are models of excellence, but our goal must be to lend a hand in these critical efforts, not withdraw our support for the schools that educate 89 percent of all students in America—public schools.

And there is no question about it, private school vouchers will divert much needed dollars away from public schools. Our dollars are limited. We must focus them on improving opportunities for all children by improving the system that serves all children—the public schools.

The $7 million this amendment would dedicate to D.C. vouchers are much better invested in the District of Columbia's public schools. Last week, Secretary Riley outlined how he would spend these funds on whole school improvement efforts and after-school programs. In addition, the infrastructure needs in D.C. schools remain quite severe—under the leadership of General Beckton, things are improving and these problems are being addressed. But, he estimates infrastructure needs alone top $2 billion.

Proponents of private school choice argue that vouchers will open up new educational opportunities to low-income families and their children. In fact, vouchers offer private schools, not parents choice. The private schools will pick and choose students, as they do now. Few will choose to serve students with low test scores, with disabilities or with discipline problems. Vouchers, which will be between $2,400 and $3,200, will not come close to covering the cost of tuition at the vast majority of private schools in the District.

In fact, the tuitions they will cover are at religious schools raising serious constitutional questions. No Federal court has ever upheld the use of vouchers for parochial school or religious education. To receive these funds, private religious schools would likely have to change the nature of their educational programs and eliminate any religious content. Many schools would be unwilling to do this; further limiting parent's ability to choose.

There are also important accountability issues. Private institutions can fold in mid-year as nearly half a dozen have done in Milwaukee leaving taxpayers to pick up these pieces—only the pieces are children's lives and educations.

This amendment also establishes a new bureaucracy within the District of Columbia to administer this program. There will be a board of citizens—only one of whom will be appointed by a D.C. official—to set up and oversee this program. For all our criticism of the D.C. government, its layer of bureaucracy, and lack of accountability structures, it is ironic that this amendment would set up yet another governing body. This is a long way from what this city needs.

Mr. President, our public schools are not just about any one child; they are about all children and all of us. I do not have any children, but I pay property taxes and do so happily to support the education of the children I am counting on to be tomorrow's workers, thinkers, leaders, teachers and taxpayers.

Our future is dependent on nurturing and developing the potential of every child to its fullest. Investing in our public schools is the best way to reach this goal.

I urge my colleagues to join me in defeating this amendment.

Mrs. MURRAY. Mr. President, today we debate an amendment to the fiscal year 1998 District of Columbia Appropriations Act that would provide publicly-funded vouchers to low-income students so they can attend private and religious schools in the District and surrounding areas.

The bill would authorize $7 million in the first year and a total of $45 million over 5 years. My colleagues have pointed out that this $7 million would only serve 3 percent of the students in the Washington, DC school district, and that we should instead be looking at investments that will help 100 percent of the students.

How much would $7 million buy for all the students in Washington, DC schools? How much real help—that would improve their ability to learn and succeed?

How many teachers, reading assistants, school counselors, nurses, or volunteer coordinators would $7 million buy? How many computers, video systems, wireless communications systems, computer-assisted drafting systems, technology labs and other tools could $7 million buy? How many different ways could we help the parents—through parent involvement programs or family literacy services—to help their children succeed in school, with $7 million?

My colleagues have in this debate asserted or intimated that defense of the public school is essentially defending the status quo, and being afraid of change. Well, when it comes to using public school funds to pay for students to attend private, sectarian schools, the status quo is actually set in the U.S. and many State constitutions.

Our country has a rich history, since Roger Williams, Thomas Jefferson, and James Madison, that keeps a line of separation between our public tax dollars and the checking account at the local house of worship. These debates are further informed by public votes and public polls. As far as the American public is concerned, this particular ground has been gone over. The argument is moot; the law is clear.

The experiences of the State of Washington also have bearing on this issue. I stand before you as a former school board member from a State where the law allows school boards to change anything not otherwise prohibited by law—to help students learn.

Washington State allows wide flexibility in carrying out existing school law—and the Washington State Legislature has held many open public debates on laws that seem too stifling. In every school in my State, like those in many other States, there are teachers, students, parents, and community members thinking about how to make schools better, and taking actions to make them better.

I want to be very clear about this—fear of change is not the obstacle here. My State also has a public school choice law that allows any student to attend school in any public school they choose. One thing we ve learned from this Washington State law is that the biggest frustration occurs when a school determines, as it is allowed, to say when the school is full, and closes the door to new students—who then must choose another school.

The voters of Washington had a choice last fall, to allow private school vouchers. And they overwhelmingly rejected the idea at the polls. As you have heard, this has happened in other States around the country.

Today, if you are worried about the educational crisis affecting any student in a public school anywhere in this country —you have two choices. You can play ''let's talk about vouchers,'' or you can go help a school. You can work at a think tank, or write a column for a newspaper, or become a Member of Congress.

And you can spend a good portion of your career, countless hours of debate, and millions of dollars breaking your pick in the ground of the school voucher issue. You can impose your will on the only people in the contiguous United States without representative government. You can play games with a community that faces enough challenges already. You can strive to further denigrate the D.C. schools by luring away to private religious schools the 2,000 students who are most likely to want to become leaders in a revitalized public school.

Or, you can do something productive. This $7 million could do some good. Your time devoted to a public school could help make needed changes. Your fund-raising on behalf of a public school foundation could make the difference for many students. Your tutoring or advocacy on behalf of a student or family could be the symbol that drives much more volunteer time and public awareness.

It all comes down to one parent wanting to get the very best for his or her son or daughter, and how we can help that parent. We can dangle the possibility of a religious school voucher, or we can help the student and his or her school. For that one student, this $7 million voucher system could be far less meaningful than the help and attention of one caring adult.

If any nationally-recognized voucher advocate went to that one student's school and offered to mediate a discussion, hold a fund-raiser, or work with a family—that student could find real solutions in a real school. Or, we can continue to talk about vouchers and other things that will not, and in this case, should not happen.

People have been talking about the crisis in schools for many years. The research shows we are doing better in many areas, but are not living up to the expectations of a new century. I fear that these kinds of discussions just create a crisis of a different kind—a crisis that saps our sense of volunteer spirit and voluntary support of public education. The students deserve better.

Mr. BIDEN. Mr. President, since 1992, when the Senate first voted on the issue of providing private school vouchers, I have consistently voted against spending Federal money to pay for tuition at private schools. I did so again today. But, I rise to let my colleagues know that I am reconsidering my position based on the changed circumstances in American education. I want to give everyone fair notice that in the future, I may vote to allow such a limited experiment.

I realize that whenever elected officials change their position on an issue, they are subject to accusations of flip-flopping or being inconsistent or trying to have it both ways. It is for that reason that I want to explain my thinking on this matter today.

Unlike some opponents of vouchers, I have never categorically opposed the idea of public money being used under any circumstances for private school education. Rather—and I think I have been forthright about this from the very beginning—my concerns have been very specific. First, I have questions about whether a private school voucher system, when it involves private religious schools, is constitutional. And, second, I have deep reservations about taking money away from underfunded public schools.

But, Mr. President, I do not believe that simply because I have always voted a particular way on a particular issue that I should be locked in forever to that position. Circumstances change. Thinking changes. And, I have been giving this issue a lot of thought.

I have come to the belief that the constitutional issues involved here are not as clear cut as opponents have argued. While lower courts have ruled that vouchers used in private religious schools violate the first amendment's prohibition on the establishment of religion, the Supreme Court has not yet weighed in on the question.

In fact, the Supreme Court has ruled that State tuition tax credits for private religious school tuition are perfectly constitutional, and the Supreme Court has ruled that Pell grants—vouchers for college students—can be used in private religious colleges without violating the Constitution. Granted, Mr. President, the issues that the Court has adjudicated are not exactly parallel to the issue of private school vouchers for elementary and secondary school students. But, the point is, it is an open question. Even some liberal constitutional scholars have noted that vouchers to parents and children may be constitutional. And, as long as it remains an open question, I do not think I can dismiss the issue of vouchers solely on constitutional grounds.

With regard to my second concern—that private school vouchers may drain funds away from the public schools—I now think that the issue is more complex. The real issue is not whether money is drained from public schools, but what effect vouchers would have on public schools and the quality of education those students receive. And, yes, I do believe there is a difference. Even

if vouchers were to take money away from the public schools—and I should point out that not all voucher proposals do—that does not in and of itself mean that public schools will be harmed.

When you have an area of the country—and most often here we are talking about inner cities—where the public schools are abysmal or dysfunctional or not working and where most of the children have no way out, it is legitimate to ask what would happen to the public schools with increased competition from private schools and what would happen to the quality of education for the children who live there.

Most of the opponents of private school vouchers argue that with more kids attending private schools, the support for public education will be drained. To date, that assertion has largely gone unchallenged. I am not sure it should any more. Is it not possible that giving poor kids a way out will force the public schools to improve and result in more people coming back?

Make no mistake about it. Public education must be our primary focus. And, in considering voting for vouchers in the future, I am not subscribing to the philosophy of many voucher supporters who argue that there should be no Federal role in education or that the Federal Government should not in any way help States fund public education or that we should decrease our commitment to public education. On the contrary, I think we should increase that commitment. But, for those kids who are presently caught in a failed public school, we must start asking—only asking—if public education is still the only answer.

I do not know the answer to that or any of the other questions I have raised today. But, I believe the questions need to be asked. And, it may be that the only way that we will find out the answers is to create a limited private school voucher demonstration project.

I say ''may,'' Mr. President, because I do not know. And, that really is part of the point here. I will continue to ask these questions, listen to both sides of the debate, and ponder the answers. In so doing, however, I want everyone to understand that I may conclude in the end that the only true way to answer the questions is to try vouchers—in a limited fashion for those who need the most help.

Mr. DASCHLE. Mr. President, I appreciate the concerns my colleagues have expressed for the future of the children of Washington, DC. The conditions in many of the schools are truly deplorable, and the performance levels of the children show that there are many problems that need to be addressed. I do not, however, share their faith in vouchers as a solution.

Although the sponsors have worked to address some of the problems with past voucher proposals, I see four serious flaws with this particular approach.

First, this proposal ignores 97 percent of all children in the D.C. schools. There are 78,000 children in the D.C. public schools. Approximately 50,000 of them are from low-income families. Under this proposal, only 2,000 children—less than 3 percent of all children in D.C. schools—would receive vouchers.

If helping children leave the public school system and go to private school really is the only way to get a good education—and I will outline in a moment why I do not believe it is—what message would we be sending to the children who would not get vouchers? Are we telling them that they're not important? Are we telling them that we're giving up on them?

I think we ought to tell them that they're all important, that we cannot afford to leave one of them behind. We need solutions that help all children, not just a few who happen to be lucky enough to win a lottery.

The second flaw I see with this proposal is that there is little proof that vouchers work. I certainly do not believe, as some of the proponents have claimed, that those who are left behind are helped in any way by the divisions that will be created within communities or by the loss of active parents to the public school system. But there is also little evidence that vouchers have helped the children who receive them in Milwaukee and Cleveland. The research is contradictory, but careful examination of the data seems to show that improvements in children's academic achievement has almost everything to do with family background, and almost nothing to do with vouchers.

A third problem with this proposal is that, in the end, it's not parents who choose, it's private schools. My colleagues say they want to give parents more choices, and I am sympathetic to that argument. But, who is really doing the choosing? The answer: private schools will choose. As the article in this morning's Washington Post points out, very few of the secular private schools in this area charge a tuition at or below the level of the vouchers and many of these do not have places for additional students. The better the school, the more likely they are to turn students away.

The proposal does not require private schools to accept children with disabilities or children with limited English proficiency. So, parents of these children are likely to find they have few choices available to them.

Finding schools to accept children has been a problem in cities with voucher programs. In Cleveland, for example, nearly half of the public school students who received vouchers could not find a private school that would accept them. No choice was available for those students or their parents.

Finally, Mr. President, I would point out that the public is opposed to vouchers. All parents want their children to be able to go to the best schools possible. But, when people understand how voucher programs work, they reject them. District voters rejected vouchers by an 8-to-1 margin in 1981. More recent voucher initiatives in California, Oregon and Washington State were rejected by more than 2-to-1.

Who does support vouchers? Among the biggest proponents are people who want to dismantle public schools, especially the radical religious right. In his book, America Can Be Saved, Jerry Falwell writes:

> One day, I hope in the next 10 years, I trust that we will have more Christian day schools than there are public schools. I hope I live to see the day when, as in the early days of our country, we won't have any public schools. The churches will have taken them over again and Christians will be running them. What a happy day that will be!

Mr. President, make no mistake about this. I support religious schools. I am a product of a Catholic school education. My parents had that choice, and I believe every parent should have that choice. But, I do not believe taxpayers should be forced to subsidize that choice. Our forefathers wisely understood that there should be a constitutional separation between church and state.

There are other ways to expand parents' choices without violating the Constitution. We should increase parents' ability to choose which public schools their children attend within a district, among districts and even statewide. We should increase the number of magnet and theme schools within the public school system such as math and science academies that have been developed in some communities. We should establish more charter public schools, where motivated administrators and teachers work with innovative programs in exchange for more flexibility.

Mr. President, it is pessimistic and callous to settle for helping less than 3 children in 100. We can do better. We know what works in education. We know that children need good teachers, high standards and reliable measurements to tell us whether they are achieving those standards, safe classrooms, and the active involvement of parents in the schools.

There are public schools all across the country doing an outstanding job of educating children. They are laboratories of reform and excellence. We ought to support these schools and help other public schools reach their level, not give up on the principle of providing a good public education to all children.

Sharing information about local school reforms that work, incidentally, is one of the functions performed by the Department of Education—which many voucher supporters would abolish.

The American people are not willing to abandon public schools. Polls show that 71 percent of Americans believe we should revitalize public schools, not

abandon them. They believe we should educate all children, not just a few. When Americans have had the chance to vote for vouchers, they have voted against them overwhelmingly.

In summary, this voucher amendment would: ignore the needs of 97 percent of D.C. school children; make D.C. children guinea pigs for unproven theory; give choice to private schools, not parents; and drain needed energy and resources away from efforts to revitalize our public schools.

There are better ways to improve our students' academic performance. I urge my colleagues to oppose the amendment and work with me to enact real and meaningful strategies that help all of our children, not just a few.

The PRESIDING OFFICER. All time allotted to the Senator from Massachusetts has expired.

The Senator from Indiana.

Mr. COATS. I yield myself 6 minutes, and my understanding is that will reserve roughly 10 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. There would be 9½ minutes remaining.

Mr. COATS. Mr. President, it is interesting that in this debate not one person who is opposed to the scholarship program for D.C. students has come down here and addressed the fundamental issue of this debate. The fundamental issue is, will we give poverty-stricken minority children the opportunity to escape a failed educational system so that they, too, can participate in the American dream?

We have talked about plumbing, air conditioning, crumbling schools, and we have heard if you can't give it for 100, you can't give it for any. What kind of argument is that? In other words, if you can't totally reform the system all at once for everyone, you condemn another whole generation in the District of Columbia—and in Chicago and other cities around this country—to failure and the inability to gain skills to become gainfully employed or to have the opportunity to go on to further education.

Now, this argument about bleeding the system—if I could have the attention of the Senator from Illinois and the delegate from the District of Columbia, who is on the floor—bleeding the system. The D.C. school system gets $672 million a year, and you are saying that if you added $7 million, the system would be fixed?

The General Accounting Office said that 25 percent of the maintenance budget never leaves the maintenance facilities office. It doesn't go to fix plumbing. The system is broken. We are taking $7 million, not out of the $672 million, not one penny of this is coming out of the current budget for D.C. schools. The $7 million is coming out of money set aside to reduce the general deficit. That was added on to the President's budget.

Bleeding the system, fixing the ventilating, while kids can't even achieve the test score to go on to higher education, kids can't get out of a school—your own statistics show why parents want to leave. If 67 percent of the schools have crumbling roofs and 65 percent have faulty plumbing and 66 percent have inadequate heating, ventilation, and air-conditioning and more than 50 percent goes to maintenance and administration and less than 50 percent of the $672 million goes to educating students, what is wrong with that system? There is something desperately wrong with the system.

This program is designed to at least give 2,000 kids a chance. We talk about the 100-percent solution. Well, it is like if you can't give 100 percent of the kids an opportunity within a failed system, then let's not give any kids an opportunity, let's condemn all of them.

Now, the District of Columbia system needs help desperately. Even the Washington Post, not a supporter of school vouchers, has said give it a chance. At least try it, to see if maybe it spurs the system on, the D.C. public schools system, to a little bit better performance. If it doesn't work—we have a test built in here—if it doesn't work, we will try something else. But let's do something to help these kids. Let's do a small, little piece.

Now, the Senator from California talks about bureaucracy. ''Bureaucracy'' is another word for the D.C. public school system. More than 50 percent of the money, $672 million, doesn't even go to the classroom. Yet in this bill we have a cap of 7.5 percent on administration. We will match our administration with the D.C. administration any time, anywhere.

Senator KENNEDY said, who wants it? Nobody wants it in the District of Columbia. Here are 2,000 parents that want it that have signed this petition. I have a list of 100 ministers, D.C. ministers, almost all minority ministers, who said, we plead with you, give our kids a chance to get an education. They want it.

There was a recent poll taken in the District of Columbia, and 64 percent of D.C. residents indicated if they had the funds, they would get their kids out of the public school system; 40 percent drop out—the Senator had a chart saying 50; say it's 40 or 50 percent, whatever—they don't even graduate from the system.

The constitutional argument—vouchers are good enough for day care. I think the Senator supported that. Vouchers are good enough for Head Start. I think the Senator supported that. Vouchers are good enough for the GI bill and good enough for kids to go to Loyola in your State. That is a religious school. If they are good enough for people over 17 and they are good enough for kids under 5, why aren't they good enough for kids between 5 and 17?

Does the Senator want to respond?

Ms. MOSELEY-BRAUN. I would be delighted. I am very happy to respond to that.

I think the issue, and the point I have just made, if the Senator is prepared to support an effort to address this as well, to address fixing up the crumbling schools in the District of Columbia so those 98 percent of the children who will be left behind——

Mr. COATS. I will be glad to respond. This Senator would be happy to support any effort to improve public schools, but I don't put plumbing ahead of education. I think the first thing we ought to do—and I don't know why the Senator doesn't support it—we first ought to help kids get educated, and at the same time maybe we can do that.

If we don't fix the schools, we will not fix the education—that is upside down.

One last thing. It was stated on this floor that few parents can get to the schoolhouse door. Well, there are a lot of poor kids who have no opportunities in life that can't get through the schoolhouse door because Members of Congress are standing at the schoolhouse door saying, ''Nope, you are not allowed in the school. You don't have the money, you can't get in.''

I am a product of public schools. My kids are a product of public schools. I support public schools. But I don't support public schools that don't give education. I want to do something to help that public education.

I yield the remaining time existing to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut has 8 minutes 30 seconds remaining.

Mr. LIEBERMAN. I thank my colleague from Indiana.

Let me pick up on what was said by Senator COATS, citing that this amendment is bleeding the system. Good God, the system is bleeding. It is not this amendment that is bleeding it. What is bleeding it is the failure of the system, and the blood that is being lost are the hopes and dreams of thousands of parents and children trapped in the school system who know it is a failure for them, who know it is not working for them.

I appeal to my colleagues, particularly my Democratic colleagues, please look at the facts, cut through the rhetoric. I know there is strong pressure from interest groups representing the establishment, the education status quo. I know that my colleagues on the Democratic side are great believers in the public school system. But remember those words that I think were spoken by John Gardner, that too often debates are between those who are unloving critics and uncritical lovers. We all love the public school system, but open our eyes, look what is happening here.

Senator KENNEDY earlier in charting progress in the school system in the District of Columbia said in the last period of time the number of uncertified teachers went from more than 50 to 33 percent. Is that a sign of progress? Yes, it is progress. That is why Senator BROWNBACK and I are working with Delegate NORTON and others to bring more money to the District and support General Becton.

But think about the reality. How many Members of this Senate would send their children to a school system in which one-third of the teachers were uncertified, unless they were forced to send them there because they didn't have the money to get them out.

The Senator from California earlier said, gee, let's take this money, and my colleague and friend from Illinois added, let's put it on top, give it to all the kids, instead of just benefiting this relatively small group of 2,000.

The Washington Post said a while ago in an editorial that the D.C. school system is a well-financed failure. So choice here is whether you will put $7 million on top of the more than $600 million we put into the system and better finance the failure instead of giving that money and focusing it on 2,000 kids and thereby giving them the opportunity for a better education and a better life.

The D.C. school system already spends $7,655 a year, more than $1,500 greater than the national average spent, per student in schools, more than $1,000 greater than that spent in the school districts in the neighboring counties of Maryland and Virginia.

The debate is not about whether you are for the public schools. Senator BROWNBACK as the chairman and I as the ranking Democrat have worked very hard with General Becton. Progress is being made. This is a system in which buildings are still deteriorating, are deteriorated, kids are afraid to go to schools, teachers are afraid to come and teach. Half the children are dropping out. The longer they stay in the school system, the worse they do compared to national averages on the standardized tests.

We are saying here on this amendment, while we are all working with General Becton to improve this school system, let's recognize that this is a building on fire and let's get some kids out of those parts of the building on fire to give them a chance to better themselves.

This is not a choice between public schools and private, parochial schools. That is a false choice. You can support this amendment and support the public schools in the District. The true choice here is between preserving the status quo at all costs, which is slamming a door in the face of the parents and children who want to do better, and doing what is necessary to put those children first. In other words, asking whether the status quo of the public education orthodoxy, which is letting down so many children, is so important that we are willing to sacrifice the hopes and aspirations of thousands of children for the sake of a process, not for the sake of the children.

What is the interest of government in education? Not to protect a particular form but to educate our children. That is what this amendment is about. It is not a panacea. We have a lot more work to do. There is a recent independent study of the scholarship program similar to this one in Cleveland, and they found it helped produce enormous academic gains in 1 year. The same is true in Milwaukee.

Also, it will have an effect on this school system in the District, as competition does, to get them to improve what they are doing. Support for choice is growing widely. In a poll, the Joint Center for Political and Economic Studies found support for school vouchers is surprisingly strong. They concluded it has substantially increased in the last year. A majority of African-Americans, 57.3 percent, and Hispanics, 65.4 percent, supported school vouchers.

Mr. President, I want to make a direct appeal to my Democratic colleagues: I don't know why there is only a handful of us who are Democratic Members of this Senate supporting this proposal. This party of ours has been at its best when we have been for opportunity, when we have been for helping people up the ladder of American life—not to give a handout, but to give people a little help, to help them better themselves. That is what this is about. This is not about protecting a status quo, protecting education. Let's focus on human opportunity and the waste of human talent.

In my opinion, voting against this measure, I say with respect, is about the equivalent of voting against Pell grants or the GI bill or child care programs or any of the host of other programs that Democrats, majority strong, proudly I say, have supported this year and over history.

I think we have just become either uncritical lovers of the school system, the public school system, forgetting our primary education to the children who are there, or are being convinced by those who have a vested interest in the status quo that this is somehow, though on its face a good idea, the proverbial camel's nose under the tent. This is a lifeline for 2,000 children who are trapped in a school system where none of us would let our kids be. I don't mean all of it, but in many cases in this school system many of the schools we simply would not let our kids attend. We see it in the wealthiest section of this city. Choice supporters see that 65 percent of the families living in ward 3, the wealthiest in this city, send their children to private schools. Those ministers and children who came to see us from the poorest sections of this city asked us: Is it fair given this indictment of the District of Columbia public schools by the wealthier families and the wealthier neighborhoods for the Congress to force the poor and disenfranchised to attend schools that we would not ourselves?

I appeal to my colleagues. Break out, break free, and let the kids—2,000 of them now trapped in this school system—have the freedom that our Constitution provides them, the opportunity that we try to give them, and a future that is their birthright as Americans.

I thank the Chair. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time on the amendment being expired, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Coats amendment numbered 1249 to S. 1156:

Trent Lott, Dan Coats, Richard Shelby, Mitch McConnell, Connie Mack, Lauch Faircloth, James Inhofe, Alfonse D'Amato, Rod Grams, John Warner, Pat Roberts, Chuck Hagel, Ted Stevens, John McCain, Susan Collins, and Sam Brownback.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 1249, as modified, to S. 1156, the District of Columbia appropriations bill, shall be brought to a close?

The yeas and nays are required under the rules. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—58

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

NAYS—41

| | | |
|---|---|---|
| Akaka | Durbin | Lautenberg |
| Baucus | Feingold | Levin |
| Biden | Feinstein | Mikulski |
| Bingaman | Ford | Moseley-Braun |
| Boxer | Glenn | Murray |
| Bryan | Graham | Reed |
| Bumpers | Harkin | Reid |
| Byrd | Hollings | Robb |
| Chafee | Inouye | Rockefeller |
| Cleland | Johnson | Sarbanes |
| Conrad | Kennedy | Torricelli |
| Daschle | Kerrey | Wellstone |
| Dodd | Kerry | Wyden |
| Dorgan | Kohl | |

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 58 and the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Indiana is the pending business.

Mr. MACK. Mr. President, I ask unanimous consent that that amendment be set aside.

Mr. COATS. Objection.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 94

Mr. LOTT. Mr. President, after consultation with the minority leader, I ask unanimous consent that the vote occur on passage of House Joint Resolution 94, the continuing resolution, at 2:15 today.

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

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MACK. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Coats amendment.

Mr. MACK. I ask unanimous consent the Coats amendment be set aside.

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

AMENDMENT NO. 1253, AS MODIFIED

Mr. MACK. Am I correct that the pending business before the Senate now is amendment 1253?

The PRESIDING OFFICER. The Senator is correct.

Mr. MACK. Mr. President, I have a modification to send to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

Strike all after the word ''section'' and insert the following:

**. IMMIGRATION REFORM TRANSITION ACT OF 1997.**

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof ''section 240A(b)(1)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigration Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraph (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division, C, 110 Stat. 3009) is amended by striking paragraph (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu thereof ''subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN *American Baptist Churches et al.* V. *Thornburgh* (ABC), 760 F. Supp. 796 (N.D. Cal. 1991).—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

''(i) the alien has not been convicted of an offense under section 212(a)(2), 237(a)(2), or 237(a)(3) and—

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause and granted relief under this paragraph, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of a alien described in (bb) of this subclause and granted relief under this paragraph, provided that the spouse, son or daughter entered the United states on or before October 1, 1990; or

''(II) is an alien who—

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause and granted relief under this paragraph, provided that the spouse, son, or daughter entered the United States on or before April 1, 1990; and—

''(ii) the alien is not described in paragraph (4) of section 237(a), paragraph (3) of section 212(a) of the Act, or section 241(b)(3)(i); and—

''(iii) the alien is removable under any law of the United States, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''.

(d) EFFECTIVE DATE OF SUBTITLE (c).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsections (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) EFFECTIVE DATE OF SECTION.—This section shall take effect one day after enactment of this Act.

Mr. MACK. Mr. President, I ask unanimous consent that Senator REED of Rhode Island be added as a cosponsor of this amendment.

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

Mr. MACK. Mr. President, the amendment I have offered simply clarifies the implementation of last year's immigration legislation in one specific area, the suspension of deportation. Last year's bill imposed stricter standards to obtain suspension of deportation. While this is fine for future applicants, it is unfair to impose new, harsher standards on cases which were already in the pipeline at the time of passage.

This amendment does two specific things: first of all, it clarifies that certain Central American immigrants who

were in the administrative pipeline for suspension of deportation must continue to meet the standards that applied before the immigration reform law took effect. Second, the annual cap on suspensions of deportation would only apply to cases commenced after April 1, 1997.

Without those two changes, we will be changing the rules midstream for a group of people who were attempting to comply with the guidelines for regularizing their immigration status. We encouraged them to come forward and play by the rules and we cannot go back on our word now.

As a way of background, let me lay out some information for the Senate. Starting in the mid-1980's, Nicaraguans, Salvadorans, and Guatemalans fleeing the civil wars in their home countries started coming to the United States. Many of them made asylum claims, many of which were improperly denied as the U.S. Government acknowledged by ordering them readjudicated. In the case of Nicaraguans, this was done through the Nicaraguan review program established by Ronald Reagan. And in the case of Salvadorans and Guatemalans this was done through settlement of the ABC class lawsuit agreed to by the Bush administration.

A huge backlog of asylum claims, however, then prevented their cases from being reheard for many years. Meanwhile, various temporary statuses allowed the members of this group to avoid deportation. In addition, they received authorization to work legally in the United States. During that time many members of that group established strong roots in this country.

Under immigration law, there has long been available a procedure called ''suspension of deportation'' for an individual found to be of good character and who has been here for 7 years to adjust to legal status if deporting that individual would cause ''extreme hardship'' to the person or his or her immediate legal present relative. This requires a case-by-case adjudication that the person being granted this benefit meets the legal standard. Because of the asylum backlog and because conditions in the individual's home country had changed since the filing of their original asylum claims, the Department of Justice under President Clinton encouraged these central Americans to seek suspension of deportation rather than continuing to press their asylum claims or file a new lawsuit.

Again, the point that I am trying to make here in laying out this history is that each step along the way this group of individuals has complied with the rules that existed at the time. In fact, we went to the extent that we encouraged these people to file for suspension of deportation, and it would just be fundamentally unfair at this point if we were to change the rules on these people who in fact have been trying to live by the rules every day that they have been here.

Several other points. The reason why we believe this is important is because we believe that this in essence will deny these people the right to due process under laws with respect to suspension of deportation.

I want to emphasize to my colleagues that this is not amnesty, and there is nothing automatic here. Let us assume for a moment that this amendment were to pass. We are not guaranteeing anybody anything other than the fact that they will have to comply with the rules as they existed at the time they came into the process of suspension of deportation.

Again, I want to emphasize to my colleagues that this is not amnesty. Every person affected by my amendment is merely being given a chance for due process, to have their case heard. They must still meet the criteria to be granted suspension of deportation. In addition, my amendment is focused only upon an identifiable group. There are those who want to create the impression that if this amendment passes literally millions of people, millions of illegal immigrants will use this as a loophole to remain in the country. This is an extremely identifiable group. And, again, working with the INS, we have concluded that there are probably in the neighborhood of 316,000 individuals that would be included in the group, and of that 316,000 it is likely that 150,000 will receive suspension of deportation.

Again, I make the point that we ought to pass this amendment from the perspective of fairness. We should not change the rules midstream for this group of people. It is unfair and, I would make the claim, un-American.

On a personal note, from time to time, I have been asked why I became involved in this issue, and I will tell you that one of the memories that comes back to me is a trip to Nicaragua back in the 1980's where I went to a contra camp, and this was at a particular period of time where the concern was whether the United States was going to continue to provide assistance to those fighting for freedom in Nicaragua. And since they did not have the commitment to those financial resources, thousands of these freedom fighters came back into the camps in northern Nicaragua. I visited them. It was quite a scene—I must say, too, a very emotional scene.

As the helicopter landed, off to the side of the camp two lines were formed, in essence two lines of men in fatigues at attention. As we walked through this group of individuals, where roughly 7,000 to 8,000 freedom fighters were standing at attention, three men, three of the soldiers, with guitars played the Nicaraguan national anthem. It was a tremendously emotional period. In essence I said to them that we will not abandon you, that we will continue to support you in your fight for freedom.

I would make the case that fighting for freedom is not just providing resources to those engaged in battle, or fighting for freedom is not simply standing firm in the U.S. Senate for a strong national defense. But standing firm for the protection of individual rights is, in fact, standing up for freedom. And I encourage my colleagues to support this amendment.

We have encouraged those people over years, not only in their fight for freedom, but afterward, telling them that if they played by the rules they could stay in this country.

Mr. President, again, I encourage my colleagues to support this amendment. It is the right thing to do. It is a fair thing to do. And it would be in the best interests of our country to continue to stand up for freedom for this group of people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am very proud to support my friend and colleague, Senator MACK, in our efforts to include the Immigration Reform and Transition Act, as modified, in this current legislation. It is important that we take this step today, or as soon thereafter as possible. There are thousands of families who are currently in a legal limbo because of the retroactive changes that were made in the immigration laws that were passed in 1996. Senator MACK, Senator KENNEDY, and others have worked to develop a bipartisan, humane solution to give these families the opportunity to remain together—and I underscore the word ''opportunity''—and to continue the lives that they have built in hundreds of our local communities in the United States.

I can tell you from personal knowledge and experience and relationships, that the people to whom this amendment is primarily directed are, in the overwhelming number, hard-working, tax-paying, law-abiding individuals who have followed every rule and regulation since they have been resident in the United States and are making a contribution to the development of our country. Since the 1996 retroactive immigration bill passed, with the consequences that Senator MACK has just outlined, these families have lived in fear, fear of being uprooted and torn apart, and fear that all of their hard work in the United States will be for naught. We now have the chance to act and ease these fears.

The thousands of people we are seeking justice for have human faces. They are not just statistics, they are not just theories in an Immigration Act. I want to submit for the RECORD, stories that mention the human dimension of this important amendment. Also, I ask unanimous consent to have printed in the RECORD, editorials in support of the actions we are urging today.

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

[From the Miami Herald, Mar. 4, 1997]

DEPORTATIONS WITHOUT CAUSE

Once again the United States has thrown up a hurdle to stymie immigrants who have legitimate grounds to stay in this country. A recent ruling by the Board of Immigration Appeals could send packing tens of thousands of Nicaraguans, Salvadorans, Mexicans, and others who have lived in this country for years.

The case before the board involved a Nicaraguan woman from Miami who had been served deportation orders. Like any number who fled Nicaragua during the 1980s, she sought legal status under immigration rules that offer relief to those who, among other criteria, have been in the United States for at least seven years. The board rule 7–5 that she was ineligible for relief, however. It interpreted the new Illegal Immigration Reform and Immigrant Responsibility Act to mean that her time in the United States ended when she was served a summons called an ''Order to Show Cause.'' Though physically she had resided and worked in the United States more than the required time, the board said, officially she did not meet the seven-year criteria for suspending her deportation.

Ernesto Varas, the woman's attorney, is one among many who dispute that legal interpretation. He now plans to take the case to the 11th U.S. Circuit Court of Appeals. Meanwhile, there is little comfort for those living under threat of deportation. The INS, which is still mulling the Immigration Board ruling, doesn't offer an estimate of how many may be affected. In South Florida, estimates range from 20,000 to 75,000 possible deportees. The prospect alarmed even Nicaragua's National Assembly, which argued in a letter to the U.S. Congress that its economy is in no shape to absorb such an impact.

Alternatives to deportation *should* be sought. Particularly for Nicaraguans, who sought refuge from the Sandinista regime in the country that financed the war against the Sandinistas. Deportation would mean unjust hardship for folks who have lived here peaceably for years, such as Nicaraguan Juan Sorto of Fort Lauderdale. As reported by Mabell Dieppa in El Nuevo Herald, Mr. Sorto entered the United States from Mexico on Jan. 2, 1987. Served with an Order to Show Cause the same day, he may not qualify for relief from deportation—even though the INS released him on bail and issued him work permits, and even though he has paid taxes and supported his three U.S.-born children for 10 years here.

Attorney General Janet Reno should keep in mind Mr. Sorto and contradictory U.S. policy and review the Immigration Board's recent ruling along with its implementation by the INS.

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[From the Miami Herald, May 22, 1997]

DEFENDING THE INDEFENSIBLE

It's bad enough that Congress passed the immoral illegal Immigration Reform and Immigrant Responsibility Act, now in effect. It's worse that the U.S. Immigration and Nationalization Service is incapable of enforcing this law with any measure of commonsense or consistency. It's worse still that the highest immigration court misinterpreted—forcing the INS to misapply—the law so that overnight tens of thousands of Nicaraguans and other longtime immigrants became deportable aliens.

But worse of all, what's happening now in U.S. District Court in Miami is simply reprehensible: The federal government is using its full weight to try to keep those immigrants from having their deserved say in court.

The Nicaraguans are suing the government in a class-action suit representing some 30,000 to 40,000 immigrants who could qualify for legal status if not for the retroactive application of a provision in the new law. Under that provision, immigrants we were served ''show-cause'' papers by immigration authorities before their seventh year in the United States no longer qualify for relief from deportation.

Senior U.S. District Judge James Lawrence King heard testimony for two days last week and temporarily barred the deportation of those immigrants. U.S. attorneys argued that under the new law, federal courts do not have jurisdiction in these immigration cases. The government's argument ''would require the court to rule that there is simply no remedy available for the 30,000 to 40,000 Nicaraguan refugees and others who have sought suspension of deportation. The court declines to do so,'' ruled Judge King. Well done, and well said.

Unbelievably, however, government lawyers are still battling to keep the immigrants from their right to a hearing. Why? Because their testimony would form a factual record on the merit of their claims for an appellate court to review. Congress is empowered to limit courts' jurisdiction, Judge King wrote. But it can't deny courts their power to review constitutional questions.

To his credit, Judge King has called the government lawyers' bluff. He ordered them to produce thousands of pages of documents to the immigrants' lawyers by tomorrow. He ordered INS Commissioner Doris Meissner and other officials to appear in his court on Saturday and Monday for depositions. And he set a hearing on a temporary injunction for next Tuesday.

Now it's the government's move. Could it just make too much sense to stop wasting tax dollars trying to deport productive, taxpaying, longtime immigrants without due process, a hearing to which they're entitled? We'll soon see.

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[From the Ft. Lauderdale Sun-Sentinel, June 26, 1997]

RENO SHOULD BACK JUDGE'S RULING, HELP NICARAGUANS TO STAY IN PEACE

It's temporary reprieve, but a welcome and justifiable one, for 40,000 Nicaraguans who were about to be deported from this country. In a lengthy ruling, dripping with anger at the government and packed with compassion for hard-working immigrants, U.S. District Judge James Lawrence King blocked their deportation at least until a trial can be held in January.

Their deportation orders should be revoked permanently. Nicaraguans who fled to this country in the 1980s as refugees from their country's bloody civil war, in which the United States was deeply involved, were at first helped by the Immigration and Naturalization Service to get work permits and find jobs.

As King pointed out, the Nicaraguans then established homes, married, had children and grandchildren, started businesses, paid taxes, obeyed our laws and contributed to their communities. In return, INS changed the rules in midstream and tried to deport them to their native land.

That's unfair and unacceptable. ''Their hopes and expectations of remaining in the United States were raised and then dashed'' by INS' change in policy, King said, and if they're deported they'll be separated from their children and irreparably harmed.

King's ruling in Miami was gutsy and appropriate. It lashes at the INS for misinterpreting a new immigration law and for luring tens of thousands of Nicaraguans to apply for suspension of deportation—and pay a fee—while knowing full well Congress was considering eliminating that right of suspension.

The Nicaraguans, stung and frightened by unfair government treatment in a nation supposedly built on fairness, have gone underground, or pulled their children from school, or decline to come forward for medical treatment. One Nicaraguan child, cited by King in his ruling, died when his parents refused to bring him to a hospital for treatment.

The Nicaraguans thought, not without some validity, that by appearing in public they would be picked up and deported. That's perhaps the saddest story, with the most painful lesson to emerge from this debacle: Come forward voluntarily, and some U.S. government agent could send you packing, leaving your American-born children behind.

The best way to end this deeply embarrassing episode is for Attorney General Janet Reno, one of the defendants, to convince her boss, President Clinton, that the new immigration law has been misintepreted. Then the INS should slink away, and let the Nicaraguans live in peace, in what Judge King referred to as ''a nation renowned throughout the civilized world for justice, fairness and respect for human rights.''

Mr. GRAHAM. Mr. President, I am working today to offer fairness and justice for a woman who lives in Miami. She is 86 years old. She and her family came to America, encouraged by the U.S. Government to do so in 1984. Without this amendment, she faces almost certain deportation back to Nicaragua. With this amendment she has the chance, the opportunity to apply to be considered on her own individual merits, based on her length of residence in the United States and her contributions since she has been in this country, to stay in the United States on a permanent, secure basis.

I also speak on behalf of an 18-year-old student at Coral Park High School in Miami. This student's parents fled Nicaragua when he was 7 years old. His family was allowed to stay under the old law, and now he may be forced back to a country with which he has almost no connection.

These two examples, an elderly lady and a young man, are examples of the people to whom we are attempting to apply fundamental fairness, to give them the opportunity to apply on their own merits, on their own records in this country, for a legal, permanent status. These families have been in our Nation since the early 1980's, since our Government encouraged them to flee Communist oppression and civil unrest in Central America. Speaking specifically to those who have come from Nicaragua, they fled a nation which had been taken over by a Communist regime, which was supported by the then-Soviet Union. In one of the last of those cold war confrontations in a third country, between the Soviet Union and the United States, the United States encouraged those Nicaraguans to leave, to come and to participate in the effort, which was finally successful, to restore democratic government to Nicaragua.

Mr. President, 15 years after they came at our request, they own their

own homes, they have U.S. citizen children, they have opened up small businesses, they have become flourishing entrepreneurs. Now we have changed the rules and threaten to divide families. This massive upheaval would be detrimental, not only to the individuals affected, but also to Central American nations that would be forced to absorb thousands of new residents. This action, taken in 1996, if not modified by this amendment which Senator MACK, Senator KENNEDY, and I are proposing today, would have adverse effects on U.S. interests in this important region. It would have a destabilizing effect today. It would have an even greater impact in the future, when, God forbid, we were ever in another situation as we were in Nicaragua in the early 1980's. How could the United States with any credibility call out to the people of that country to resist the actions of governments which were antithetical to U.S. interests?

I believe the honor of the United States of America is at stake in this amendment that we offer today. I emphasize, as Senator MACK has so effectively done, that this is not an amnesty program. We are not stating that all of these people who meet the standards covered by this amendment will become permanent residents, or have any other legal status in the United States. What we are saying is that under the rules that applied at the time they came into this country, at our invitation, they will have the right to apply. They will have the right to apply to receive permanent residence. It will then be their obligation to meet the standards to justify a permanent status in the United States. That is fundamental American fairness.

By adopting this amendment and by recommitting ourselves to that standard of fairness and justice, we will be sending a strong message, that we will support the foreign policy objectives that led to our call in the first instance. We will be sending a strong message that the United States of America believes in playing by the rules and not changing those rules in midlife.

These families deserve that message of fairness. They deserve it now. They fled persecution and communism to seek a safe haven in our country. They assisted our country in restoring democracy to their country. We must not abandon them now.

Mr. President, I yield back my time to my colleague, Senator MACK, and also to Senator ABRAHAM, for further comments on this issue. Thank you, Mr. President.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I rise today to speak in support of the amendment offered by the Senators from Florida. This may be a somewhat unusual occurrence in the Senate, because it is often the case that individuals who chair authorizing committees, in this case the Immigration Subcommittee which I chair, frequently are at odds with Members who seek to use appropriations bills as vehicles for substantive legislation.

So I wanted to come down today to speak on behalf of this amendment and to explain it a little bit, both why I am not here in opposition on the basis of the process we are using, and also why I support doing something at this time along the lines outlined in the amendment.

First, Mr. President, let me just indicate that a number of us have been working for some months to try to resolve the issues that are addressed by this amendment. We are working with our House counterparts. We will continue to work, even as we move forward in the Senate today, to try to find an ultimate solution.

At the same time, though, time is of the essence. There is a sense of urgency, I think a growing sense of urgency, among a number of Members, as expressed by both the Senators from Florida, as well as in my case and probably other Members as well, because the impact of the 1996 immigration legislation is slowly but surely coming into effect. The people who may or may not be affected by that legislation, depending on the various decisions to be made by the Department of Justice and the courts, are living on a day-to-day basis under the threat of the prospect of deportation. It seems it is in everyone's interest, but it is also in the interest of fairness for these individuals, for us to try to take legislative action to resolve and address these matters once and for all.

Both Senators have already talked at some length about the chronology of circumstances that brings us here today. I won't go into all the detail, nor do I have the sort of personal, firsthand experience of having served in the Senate or the Congress at the time many of these issues were previously debated. I am a late arrival to the debate, and I am more an observer of the circumstances that took place in Central America than a participant.

Those were significant times, Mr. President. The civil wars of the 1980's in El Salvador, in Guatemala, and Nicaragua were integrally related to the national security policy of our country, as well as our views with regard to America's role in our hemisphere.

Throughout the 1980's and into the early 1990's, El Salvador lived through a brutal civil war which left tens of thousands of people killed, over a quarter of the population driven from their homes and the economy in shambles. Hundreds of thousands of Salvadorans made their way to the United States seeking asylum out of fear of being killed by the military, the leftist guerrillas or the extreme right death squads. In fact, from fiscal year 1981 to fiscal year 1991, approximately 126,000 Salvadorans applied for asylum. That was a quarter of all our asylum applications in that timeframe.

Meanwhile, similar events took place in Guatemala. Approximately 42,000 Guatemalans applied for asylum in the United States.

Meanwhile, the civil war in Nicaragua in the 1980's also prompted actions of a similar nature. As you know, Mr. President, during the 1980s, there was a war between the Communist-influenced Sandinistas, who controlled the government at the time, and groups seeking to overthrow that government. These groups ultimately were supported by the U.S. Government and became known as the Contras. The war drained the Nicaraguan economy, which was battered as well by a United States embargo on trade and a series of natural disasters. Approximately 126,000 Nicaraguans applied for asylum in the United States from 1981 to 1991.

What happened when these various people came to our country was somewhat different than what happened to others who have come here. First of all, many of these people were, in one form or another, either asylees or invitees. Indeed, the actions with regard to the Nicaraguans in particular suggests that the American Government was actively promoting the notion that those Nicaraguans, fearful of the outcome of these uprisings, come to America. The extended voluntary departure program, which was granted by our Attorney General, was a form of temporary protection from deportation granted under the discretionary authority of the Attorney General.

When that program, which began in 1979, expired, it was extended further through a variety of other congressional actions and administrative actions. In 1987, the Reagan administration established the Nicaraguan Review Program. The NRP provided an extra level of review to Nicaraguans denied asylum. The Attorney General, taking into account a new Supreme Court decision bearing on standard of proof for an asylum applicant to show fear of persecution, encouraged Nicaraguans to reapply for asylum under the new standard and instructed the INS to conduct outreach in Nicaraguan communities and to issue work permits to Nicaraguan applicants as soon as they applied for asylum under the new standard.

When that program ended in 1995, the INS published a notice announcing the termination of the program. Instead of facing deportation, however, under a phaseout program, Nicaraguans were encouraged to reopen their deportation cases and apply for suspension of deportation, for which they were told they may be eligible if they had been in the United States continuously for 7 or more years.

The point of my statement with respect to Nicaraguans, and a similar set of circumstances as pertains to the Salvadorans and Guatemalans, is that during this period, Mr. President, in the 1980's, this country actively encouraged people fearing persecution,

fearing death squads, fearing disruptions of their communities to come to America. Then we took extraordinary measures to make it feasible for them to stay here, even those who had been denied asylum through the official asylum-seeking procedures.

All of this transpired, Mr. President, prior to the passage of the 1996 immigration bill. At that point, things changed. Here I think it is very important to understand some of the legal circumstances that changed.

Prior to the passage of the 1996 bill, if someone had been in this country for a period of 7 years or more, they were permitted to seek suspension and adjustment of their status from being in illegal status here or being here under one of the special programs for the Central Americans. Extensions were given to the Central American communities I have mentioned to allow them to stay here long enough to apply for these programs.

Detrimental reliance on their part occurred under the belief that if they continued to follow these programs, they would be given their day in court and given a fair adjudication of their status, and that is what transpired.

At every step of the way, either through an act of Congress or through an act of the executive branch, these individuals were given, I think, a very clear signal that they would be able remain if they played by the rules that were then existent: That if they stayed for 7 years and proved themselves to be of good moral character, they would be given an opportunity to have a full adjudication of whether or not any process to deport them would be suspended and whether or not they would be given a green card and a chance to stay permanently.

However, the 1996 bill changed the rules under which this would be permitted. In my judgment, Mr. President, it was not the intent of Congress to have this 1996 legislation retroactively apply to the people in these circumstances. I believe that Congress tried to avoid changing the standard retroactively.

We specifically provided that, generally speaking, the old rules are supposed to be applied to people in deportation proceedings before April 1, 1997, the effective date of the act. The problem is the INS has interpreted the act as saying that many of the Central Americans were not in deportation proceedings before that time and, hence, it has to apply the tougher new standards to them.

Now, the basis on which this determination was made by the INS, I believe, Mr. President, is extremely subject to question. I think it is an extremely difficult case to make that the group that the INS has argued were not in proceedings as of April 1, 1996, truly were not in proceedings. I believe they acted exactly as they had been told they should act, to qualify for the adjudications I have mentioned. But for whatever reason, the INS has concluded that, as to them, we will retroactively change the rules.

Let me talk about what those rule changes would be. First, as opposed to being required to be in the country for 7 years, the requirement was changed to 10 years, meaning an additional 3 years before one could even seek to have their status cleared. In addition, the standard to be used in such adjudications was made much more difficult. In other words, the standard that people had been promised they would be judged by for all the years they were here was altered and made a much tougher standard retroactively after they had stayed longer, after they had detrimentally relied on the assurances they had been granted with regard to whether or not they would be given a hearing, and after they had been told what they had every reason to expect was the basis on which the relief would be granted.

Furthermore, based on a judicial decision made within the immigration courts, the clock was stopped with respect to the accrual of time toward the 10-year standard, or, for that matter, the old 7-year standard, because it was determined as soon as the individuals had received so-called orders to show cause, the clock would stop.

Mr. President, these are obviously fairly complicated legal terms, and I will try to simplify them here for purposes of this discussion. The rules were changed in the middle of the game to the detrimental reliance of literally thousands of individuals who had been waiting and playing by the rules and, in most cases, had actually made themselves available for this process by coming forward in response to requirements that had been in the earlier legislation that had set the process in motion.

Now they had a choice when the earlier legislation was passed. They could have disappeared into the country, never subjected themselves to the process, and been totally immune from any deportation unless they were somehow discovered. Alternatively, they could make themselves available, accept orders to show cause, subject themselves to the process under a standard they believed would remain in place until they had their trials, and then either be able to stay or be required to leave based on a fair adjudication.

For the people who played by the rules, the second group, the rules are now being changed. They will be disadvantaged as opposed to the people who did not play by the rules. To me, Mr. President, that would be a complete and catastrophic mistake for us to make. It has to be addressed in the interests of fairness.

Now, there is another thing that has changed that I will also mention in the bill that was passed in 1996, a limit, a cap of 4,000 suspensions and adjustments per year was placed and put in force. I believe it was put in force at that level because it was the view of the drafters of the legislation that 4,000 would be adequate to meet the amount of such suspensions and adjustments of status that would be granted by the reviewing boards, the immigration courts. I believe that 4,000 figure was recommended by the Immigration Service because it was never contemplated that it would be applied to those who are in this category of Central Americans we are trying to address today because this category is a much larger group. They will consume more than 4,000 adjustments per year, because at least that many and probably as many as 7,000 or 8,000 more per year will meet the standard and be permitted to stay.

The cap now in place has the perverse effect of literally putting people in a position where if they somehow meet the 7- or 10-year standard, if they somehow meet the adjudicatory standard of whether or not they will be permitted to stay if the 4,000 cap is reached, they will still be deported. Now, I can't imagine that that was the intent of the drafters, and I can't imagine, frankly, Mr. President, it would be sustained in the Federal court system. I believe it is one of a variety of problems that now exists and which will be effectively addressed by Senator MACK's proposal.

To summarize what these problems are, there are the constitutional issues that I think will arise. The due process question is whether the standards could be changed in the middle of the game and applied retroactively. We have the problem of this cap, which potentially creates the absurd circumstance I just described where people who have been adjudged to be able to stay in the country are still deported because the 4,000 limit has been reached. We have the anomaly I have described where those people who were trying to play by the rules, who subjected themselves to the process in response to legislation we passed, would suddenly find themselves in a disadvantaged position as opposed to those who never played by the rules in the first place. And what we have, in effect, is a circumstance that I describe as bait and switch. We encouraged people to come forward, to make themselves available for the adjudicatory process, and once they do, based on this interpretation of the 1996 bill, we have now changed the standard by which they will be subjected and changed whether or not even if they successfully meet a standard, they will be allowed to stay.

For all those reasons, I think we really have to do something in the short run, not wait any longer. I think the bill offered by Senator MACK makes sense, and it is consistent with the long history of America's response to the Central American community and to the struggles of the 1980's. For that reason, as I said at the outset, although it is a little bit unusual for an authorizing committee chairman to come down to the floor to support the inclusion of legislation within their sphere on appropriations, I support this

legislation and look forward to working with other Members—if we are going to pass this—work both with the Senators as well as with our House colleagues to try to ultimately reach a solution that is satisfactory to everyone affected.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to thank Senator ABRAHAM not only for his eloquent statement but also his understanding of the matter of why we have ended up in this situation of having to deal with this issue on an appropriations bill. Again, I appreciate both your effort and your staff's effort over this last week or 10 days to try to keep making the effort to see if there was some way we could come to some agreement that would not have to put the Senate through this debate. So again, your counsel was invaluable, and I appreciate your presence on the floor as the chairman of the Subcommittee on Immigration of the Judiciary Committee. It is very meaningful to have your support, and we thank you very much.

Just a couple of other comments, Mr. President. I wanted to indicate some of those who are supportive of this legislation. I have a letter from Empower America that is signed by Jeane Kirkpatrick, former Ambassador to the United Nations; Jack Kemp, former Member of Congress and former Secretary of HUD; William Bennett, former Secretary of Education; Lamar Alexander, former Secretary of Education; and Steve Forbes. All of them are supporting the legislation, making some of the same points that have been made already in the debate this morning. They urge support of the bill.

''We urge you to join in standing in solidarity with free people and democratic governments of our Central American neighbors and friends.''

The point they stressed in the letter is that the Central American countries, who, in essence, we went to bat for in the 1980's to protect democracy and to move them toward freedom and capitalism, today are still struggling in that battle. To send several hundred thousand individuals back into an environment, for example, in Nicaragua, where the unemployment rate is 60 percent, would destabilize those countries, which would be just the opposite of the effort that we made in the 1980's.

Again, I appreciate their letter and their support of this legislation. To give you a sense of the range of support, my colleague from Florida mentioned several editorials. I don't want to duplicate those editorials, but I ask unanimous consent that letters from Empower America and the National Restaurant Association be printed in the RECORD.

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

EMPOWER AMERICA,
*Washington, DC, September 29, 1997.*

Hon. TRENT LOTT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR TRENT LOTT: In the 1980s, we stood in solidarity with the people and governments of Central America who struggled for democracy and peace when threatened by expanding Communist violence and influence. We stand in solidarity with them today, as they work to consolidate democracy and free market economies.

Central America's struggles of the last decade caused thousands of Central Americans to flee to the United States. These Central American refugees have tried to comply with U.S. laws and with the immigration requirements which governed their presence in this country. These rules and understandings have now been changed retroactively and unfairly. Our Central American friends living in the United States now face unexpected and unjust deportations, and their countries of origin will face destabilization. Central America will not be able to simultaneously absorb influxes of large numbers of people being forcibly deported and the deprivation of family remittances that have bolstered these struggling economies.

The ex post facto legislation under which Central Americans in our country are threatened with deportation undermines and violates our principles and one of President Reagan's most cherished legacies—a stable and free Central America.

Senator Connie Mack has introduced the Immigration Reform Transition Act, S. 1076, legislation which will rectify this unfortunate situation. We urge you to support this bill. We urge you to join us in standing in solidarity with the free people and democratic governments of our Central American neighbors and friends.

Sincerely,

JEANE KIRKPATRICK.
JACK KEMP.
WILLIAM BENNETT.
LAMAR ALEXANDER.
STEVE FORBES.

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NATIONAL RESTAURANT ASSOCIATION,
*Washington, DC, September 23, 1997.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: On behalf of the National Restaurant Association and the 787,000 restaurants nationwide, we urge you to support bipartisan immigration legislation that will provide relief for many hardworking members—employees—of the restaurant industry.

First, we urge you to support permanent extension of Section 245(i) of the Immigration and Nationality Act as part of the Fiscal Year 1998 Commerce, State, Justice Appropriations bill. Section 245(i), which sunsets on September 30, 1997, enables certain restaurant employees who are eligible for permanent resident status to remain in the United States while their application for a ''green card'' is being processed. By definition, these are employees who are outstanding in their field or for whom no U.S. worker is available. Many families and businesses will be disrupted if these employees are forced to return to their home country to wait for paperwork.

Second, we urge you to support bipartisan legislation, H.R. 2302, introduced by Rep. Lincoln Diaz-Balart (R-FL) and S. 1076, introduced by Senators Connie Mack (R-FL) and Edward Kennedy (D-MA). In 1996 Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which made many important immigration reforms. However, one provision would apply new standards and restrictions retroactively, making it much more difficult for certain immigrants—who are residing in this country legally—to get relief.

Most affected by the provision are thousands of Central Americans from El Salvador, Nicaragua, and Guatemala who have been in this country legally under temporary protection from deportation while civil wars in their countries made it dangerous for them to go home. These refugees, having lived and worked here for at least seven years, are eligible to remain in the U.S. permanently. The 1996 Act changed the rules of this relief. H.R. 2302 and S. 1076 would prevent the new rules of IIRIRA from being applied to cases that were ending when the law went into effect on April 1, 1997.

Thank you for your consideration and support.

Sincerely,

ELAINE Z. GRAHAM,
*Senior Vice President,*
*Government Affairs and Membership.*
CHRISTINA M. HOWARD,
*Senior Legislative Representative.*

Mr. MACK. Mr. President, I ask unanimous consent that editorials from the Miami Herald, New York Times, and Washington Times be printed in the RECORD, also.

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

[From the Miami Herald, Sept. 3, 1997]

FIX CRUEL IMMIGRATION LAW

Fresh from summer recess, Congress returns this week to tackle substantive issues anew. One that it needs to address is the plight of longtime immigrants who unjustly face deportation because of an unfair, un-American law.

Enacted by the same Congress that brought you anti-immigrant welfare reform, a new 1996 immigration law denies the chance to gain legal status to hundreds of thousands of Central Americans and others who have lived peaceably in the United States for years. Some of the new law is so shameful that Senior U.S. District Judge James Lawrence King, in a class-action suit in Miami, has ruled that it violates the due-process rights of some 40,000 Nicaraguans with more than seven years in this country.

After Judge King forbade the Immigration and Naturalization Service to deport these class members, Attorney General Janet Reno commendably extended the same protections nationwide to cover an estimated 150,000 Savadorans and 80,000 Guatemalans as well. These people also fled U.S. supported civil wars in their homelands during the 1980s. Many have been issued work permits repeatedly and have established families and businesses. They send billions of dollars to loved ones back in their homelands, helping keep struggling economies afloat and dampening illegal immigration to the United States.

Unjust immigration law should be corrected. To their credit, a number of legislators have submitted various proposals with that intent, the best of which was authored by U.S. Rep. Lincoln Diaz-Balart, R-Miami. An administration-backed bill, proposed by Sens. Bob Graham, D-Miami Lakes, Connie Mack, R-Cape Coral, and Edward Kennedy, D-Mass, removes a retroactive ''stop-time'' rule that unfairly prevents many longtime immigrants from gaining resident status. But an onerous provision that denies immigrants judicial review is most offensive and quite possibly unconstitutional.

Under Mr. Diaz-Balart's legislation, immigrants in deportation proceedings before the new law went into effect last April 1 would rightly qualify for relief under previous, more-favorable rules. The same would apply to Nicaraguans, Guatemalans, and Salvadorans who filed asylum claims before April

1990; many of them have been hurt by tremendous INS backlogs. (It would be better if the asylum provision extended to Haitians and others immigrants, too). Folks covered by the bill also would be exempt from a arbitrary cap that limits to 4,000 the deportations that may be canceled annually.

Much as its earlier budget legislation restored significant welfare benefits to legal immigrants, let Congress now reverse a cruel immigration law's punitive provisions.

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[From the New York Times, Sept. 29, 1997]

FLAWS IN IMMIGRATION LAWS

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is a morass of technical complexity that has yet to be fully explicated by either the law's drafters or the immigration officers who are supposed to carry it out. But it is already apparent that at least two elements need immediate correction.

One provision unfairly punishes refugees from Nicaragua, El Salvador and Guatemala who fled civil wars in the 1980's and were given temporary protection from deportation. Under prior law, these refugees, totaling abut 300,000 could have become permanent residents by showing that they had lived here for seven years and had good moral character, and that deportation would cause them and their family members extreme hardship. The 1996 act increased the residency requirements to 10 years, eliminated hardship to the refugee himself as a basis to fight deportation and limited the number of immigrants who could seek permanent residency through this avenue to 4,000.

These Central Americans played by an earlier set of rules endorsed by both Republican and Democratic administrations, but are now being unjustly penalized. The White House supports, and Congress should pass, a bill introduced by Senator Connie Mack, a Florida Republican, that would exempt this group from provisions of the new law, allowing the prior legal standards to apply.

A second provision would actually encourage illegals to stay underground rather than risk going abroad, as they might soon have to, to obtain immigrant visas. The new law imposes a three-year bar to re-entry on illegals who leave the country today and a 10-year bar on those who leave after April 1. If a key provision in current immigration law is allowed to expire tomorrow, as scheduled, illegals will have to return to their home countries to obtain permanent visas.

Under the current role, people who qualify for permanent residency can have their applications for immigrant visas, or ''green cards,'' processed here rather than through American consulate in their home countries. This does not give them any preference. But it reduces paperwork at consulate offices abroad, and generates $200 million a year in revenues from applicants who pay $1,000 each to have their papers processed here.

The Senate has voted to make the provision permanent, but the House is expected to vote only on a three-week extension. If Congress does not renew the provision, hundreds of thousands of people will have to go abroad for green cards. Thousands who have met the criteria for permanent residency but are technically illegal in status would be barred from coming back for years.

Fighting illegal immigration is a difficult and important job. But Congress should do it in a way that will deter illegal entry at the border. Deporting Central American war refugees and those who are on the verge of getting green cards will not achieve that goal.

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[From the Washington Times, Aug. 22, 1997]

RIGHTING AN IMMIGRATION WRONG

Back in the 1980s when communist regimes and insurgences swept through Central America, it was clear to many here that those nations were badly in need of help. The Reagan administration took up the cause of the Contras in Nicaragua, offered support for the beleaguered government of El Salvador, even invading Grenada to prevent communism from gaining foothold in the hemisphere. Despite the best efforts of Democrats to undermine the effort, it was a remarkably successful policy. Today, democracy dominates the region, and economic reconstruction is taking shape.

But there is one forgotten chapter of the story, which could have a less than happy ending. That's the over 300,000 refugees from El Salvador, Nicaragua and Guatemala, who ended up in the United States, fleeing persecution, danger and poverty in their home countries, victims of forces far beyond their control.

The status of the refugees was not exactly legal, but not exactly illegal either. They were granted various forms of temporary protection from deportation, which in accordance with the law would become permanent if certain conditions were met: seven years of continuous residency, a record of good behavior, and proof of hardships awaiting in their native countries. As a consequence, the refugees settled, had children, many becoming a part of the U.S. workforce that Washington knows very well indeed, the nannies, housekeepers and gardeners that so many have come to rely on.

That was until the 1996 Immigration Act changed everything—and did so retroactively. Aimed not so much at the Central Americans but at deterring new refugees, the law capped the number of grantees at 4,000, changed the conditions, and mandated immediate deportation of those who were rejected. To obtain what is now known as ''cancellation of removal,'' a refugee must now have been in the country for 10 years, show good character and demonstrate ''extreme or exceptional hardship'' to a U.S. citizen or resident, be that a spouse, child or parent—but, oddly, not the refugee himself.

Also, the clock ''stops ticking'' on those 10 years, the moment the INS removal proceedings start. That means that if you applied in good faith after your seven years in the country (as per the 1986 law), and got rejected for having accumulated too little time (in accordance with the 1096 law), you would now be out of luck because you could not accumulate more time. If this sounds Kafkaesque, it's because it surely is.

About 1,000 people were deported before the outcry from the Latin American community and the governments in the region caused the Clinton administration to reverse course. On July 10, Attorney General Janet Reno vacated a Board of Immigration Appeal's decision in a test case, and the deportations were halted, though last week one Nicaraguan was deported, the first since the attorney general's decision. Bills in the House and Senate will be taken up when Congress comes back to fix the unintended consequences of the 1996 Immigration Act and to grant relief from the 4,000 annual cap. All the refugees want is a hearing based on the conditions at the time when they were granted temporary stay—in other words eliminate the element of retroactivity in the law, which indeed only seems fair.

But there is not only the refugees to think of here. If we want the fragile economies of Central America to recover, governments in the region will need breathing space. Nicaragua, for instance, has an unemployment rate of 60 percent and cannot afford to absorb its 250,000 refugees in the United States. Nor indeed can the country afford to do without the remittance sent by Nicaraguans here to their families at home. In other words, giving the Central American refugees the fair shake they deserve will also mean giving their countries a chance to stabilize, which, after all, has been the aim of the U.S. policy deal all around, for them and for us.

Mr. MACK. Again, I mention those particular editorials because I think it gives you a sense of the range of support, both Democrat and Republican, from conservative to those considered liberal, who support our action and support this amendment.

Mr. President, there are several things I need to do.

I ask unanimous consent that Senator SANTORUM be added as an original cosponsor.

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

Mr. MACK. Mr. President, just to close this portion of the debate, there may be some that are saying, why are we doing this now? I ask people to try to put themselves in a position of a group of people who have, in fact, played by the rules, as was so eloquently laid out by Senator ABRAHAM, and now there is the great potential that the rules could be changed on them and they would be denied due process. That is fundamentally wrong.

I want people to think about what it must be like to wake up each morning and wonder whether you are going to be one of those that will be the subject of deportation. Think about the fear that must be going through that family, that mother or father, when that child goes off to school that afternoon or that morning. What is going to happen? Are they going to receive a notice of deportation? I know that our Nation does not want to impose that kind of fear on people. That is counter to everything that we believe.

So again, I ask those who have listened to this debate and will be voting to vote in favor of this amendment.

Mr. KENNEDY. It is a privilege to join Senator MACK and Senator GRAHAM in offering this amendment on behalf of Central American refugees. The amendment we propose today closely parellels S. 1076 the Immigration Reform Transition Act of 1997 proposed by President Clinton, which we introduced on July 28.

Without this legislation, thousands of Central American refugee families who fled death squads and persecution in their native lands and found safe haven in the United States would be forced to return. Republican and Democratic administrations alike promised them repeatedly that they will get their day in court to make their claims to remain in the United States.

Last year's immigration law, however, turned its back on that commitment and treated these families unfairly. This legislation reinstates that promise and guarantees these families the day in court they deserve.

Virtually all of these families fled to the United States in the 1980's from El Salvador, Nicaragua, or Guatemala. Many were targeted by death squads and faced persecution at the hands of rogue militias. They came to America

to seek safety and freedom for themselves and their children.

The Reagan administration, the Bush Administration, and the Clinton administration assured them that they could apply to remain permanently in the United States under our immigration laws. They were promised that if they have lived here for at least 7 years and are of good moral character, and if a return to Central America will be an unusual hardship, they would be allowed to remain. Last year's immigration law violated that commitment.

President Clinton has promised to find a fair and reasonable solution for these families, and the administration will use its authority to help as many of them as possible. But Congress must do its part too, by enacting this corrective legislation.

Some are opposing this legislation as an amnesty for illegal aliens. That charge is false. It is an insult to these hard-working refugees, and their families who have suffered so much pain and hardship and who relied in good faith on the solemn promise they were given.

Virtually all of these families are already known to the Immigration and Naturalization Service. They are not illegal aliens working underground. These families have applied to come to the United States under INS programs, and they are here on a variety of temporary immigration categories. They have acted in accord with what our Government told them to do.

Not all of these families will qualify to remain here under the terms of this amendment. They still must meet certain standards that existed in the law, before last year's immigration law was enacted and applied retroactively. The Immigration Service estimates that less than half of those who qualify to apply to remain in this country will be approved.

These families are law-abiding, tax-paying members of communities in all parts of America. In many many cases, they have children who were born in this country and who are U.S. citizens by birth. They deserve to be treated fairly, and I urge the Senate to support the amendment.

Mr. KYL. Mr. President, I will not raise a point of order against Senator MACK's amendment. Though I continue to have numerous concerns about the proposed measure, it has been improved since the original Clinton administration proposal was offered.

I am supportive of allowing those Central Americans who came to this country during the 1980's in order to flee persecution, and other forms of danger, to have the opportunity to apply for relief from deportation under the suspension of deportation application rules that existed prior to the passage of last year's immigration reform bill.

During the 1980's thousands of our neighbors from El Salvador, Guatemala, and Nicaragua came to this country to escape civil war. These individuals were granted temporary protected status [TPS], and were allowed to stay in the United States and work because of the foreign policy issues at hand.

During such time, these Central Americans should have been afforded a proper opportunity to have asylum applications processed, but some were denied this opportunity. As a result, these individuals, made up of Salvadorans and Guatemalans who are sometimes referred to as the American Baptist Churches [ABC] case group, were given another opportunity to have their asylum cases heard. This group is also comprised of Nicaraguans who participated in the Nicaraguan Review Program.

If such asylum applications were denied, the Central Americans were to be afforded the opportunity to apply for what is known as suspension of deportation. That means that, even if they were denied asylum, but could prove that they were persons of good moral character, had been living in the United States for 7 years, and could prove that deportation would cause extreme hardship to either the immigrant or a U.S. citizen or legal immigrant, the Attorney General could suspend the alien's deportation.

However, in the ensuing years, the U.S. asylum system has become so backed-up that upward of 240,000 Central Americans' asylum cases have not been resolved. As a result, the process for applying for suspension of deportation has been delayed as well.

Many of us argue that these Central Americans should be allowed to go through the suspension of deportation process that existed prior to the passage of the Immigraton Act of 1996 because most have lived here since the 1980's and were led to believe that their claims to asylum, or that their pleas to adjust to legal status, would be processed under pre-1996 rules.

The Mack amendment will afford these Central Americans who fled here amid civil war and chaos in the 1970's and 1980's a fair chance to show that their deportation would cause extreme hardship.

The Mack amendment has been improved substantially in one critical area. Initially, the proposal allowed any individual, not just Central Americans, in deportation proceedings as of April 1, 1997, to apply for suspension of deportation under the old rules—7 years in U.S., good moral character, extreme hardship—instead of the new tougher rules under the Immigration Act of 1996. The revised Mack amendment will allow those Central Americans, who came here to flee civil strife and war in the 1980's, to apply for suspension of deportation under the old rules. Individuals who have simply come here illegally will be required to apply for suspension of deportation under the new Immigration Act of 1996 rules. The new rules require such illegal immigrants to prove, like the old law, that they are of good moral character. But, in addition, they must prove that they have been in the United States continuously for 10 years and demonstrate that removal would cause extreme and unusual hardship to a U.S. citizen or legal immigrant, but not to the illegal immigrant himself.

The fact that this amendment has been revised to include only Central Americans is important—during all of the meetings I have had on this issue, and of all of the correspondence I have received, none have suggested that any individuals other than those Central Americans who fled to the United States in the 1980's should be processed under old Immigration Act suspension standards. I am pleased that the Mack proposal limits the scope in this area.

A provision of the Mack amendment that I continue to be concerned about concerns a numerical cap included in last year's Immigration Act. The Immigration Act of 1996 imposed a cap of 4,000 on the number of suspension of deportation cases that can be adjudicated in a given year. The Mack proposal removes the numerical cap of 4,000.

Even though the necessary adjustments have been made to ensure that only a specific group of individuals will be allowed to have their suspension of deportation cases heard under the old rules, the fact is, according to the Immigration and Naturalization Service, approximately 150,000 Central Americans will actually be adjusting their status to permanent legal resident. These additional permanent resident numbers should be offset in other areas of legal immigration. During the negotiation on this amendment, many of us suggested that we increase the number of individuals who will be adjudicated per year from 4,000 to 14,000, but include these numbers in our annual count of legal immigration and ensure, as a result of the addition, that legal immigration does not increase. The Mack proposal should be modified to reinstate the cap, but at 14,000 annually, with an offset in legal immigration that ensures that legal immigration does not increase.

Another concern I have about the Mack proposal is its silence about whether thousands of individuals who entered the country illegally, with no connection to any of these formerly war-torn countries, should be exempted from one of the new tougher standards against illegal immigration in the Immigration Act of 1996. Specifically, the Mack amendment is silent on the issue of the N–J–B case. The N–J–B case determined that section 309(C)5 of the Immigration Act of 1996 means that ''period of continuous residence'' stopped when an alien was served with an order to show cause before enactment of the Immigration Act of 1996, and that such time stops when an alien is, or was, served a notice to appear after enactment of the Immigration Act of 1996. In other words, the Bureau of Immigration Appeals has interpreted the provision to mean that those aliens applying for suspension of deportation cannot

count as time spent here in the United States that time spent here after having received an order. If congressional intent is not clarifed in this area, it has been made clear that the Clinton administration will seek to administratively overturn the N–J–B decision.

Legislation introduced by Representative LAMAR SMITH would clarify congressional intent. It provides that the period of time that an individual is considered to have been in the United States stops when an order to show cause was issued, except for those Guatemalans, Salvadorans, and Nicaraguans who fled here during the 1970's and 1980's to escape civil strife and persecution. Under the Smith proposal, these Central Americans would be allowed to continue to count the time spent here in the United States after having received an order to show cause.

Mr. President, many people are legitimately concerned about the effects of the removal of these Central Americans from the United States. It is my hope that, as we work toward a D.C. appropriations conference report, a modified version of this amendment can be achieved to the satisfaction of all interested parties.

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

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

## RECESS

Mr. MACK. Mr. President, I now ask that the Senate stand in recess.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

## CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The clerk will report House Joint Resolution 94.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 94) making continuing appropriations for the fiscal year 1998, and for other purposes.

### LOG EXPORTS

Mr. GORTON. I rise for a brief colloquy with, the manager of the bill. Mr. President, section 104 of the continuing resolution states that no funds available or authority granted shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 1997. As the chairman knows, the fiscal year 1997 interior—or is it Omnibus—appropriations bill included language which prohibited the use of appropriated funds to review or modify sourcing areas previously approved under the Forest Resources Conservation and Shortage Relief Act [FRCSRA] of 1990. The fiscal year 1997 language goes on to further prohibit the use of funds to enforce or implement Forest Service regulations for this act that were issued on September 8, 1995. As the chairman is also aware, I have included language in the fiscal year 1998 Interior appropriations bill that clarifies FRCSRA. Am I correct in my interpretation of the continuing resolution, that the provisions related to FRCSRA in fiscal year 1997 are extended for the duration of this CR?

Mr. STEVENS. The Senator is correct in his assessment of the continuing resolution. If funding and authority were restricted in fiscal year 1997, then that same funding and authority remains restricted under this resolution. In this particular case, the language to which the Senator from Washington refers in fiscal year would be extended for the duration of the CR.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 94) was ordered to a third reading, and was read for a third time.

The PRESIDING OFFICER. The joint resolution having been read for a third time, the question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

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

[Rollcall Vote No. 261 Leg.]

YEAS—99

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

NOT VOTING—1

Leahy

The joint resolution (H.J. Res. 94) was passed.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, I would like to use just a few minutes of my leader time, if I can. I know we are on the D.C. appropriations bill, and there is a Mack amendment pending. But until we get back to it, I would like to just take a couple of minutes.

I do not know whether we will have the opportunity again today to talk about campaign finance reform. I certainly hope so. But on the possibility that we will not have that opportunity, I wanted to reiterate an offer that I have made publicly and I would like to do it for the RECORD, if I can.

Obviously, we are in a situation now where the tree has been filled, and there are no opportunities to offer amendments. I am disappointed we are in that set of circumstances because, clearly, with campaign finance reform, as important as it is, with Senators waiting to have the opportunity to offer amendments, we are being denied that right. I hope that at some point we could clear the tree and allow Senators the opportunity to offer amendments. That is what a good debate is all about. It is not how long you spend on any given issue as much as it is, during whatever time you spend on the issue, whether or not you have had a good chance for debate.

I must say I think the debate has been very good with regard to Senators coming to the floor to express themselves on an array of positions, and I respect Senators on both sides of the aisle who made the effort to come to the floor and express themselves as clearly as they can.

My hope is that we can get back to this issue and have the opportunity, therefore, to offer amendments. The offer I made—and I will personally make this same offer to the majority leader—is that we take the Lott amendment and separate it. Democrats would be prepared, just as soon as we finish campaign finance reform, to allow this bill to be debated without filibuster, to allow the bill to be voted upon up or down. Obviously, we have amendments because in our view, whatever treatment we accord labor, we ought to accord corporations and other organizations that may have membership requirements. We do that,