

ORDER OF BUSINESS

The PRESIDING OFFICER. Is the Senator from New Mexico seeking time?

Mr. BINGAMAN. Yes, Madam President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

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

MAKING EDUCATION A TOP PRIORITY IN THE 105TH CONGRESS

Mr. BINGAMAN. Madam President, I was very pleased that at the end of the last Congress, we finally did the right thing by education. We increased funding for education. It was a bipartisan effort. We got good support in the waning days of that Congress for improvements in education.

This time I believe we should not wait until the end of the Congress. I believe that education needs to be a top priority of this Congress beginning now and continuing on through the rest of the first session and, of course, the second session as well.

For this reason, I think it is timely that Education Week, which is perhaps the preeminent weekly publication dealing with education issues at the national level, issued its report card on the condition of public education in the 50 States just as this new Congress is beginning.

The report is entitled "Quality Counts." It is a very comprehensive, thorough look at the issue, and it goes through great detail in trying to assess how each State is doing in providing education to its young people.

I recommend this report to all of my colleagues and anybody who is watching. I think it does a good job. It focuses where we need to be focused. I think it needs to be taken very seriously by this Congress.

In the area of quality of teaching, which I am sure we would all agree is essential to a strong education, this report finds that 40 percent of high school teachers lack a college degree in the subject area that they are teaching in. There are too many unlicensed teachers being used in our classrooms today. Ongoing training is still not a reality in most of our States. So the national grade that we received for quality of teaching was a C, which I think all of us who have been through the educational system know is not a stellar performance.

A second finding is about "school climate." Here the findings were that nearly half of elementary teachers have classes of 25 or more students. More than half of high school teachers see in excess of 80 students per day. Almost 70 percent of students attend high schools of 900 or more.

The reason that this last statistic is important is that we have several studies now that conclude that the quality of education and the quality of student performance goes down as the size of

the school increases. When you get a high school of more than 900 students the quality and level of student achievement goes down. So it is unfortunate that a majority of our students are in schools which our own experts tell us are too large. That is something we need to focus on nationally, and we got a C-minus on school climate because of those facts I just cited.

Third, on "overall spending," the States received a C-plus. The report found that most of the increases in spending have gone toward rising enrollment and special education and salaries for an aging work force. And we are not putting the resources into education that we should be, considering the growth in the school population.

Fourth, on "equity of funding," which means the disparities between the rich school districts and the poor school districts, the States got a B-minus. This is a little better than we have done in some of the other areas, but the report finds that the quality of the child's education still depends too greatly on skin color, on family income, and on which school district they happen to reside in.

The fifth indicator is the effective "allocation of funds." According to the report, classrooms still receive only 61 percent of total resources that go into our educational system. Too many of those resources get stopped at the administrative level. On average, there are still over 35 students for each multimedia computer in our school system. Thirty-three percent of districts have at least one serious school construction need. So in that area of allocation of funds, the States received a C-minus.

The sixth area is "standards and assessments." There the States got a B because the conclusion was that this is the area perhaps where we are making the most progress. However, in most States standards have not yet found their way into the classrooms. Even if tests were developed, we do not yet know how rigorous they are, and few States are ready to hold either the schools or the students sufficiently accountable.

The final indicator is "student achievement," which of course is the bottom line, the ultimate goal of our educational system. They did not give a grade there. They said that in student achievement our "results were disappointing." That was the phrase which was used. The report finds that only 28 percent of fourth graders nationwide ranked as being proficient in reading, which is not an adequate level of performance. Even the highest scoring States in the Nation have fewer than half of their elementary students scoring proficient in reading and in math.

Madam President, let me put this in some perspective. Many of us who try to follow education-related issues know that we have a national test that is given around the country periodically called the National Assessment of Edu-

cational Progress, or NAEP for short. This is a chart that shows trends in NAEP reading scores from 1971 through 1994. You don't need to look at this chart long before you notice that all of these lines are not going up. These lines are flat. That means that we essentially are seeing no significant improvement in reading scores by students in this period from 1971 to 1994. Madam President, we are stuck on mediocre, or perhaps stuck on even worse than that. I think this is a cause for concern.

When I look at my own State and read this report there are three areas in which New Mexico performs above the national average. We get an A for standards, compared to the B that most States get. We get a B for overall educational spending, versus the C that is given nationally by this report. And we get a B-minus for classroom resources, versus a C-minus nationally.

There are three other areas, however, in which my State of New Mexico performs worse than the national average. First, the State's test scores still are near the bottom in this National Assessment of Educational Progress test in almost all areas. Only 21 percent of the fourth graders in my State were judged to be at the proficient level in reading, and only 11 percent were judged proficient in math. Also we received a C-minus for teaching quality, compared to a C nationally. And we received a D-plus for school climate compared to a C-minus nationally.

S. 12, the Democratic leadership education bill, does address several of the key issues that are raised by this report. I think they are very important issues. Let me very briefly summarize what this bill is trying to do.

To address the low literacy rates that I described, S. 12 creates a program to increase the efforts of over 1 million teachers, parents, and volunteers in literacy training.

To lower financial barriers to college, including tuition that rose over 100 percent over the last 10 years, S. 12 proposes a \$1,500 tax credit and a \$10,000 deduction for students with a B average.

To help schools build and repair seriously deteriorating facilities, which 33 percent of all school districts report having, S. 12, provides \$5.75 billion in bond interest subsidies.

And finally, to help schools address the fact that over 70 percent of the computer equipment available is outdated and cannot provide adequate instruction and there are roughly 35 students for every modern computer, S. 12 calls for \$1.8 billion in funding for the 1994 Technology for Education Act, which was funded at the level of \$200 million in the current fiscal year.

In conclusion, let me say that this report needs to be looked at by a great many people here in the Congress and elsewhere. It clearly reinforces other findings and reports that have raised these same issues in recent months.

Second, it is clear that nothing has changed since the end of the last Congress, when we finally gave education the attention it deserved and began to really do what should be done at the national level to support education. We need to keep that up, and maintain that momentum in this new Congress. I do believe we can renew our efforts to improve education, renew our efforts to put resources where the people of this country want them, and that is in the education of their children. There should be no letdown in the efforts of Congress in this regard.

Mr. President, I look forward to the additional opportunities in the coming weeks to focus on some of these issues, and I hope we can pursue this set of issues on a bipartisan basis and make real progress for the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

Will the Senator withhold his request?

Mr. ENZI. Mr. President, I ask unanimous consent for 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for 5 minutes.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 180 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Alaska.

THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. MURKOWSKI. Mr. President, last summer the U.S. Court of Appeals issued a ruling that confirmed something that many of us already understood. The Federal Government has an obligation to provide a safe, centralized storage place for our Nation's spent fuel and nuclear waste, beginning less than 1 year from today.

This is a commitment that Congress and the Department of Energy made 15 years ago. We have collected \$12 billion from the American ratepayers for this purpose. But, after spending some \$6 billion, the Federal Government is still

not prepared to deliver on its promise to take and safely dispose of our Nation's nuclear waste by 1998. Hard-working Americans have paid for this as part of their monthly electric bill. They simply have not gotten any results.

So a lawsuit was filed and the court confirmed that there is, indeed, a legal obligation as well as a moral one. We have reached a crossroads. The job of fixing this program and this injustice is ours. The time for fixing the program is now.

Today in this country, high-level nuclear waste and highly radioactive used nuclear fuel is accumulating at over 80 sites in 41 States, including waste stored at the Department of Energy's weapon facilities. It is stored in populated areas near our neighbors, near our neighborhoods, near our schools, on the shores of our lakes and rivers, in the backyards of constituents young and old across this land. Used nuclear fuel is being stored near the east and west coasts where most Americans live, maybe in your town and near your neighborhood. Used fuel is being stored in pools that were not designated for long-term storage.

Some of this fuel is already over 30 years old. Each year that goes by, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. It is irresponsible to let this situation continue. It is unsafe to let this dangerous radioactive material continue to accumulate in more than 80 sites all across the country, in 41 States. It is unwise to block the safe storage of this used fuel in a remote area away from high populations. It is a national problem that requires a coordinated national solution.

Yesterday, on behalf of myself and 19 other cosponsors, I introduced the exact text of S. 1936 from the 104th Congress as S. 104, the Nuclear Waste Policy Act of 1997. This legislation was passed by the Senate last summer by a vote of 63 to 37. It sets forth a program that will allow the Department of Energy to meet its obligations as soon as humanly possible.

S. 104 provides for an integrated system to manage used fuel for commercial nuclear powerplants and high-level radioactive waste from the Department of Energy's nuclear weapons facilities. The integrated system includes construction and operation of a temporary storage center, a safe transportation network to transfer these byproducts, and continuing scientific studies at Yucca Mountain, Nevada, to determine if it is a suitable repository site. During the floor consideration of the bill last year, we received many constructive suggestions for improving that bill. The final version passed by the Senate incorporated most of these changes.

The most important provisions of the bill include: First, the role of the Environmental Protection Agency. The bill provides that the Environmental Pro-

tection Agency shall issue standards for the protection of the public from releases of radioactive materials from a permanent nuclear waste repository. The Nuclear Regulatory Commission is required to base its licensing determination on whether the repository can be operated in accordance with the Environmental Protection Agency's radiation protection standards.

The National Environmental Policy Act, or NEPA—the bill complies fully with NEPA by requiring two full environmental impact statements, one in advance of operation of the temporary storage facility and one in advance of repository licensing by the Nuclear Regulatory Commission. The bill provides that, where Congress has statutorily determined need, location, and size of the facilities, these issues need not be reconsidered. There is simply no rationale for requiring that.

Another concern is transportation routing. The bill provides that, in order to ensure that spent nuclear fuel and high-level nuclear waste is transported safely, the Secretary of Energy will use transportation routes that minimize, to the maximum practical extent, transportation through populated and sensitive environmental areas. The language also requires that the Secretary develop, in consultation with the Secretary of Transportation, a comprehensive management plan that ensures the safe transportation of these materials.

Under transportation requirements, the bill contains language clarifying transportation of spent fuel under this act shall be governed by the requirements imposed by all Federal, State and local governments and Indian tribes, to the same extent as any other person transporting hazardous materials in interstate commerce.

With regard to the interim storage facility, in order to ensure that the size and scope of the interim storage facility is manageable, yet adequate to address the Nation's immediate spent fuel storage needs, the bill would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expanded to 60,000 metric tons if the Secretary fails to meet his projected goal with regard to the licensing of the permanent depository site.

With respect to the preemption of other laws, a provision of the bill would provide that if any law does not conflict with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, that law will govern. Further State and local laws are preempted only if those laws are inconsistent with or duplicative of the Nuclear Waste Policy Act or the Atomic Energy Act. The language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

Finally, the bill contains bipartisan language that was drafted to address this administration's objections to the