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Senate

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

The PRESIDENT pro tempore. Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 24 we hear:

The Lord's are the earth and its fullness; the world and those who dwell in it. For He founded it upon the seas and established it upon the rivers. Who can ascend the mountain of the Lord or who may stand in His holy place? He whose hands are sinless, whose heart is clean, who desires not what is vain? He shall receive a blessing from the Lord, a reward from God His savior. Such is the race that seeks for him, that seeks the face of the God of Jacob.

Let us Pray.

All powerful God, You always show mercy toward those who love You and are never far away from those who seek You. Remain with Your sons and daughters who serve in the Senate of the United States and guide their way in accord with Your will. Shelter them with Your protection, and protect also those who guard them; give these servants of Yours the light of Your wisdom, and give Your grace also to their staffs. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will begin at this point 30 minutes of debate on the amendment offered by the Senator from California, Mrs. BOXER, regarding afterschool programs. We had been scheduled to debate the Gregg second-degree amendment. It is my understanding Senator GREGG is now disposed to withdraw the amendment unless there is objection to that. So we will proceed with 30 minutes of debate on the Boxer amendment, with the first vote occurring at 10 a.m.

On behalf of the leader, I am announcing that we will try to complete action on the bill today. Therefore, votes will occur throughout the day and into the evening.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

Pending:

Reid amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

Boxer amendment No. 1809, to increase funds for the 21st century community learning centers program.

Gregg amendment No. 1810 (to amendment No. 1809), to require that certain appropriated funds be used to carry out Part B of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, when we concluded yesterday afternoon, the ranking member and I talked about a unanimous-consent agreement for all amendments to be filed. We had talked about 12 noon today, and there was concern that since the announcement was made late in the day, Senators would not have an opportunity to understand that since many had gone home. But it is my expectation that when Senator HARKIN arrives, we will confer and try to pick a time when we will ask unanimous consent that all amendments be filed.

AMENDMENT NO. 1810, WITHDRAWN

On behalf of Senator GREGG, I withdraw the Gregg amendment.

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

AMENDMENT NO. 1809

Mr. SPECTER. The essential point on the amendment of the Senator from California is to add $200 million to afterschool programs. I believe afterschool programs are very valuable, and I have supported afterschool programs in the past. In fact, in collaboration with Senator HARKIN, we included $200 million in addition to the $200 million now allocated for afterschool programs. This is an enormous increase on a program that just 3 years ago was at $1 million, then increased to $40 million, then to $200 million, and we have doubled it this year to $400 million. It is an integral part of the school violence prevention initiative.

In crafting this bill, which comes in at $91.7 billion, Senator HARKIN and I have made an assessment of priorities among some 300 programs. And while we would like to have more money for afterschool programs—we would like to have more money for many programs—it simply is not possible to do it.

In crafting this bill, which will be passed by the Senate, to get at least 51 votes, there is very considerable concern on my side of the aisle about a bill with $91.7 billion. Then we have to go to conference. Then we have to find a bill which the President will sign. The metaphor is, it is like running between the raindrops in a hurricane. So it is

with reluctance I must oppose the Boxer amendment; it is not realistic to do it.

Some have argued that the $200 million advocated yesterday by Senator MURRAY, which was defeated, or the $200 million sought to be added by Senator BOXER would dip into Social Security. I am not going to make that argument because no one really knows that. We are determined to craft a total appropriations package which is within the caps. In order to accomplish that, there has to be advance funding. Of course, the Boxer amendment provides for advance funding as well. But at some point, if there is sufficient advance funding going into the projected $38 billion in surplus for fiscal year 2000, even on the advance funding line, Social Security will not be intact, and I think there is agreement that we have to protect Social Security and Medicare, that our expenditures even on an advance line cannot go beyond.

I note my distinguished colleague from California is ready to present her case, so I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

The amendment I have at the desk is No. 1809? I just want to make sure that is what the clerk has.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I thank the Chair.

I am going to make some very brief remarks and then yield 7 minutes to the Senator from Massachusetts, who is such a leader on education. I will begin just by setting the stage for his remarks.

The amendment we have at the desk—and it is cosponsored by many on my side of the aisle—would allow 370,000 children the opportunity to get into afterschool programs. This is a program that works. I understand both sides agree that it works. The difference is that we on this side want to be a little more bold. We want to really say that if education is a priority, and if our children are a priority, we ought to go up to the President's requested level of $600 million for this program.

The bill goes up to $400 million. That leaves out 370,000 children.

Think of the impact for those children. It doesn't only impact them where they are safe after school. It impacts their parents, their grandparents, their communities, and their neighborhoods.

It is a very simple amendment. We use a technique used all through the bill, which is forward funding. We don't touch Social Security or anything else. We simply forward fund it because the school year starts later, and that kind of funding would work.

I want to share with my colleagues before you hear from Senator KENNEDY that last night the National Association of Police Athletic Leagues was so delighted to hear we had this amendment pending that they got on the phone and called everyone they could in the Senate. I am going to read a little bit from their letter:

DEAR SENATOR: The National Association of Police Athletic Leagues is endorsing and supporting Senator Boxer's afterschool legislation, and anticrime amendment to the Labor-HHS appropriations bill. It would add $200 million to the 21st century learning center funding. This would total $600 million.

This is what the National Association of Police Athletic Leagues says.

Our kids need it. They need to be in safe places during nonschool hours. There is no safer place in any community than the school, especially when law enforcement personnel are involved in their activities. This is where PAL plays a part in the afterschool and anticrime amendment. The amendment directly addresses the issue of the juvenile crime rate during nonschool hours by providing productive activities, and improves the academic and social outcome for students.

He goes on to explain how the Police Athletic Leagues is involved in afterschool programs.

We are very delighted to be here this morning. We are pleased Senator GREGG withdrew his amendment because I think it flattened the issue. We are all for IDEA, and that has been taken care of in the bill before us. But afterschool has been shorted.

At this time, I am pleased to yield 7 minutes of time to Senator KENNEDY, who is our leader in the Senate on education issues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California. This has been an ongoing and continuous effort on her part, since the beginning of this program 3 years ago when it started out as an extremely modest program. The reason it has grown to where it currently stands at $200 million, is to a great extent, because of Senator BOXER bringing to the attention of both the administration and the Congress, the impact of this program on children, on families, and also in terms of law enforcement.

I think many of us were heartened earlier this year when the President asked for $600 million. But I think most of us thought, given the amount of the request for that program, that it far exceeded that by two or three times. As with very strong programs, it will get the kind of focus, attention and priority it deserves. I want to express our appreciation to the Appropriations Committee because they have at least added some resources to that.

But, of course, we face a significant decline in terms of the commitment from the House of Representatives. By accepting the Boxer amendment, we will strengthen the commitment that our appropriators have demonstrated in terms of funding this program.

As we come into the second day's debate on this appropriations bill, we are seeing the targeting of scarce resources that we have at the national level in areas of proven achievement and accomplishment.

Yesterday, under the leadership of Senator MURRAY in the area of smaller class size—and the record is very complete—with smaller class size and with better trained teachers, the academic achievement and accomplishment for children are enhanced significantly, and the benefits of those experiences stay with those children. Of course, if they are enhanced later on, they even expand. The afterschool program is a similar program.

If we are able to take both of these programs together—smaller class size and afterschool programs—with the kind of improvement of those afterschool programs, including tutoring, helping children with their homework, and also exposing children in many different instances, as we see in Boston, to a wide variety of other subjects—for example, photography and graphic arts, areas which have awakened enormous interest among children—students may find these are areas where they may concentrate either near school or later as the source of employment.

The bottom line is very clear. The results are in. Every dollar we invest in afterschool programs means that a child will have an enhanced academic achievement and accomplishment, period.

As this country debates, families say: What can we do about education?

This morning many families, as they saw their children going off to school, were saying: I hope my child is going to have a good day in school; that they are going to have good teachers; and that they are going to continue their learning experience.

One of the things we know and that has been demonstrated and proven is that afterschool programs work. They have a positive academic impact in terms of children. This ought to be prioritized. That is what this amendment does.

I welcome the fact that Senator GREGG withdrew his amendment because I think it is rather cynical to try to place disabled children against afterschool children. Hopefully, we are interested in all children. Disabled children go to afterschool programs. Why try to say to people in local communities: Look, you have to do this, or do that? We ought to do what is necessary in terms of those children who qualify for IDEA, and we ought to do something for the afterschool program. Now we have the opportunity to do something for the afterschool program.

I want to state very quickly some of the results of the afterschool program to date. One is in the student achievement. The second is in decreasing juvenile crime.

The Senator from California has been able to reflect that in the very strong support from law enforcement officials that she mentioned in the RECORD. That has been demonstrated. It was demonstrated in Waco, TX, where many of the students participated in what they called the Lighted Schools Program for afterschool programs. They saw an important and significant

reduction in juvenile delinquent behavior over the course of the school year. It produces that result, as we saw, as in some of the presentations we made yesterday about giving the students a youthful, productive, and healthy kind of alternative to using their time in a wasteful way after school. It has the result of reducing juvenile crime.

Finally, the parents support it. In Georgia, over 70 percent of students, parents, and teachers agree that children are receiving helpful tutoring in The Three O'clock Project, a statewide network of afterschool programs. The parents are the ones who have been the strongest supporters of this program.

As we have seen in other programs, there is no requirement and no mandate on this. If the local school and community want to do it, they had better get their applications in because there are going to be scarce resources. We are doing it on the basis of a solid record of achievement, academic improvement, and reduction in crime. They have seen that there have been expanded opportunities for students because of additional learning experiences.

This is a win-win-win. I think the Senate of the United States ought to go on record in supporting what the parents want and what has been demonstrated to be effective in enhancing academic achievement in afterschool programs.

We are glad for what the appropriators have done. But we are talking about a $1.7 trillion budget. We think $200 million more for the afterschool program, which will bring it up to the $600 million the President had requested, makes a good deal of sense. Again, it is an issue of priority.

Mrs. BOXER. Mr. President, I ask that the Senator have an additional 2 minutes. I will ask him to yield for a question.

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

Mrs. BOXER. Mr. President, I think my friend makes a very important point about the priorities when he talks about the overall size of this budget of the United States of America. Comparing that with the $200 million we are asking for in this program would add 370,000 children who are awaiting in line.

I ask my friend another question. Our friend from Pennsylvania is not supporting our amendment and alludes to the fact that, well, we just can't keep spending more. But yet every Republican, as I remember, voted for an enormous tax cut of billions and billions of dollars. Now that is off the table.

I say to my friend, it seems ironic there would be complaints about spending more on education than the bill already provides, when every single one of my Republican friends voted for this huge tax cut to benefit the wealthiest. All we want is to take a relatively small amount of that and put it into afterschool.

Mr. KENNEDY. Mr. President, the Senator is correct. We had a tax cut for $792 billion over the period of the next 10 years. As the Senator remembers, we had the opportunity to fully fund the IDEA program and only reduce the tax cut by one-fifth. That was real money going toward education for the disabled. That was rejected on party lines. Those who are advocating and supporting the Boxer amendment supported it. It was turned down on the other side.

If we were able to have that amount of money that would be used in the tax cut, why not take $200 million of that $792 billion and put it in afterschool programs to service 370,000 children? It makes sense to me.

Mrs. BOXER. I want to give my friend some information. I know he fought this tax battle and a lot of the numbers have perhaps slipped away. The number of dollars that would have been lost in the school year 1999–2000 as a result of the Republican tax cut was $5.273 billion in the first year, this year that we are talking about.

They were willing to give to the wealthiest people in this country $5.273 billion in the school year 1999–2000. All we are asking is to take the latter part of that figure—the $5 billion we are not touching—the $273 million.

When it comes to priorities, I think this vote is very important.

Mr. KENNEDY. The Senator has brought up an enormously important point, one that some Members understand, and hopefully the American people understand.

To move ahead with that tax cut would mean an effective reduction in support of programs that reach out and benefit children in the public schools. That is part of the money they were going to use to fund that tax break, and, of course, the President vetoed it so we are able to at least effectively hold those programs at their current level.

However, the Senator additionally makes the point that we have 447,000 new children going to school this next year, about 300,000 the following year, and 300,000 the next year. Unless we see an important increase, we will not be able to serve all the children in need.

I think the Senator from California's program will move us down that road in an important way.

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

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, the agreement to vote at 10 o'clock is complicated by the withdrawal of the Gregg amendment. For the record, I ask unanimous consent the time restraints outlined in the previous consent agreement apply to the Boxer amendment, with a vote to occur at 10 o'clock. That is our plan 6 minutes from now.

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

Mr. SPECTER. By way of brief reply to the arguments made by the Senator from California, did I understand the Senator from California to say that no Republican voted against the $792 billion proposed tax cut?

Mrs. BOXER. I thought that was correct. How many did vote against it?

Mr. SPECTER. Quite a few. I wouldn't want to cite an exact number.

Mrs. BOXER. I don't think it was ''quite a few.'' It might have been three.

I stand corrected.

Mr. SPECTER. It might have been more than three; it was some.

Mrs. BOXER. I stand corrected. I apologize. I know my friend did vote against it.

Mr. SPECTER. I can testify to that from direct personal knowledge; I voted against it and others did. There were some Republicans against the tax cut.

Mrs. BOXER. I congratulate the Senator for that.

Mr. SPECTER. We thank the Senator more for the accurate identification than the congratulations. My vote against it was based upon concern of what the surplus would be.

I think it ought to be noted the President has come forward with a proposal for a tax cut of his own. It is not a tax cut of the magnitude passed by the Senate and the House, but he has come forward with a role for a tax cut.

Back to the issue on more money for afterschool programs. I think it is very important to consider this issue in the perspective of what has happened with this program which was created as recently as 1994. For the fiscal year 1995, enacted in 1994, the last year when the Congress was controlled by the Democrats, the afterschool program was $750,000. The next year it was $750,000. In fiscal year 1997, it went to $1 million. In 1998, when I chaired the subcommittee and Senator HARKIN was ranking, we raised it to $40 million. Last year, we raised it to $200 million. This year, we are raising it another $200 million. I believe there has been a real recognition of the value of the afterschool program.

The Senator from California and I had an extended debate yesterday afternoon on the question of whether there would be a request for more money. Had we added $400 million, there would still have been many applications and many meritorious applications. Among the total number—there were some 2,000 applications—only 184 were granted. That brings me to the conclusion that regardless of what we craft in a bill and how much money we add for afterschool programs there will be an effort by someone to up the ante so that no figure is satisfactory.

Someplace the line has to be drawn. The overall education budget, which the subcommittee recommended and the full committee recommended and is now before the Senate, increases educational funding over last year by $2.3 billion—$2.3 billion. It is more than $500 million more than the President's request. When we take education in the

aggregate, we have done more than President Clinton has asked. When we go down to some of the specific items, we have not put quite as much as he wants into some programs. He asked for the program on preparing disadvantaged secondary high school students for college, GEAR UP; he asked for an increase from $120 million to $240 million, doubling it. We increased it to $180 million, $60 million over last year's funding level.

However, the Congress has the principal responsibility in the appropriations process under the Constitution. It is true the President has to sign the bill, but we are the baseline appropriators. While we have disagreed on some of the priorities, I believe that Senator HARKIN and I have crafted a bill, which the subcommittee accepted and the full committee accepted, that is a realistic and appropriate allocation of those priorities. It is for that reason, as much as I like afterschool programs, there has to be some limit before we go into Social Security, some limit considering how much we have added to education.

Mrs. BOXER. Will my friend yield for a clarification on a conversation we had a moment ago?

Mr. SPECTER. On the four Republicans who voted against the tax bill?

Mrs. BOXER. No, it is only two, that is what we were told.

Mr. SPECTER. Senators VOINOVICH, COLLINS, SNOWE, and I all voted against the tax bill; it was a 50–49 vote. One Republican was absent, four Republicans voted against it. Forty-five Democrats voted against it, plus four Republicans: VOINOVICH, COLLINS, SNOWE, and SPECTER.

Mrs. BOXER. We have the vote. It shows two voted against.

Mr. SPECTER. You have the first tax bill, the bill out of the Senate, where VOINOVICH and ARLEN SPECTER voted against it. The conference report, which is the tax bill, had four Republicans voting in opposition.

Mrs. BOXER. I was speaking about the vote in the Senate, when the Senate bill came before us. There were two and you were one of the two. I want to make sure the RECORD shows that.

Mr. SPECTER. It is a vote in the Senate on the conference report.

Mrs. BOXER. Fine. Then we could say two voted against it the first time in the Senate and when it came back from the conference, four.

The point I made is very obvious.

Mr. SPECTER. Will the Senator from California agree that some Republicans voted against it?

Mrs. BOXER. I agree that two Republicans out of 55 voted against it in the Senate. I don't know what the point is. I am glad you did, Senator.

The PRESIDING OFFICER (Mr. BUNNING). All time has expired.

Mr. SPECTER. Mr. President, I take that as a concession that some Republicans voted against it.

Mrs. BOXER. Well, don't. I don't mean it as a concession.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1809.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

McCain

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—S. 82

Mr. LOTT. Mr. President, we have been working quite some time now to get a final agreement on how to bring up the FAA reauthorization bill. This is important legislation. We have tried to extend the time, and there has been resistance to that. We have tried to direct a conference; there has been resistance to that.

So it is important we have a couple days to have debate relevant amendments and deal with this issue. We are working on both sides of the aisle, and I think we have resolved most of the questions. If there is any one remaining problem, I would like to flesh it out so we can deal with it.

I ask unanimous consent that on Monday, October 4, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be authorized to modify the committee amendments and, further, that only aviation-related amendments and relevant second-degree amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I will object at this point. I do so only because it is my understanding that the junior Senator from New York, Mr. SCHUMER, is still awaiting an answer from the manager of the bill, Senator MCCAIN. They have been negotiating now for several days. The Senator from New York indicated he hopes that in a matter of hours he will hear from Senator MCCAIN's office. As soon as he gets that clarification from Senator MCCAIN, I think he will be more than happy to agree to this unanimous consent request. I will certainly notify the majority leader when that happens. Then it would be my expectation we could agree to this unanimous consent request. We have worked through a number of other problems and issues Senators have raised.

I appreciate the cooperation of all Senators, especially those on my side of the aisle who have worked with us to get to this point. This is an important bill. It needs to be done. I hope it will be done next Monday.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I thank the Democratic leader for that response.

The manager of the bill and the ranking member, Senator MCCAIN and Senator HOLLINGS, are really anxious to go forward with this. There is an understanding on both sides of the aisle that this is very important legislation we have to complete.

We have worked through problems that Senator ROBB had, Senator ABRAHAM, a number of Senators who have amendments, but they will be able to offer those relevant amendments under this agreement.

I hope later on today we can lock in this agreement and be on this bill then next Monday, and after a reasonable time for debate and amendments, surely we can finish it by the close of business on Tuesday.

Also, Mr. President, there had been an indication that some amendment might be offered on the Labor-HHS-Education appropriations bill on an unrelated matter but one with which, frankly, we are prepared to go forward.

UNANIMOUS-CONSENT REQUEST—TREATY DOCUMENT NO. 105–28

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent