Mr. JEFFORDS. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2:30 p.m. today.

There being no objection, the Senate, at 1:53 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

The Senate continued with the consideration of the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 241, which has been offered to S. 717.

Mr. JEFFORDS. Mr. President, I understand the Senator from Washington desires to speak shortly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. JEFFORDS. Mr. President, I want to take a moment to explain where we are. We have one amendment pending, the Gregg amendment, which has been offered and which we all would love to do. Again, I want to explain to my colleagues why we are in a position where it is difficult, if not impossible, for us to accept any amendments, notwithstanding how much we would like to do so.

The House will be passing in the morning the same bill, identical. We hope to pass here the same bill. The reason for that is one that is hard to explain because I don't like to have this kind of a situation. But as I explained this morning to my colleagues, last year, we came very close to passing the bill which was almost identical to what we have, but we have made some changes to reconcile some of the problems that were raised. At the time, we tried to do that, the word got out and erroneous statements were made about it. This is such a volatile area, where you are dealing with young people with disabilities and educational settings and the concept of mainstreaming and all these things. It is a very emotional subject. The whole thing fell apart.

What we have done this year with the leadership in the Senate pulling together, with David Hoppe and the groups from all over the country, we finally reached, the other night, the final, final agreement. Everybody is holding hands. Notwithstanding that, there are people today spreading incorrect information around the country that certain things have happened and people are getting concerned. We are trying to make sure we don't have any opportunity for this bill to fall apart. It is so important, so emotional, and so difficult, so we are trying to do that. At times, I will have to speak against things that I agree with. We have the Gregg amendment pending right now. It is a concept I think everybody in the Senate agrees with. In fact, they voted 93 to 0 to do what he wants to do some time ago on the Goals 2000 bill. To do that again would create a problem. I have already announced my support for us to reach the goal of 40 percent to fund the total cost of problems with disabilities in this bill.

We started off when we passed it back in 1975 with funding at 12 percent. It went down as low as about 5 percent. We are now back up to about 8 percent, around the efforts of Senator GREGG, primarily, last year. I hope we will get that kind of a commitment. I agree with everything Senator GREGG is doing, but I have to oppose it because it would create a problem we don't want to create. With that piece of knowledge, as soon as the Senator from Washington is ready, he can speak; he has an amendment. I wanted to lay out what I will do when he is finished.

I thank the Chair and yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. 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. GORTON. Mr. President, I stand before you and my colleagues here in the Senate today in a situation for which I can remember no parallel during the course of my career. It is a position with which I have struggled considerably, not just as we worked toward the scheduling of this bill, but for the course of more than the last 2 years.

I have an amendment to this bill, which I will introduce later on this afternoon, which I suspect, given the nature of this debate, has very little chance of acceptance. I will oppose this bill as one that I consider imposes not only an unfunded but an unwarranted mandate literally on every school district, every school director, every school administrator, every teacher in the public school systems of the United States.

At the same time, Mr. President, I want to pay heartfelt tribute to the distinguished Senator from Vermont, who is managing the bill, to the distinguished junior Senator from Tennessee, who has perhaps spent more time on it during his 2-plus years in the U.S. Senate than he has on any other issue and, probably, than any other Senator has in that time. From their perspective—and it is a valid perspective—this bill represents a substantial step in the right direction from the current Individuals With Disabilities Education Act, or IDEA.

It represents a careful balancing on their part of the many, the strong, the articulate lobbies on each side of the disability issues that surround this bill. In fact, it represents an exquisite compromise dealing effectively with at least some of the interests of every group involved in public education, except for the students and the quality of education that they are provided in our public schools.

Education may be the single issue with the highest degree of prominence that will be discussed during the course of this Congress. The President has made both some real progress and far more rhetorical progress in bringing the quality of education provided for our students today, as they move into their lives in the 21st century, than he has on any other issue. This bill, however, has not played a significant part in that rhetoric. And almost nothing in the drafting or the debate over this bill has concerned itself with the overall quality of education that will be provided to the great mass of our young people as they move into an increasingly competitive world and increasingly competitive environment.

No, Mr. President, this bill is aimed, as is its predecessor, at a relatively small, though growing—and I will speak to the nature of that growth a little later—element in our population who are subject to a number of disabilities. Like so many of our other statutes in many other fields, its focus is so narrow that it avoids entirely, or interferes with, the overall quality of education provided to all of our young people, together with the rights of those who are closest to those young people—their parents, their teachers, their school administrators, their elected school board members—to make judgments about how best to provide the best possible education for the largest number of students. We hear soaring rhetoric about the need for higher educational standards as we move into the 21st century. But, Mr. President, I regret to say that this bill will not help us in any way in providing those higher standards. In fact, it will increasingly interfere with and frustrate their attainment. And yet, I must return to the very real tribute and credit that ought to be paid to those on the committee of jurisdiction who have drafted this, not on a blank slate, but on the slate that has been inscribed with the current IDEA.

Some of the remarks that I will make during the course of this debate, coming from individual parents or

school districts, will of course relate to the enforcement of the law as it exists at the present time. But I believe, very much to my regret, that they will apply with equal force and merit to the bill that is before us, should it become law.

The fundamental flaw with this bill, and with the present law, Mr. President, is that it imposes on every school district in the United States a double standard with respect to school discipline, with respect to order in the classroom, with respect to priorities in connection with the financial, the fiscal investment in our children's education. It is overwhelmingly an unfunded mandate of exactly the type the last Congress, at least so far as the future was concerned, tried to avoid. It is, however, an unfunded mandate in another sense. There is hardly a Member of this body, Republican or Democrat, who does not give eloquent lip service to the proposition of local control and local influence over our schools, particularly in their day-to-day operations, and even when we feel that certain national levels of achievement ought to be set—perhaps not imposed, but at least set against which to measure attainment.

Yet, I pick up this bill, S. 717, and I note that it is 327 pages long, every page of which imposes a detailed mandate on the system of schools in New York City, NY, on the system of schools in the smallest and most rural district in the State of Kansas, or in the State of Washington—rules which cannot possibly be set in a universal fashion applicable to every student in every situation in every school district in a world which truly values education and truly believes that so much of education results from the dynamics of an individual teacher and an individual student.

I had intended literally to read some of these requirements to you here, and I must confess that unless I wished to engage in a filibuster, I do not have time to do so. But in this bill, beginning on page 141, there are detailed procedural safeguards on behalf of any individual who claims a disability and who claims that that disability has not been dealt with precisely according to the rules in the other 300-plus pages of the statute. Those procedural requirements begin on page 141 and end on—well, I have not gotten to the end yet. I am at page 156 and working through this set of requirements—20, 30 or more pages simply of procedural requirements applicable to each disabled student, applicable to each school district, applicable to each individual determination. The only thing missing in those procedural requirements is the slightest expression of concern for any of the great majority of students who are not disabled, of the problems of individual teachers and individual classrooms or of the overall quality of education that will be provided by school districts subjected to the mandates included in this statute.

The amendment that is before the body now proposed by the Senator from New Hampshire [Mr. GREGG] would raise from about 7 percent the current level of support from the Federal Government to defray the mandates imposed by this bill to somewhere closer to 40 percent that the original Individuals With Disabilities Education Act purported to mandate or at least to authorize.

The Senator from Vermont has said that he has great sympathy with the Gregg amendment but that he must oppose it, and it will undoubtedly be defeated. We can afford to make the requirements but we cannot afford to pay for them. Why? Perhaps the Senator from Vermont will correct me on this. Because if we were to do so, if we were to pay entirely for the requirements we lay out in this statute, we would not have any money left over for any other educational purpose from K through 12. None of the wonderful promises of the President or of a multitude of Members of this body.

In fact, Mr. President, I will be blunt. If the Congress were forced to pay all of the costs that it imposes by this bill or by its predecessor on individual school districts, there is not the remotest chance that the statute would ever have been passed in the first place or be passed here today. It would simply be too expensive. We can, however, please certain interest groups by making these requirements and by requiring someone else to pay for them.

I suspect that you, Mr. President, and the Senator from Vermont and I all remember that magnificent motion picture about World War II, ''Bridge on the River Kwai.'' I think that is what this bill is. The sponsors or their predecessors who wrote the first bill have built a magnificent bridge that is a tremendous engineering feat, the net result of which is to lower the quality of education in the United States. We are looking at the bridge and not at the results of building that bridge.

I spoke a little earlier about double standards. Overwhelmingly, the double standards in this bill have to do with rules of discipline. Perhaps the most fundamental authority in a local school district or of a State educational authority is setting rules of discipline designed for two purposes: one, to ensure to the maximum possible extent the physical safety of schools and teachers in schools and in an educational situation, and, second, to see to it that the atmosphere in those schools is one that is as conducive to learning as it can possibly be. And for the entire history of the Republic until the passing of the predecessor to this bill that authority, subject only to the Constitution, was delegated entirely to individual school districts.

This bill, as its predecessor, sets up a dramatic double standard. For a nondisabled student, there is no change. For a disabled student, there is a tremendous change. Disciplinary procedures are greatly limited, are subjected to all of the procedural requirements that—I was going to say outlined—the details of which I described earlier, in such fashion that the slowest student cannot possibly escape as a part of his or her learning process if there is one rule for you and a very, very different rule for me, one that you can't get away with that I can get away with—not a very good set of lessons for impressionable young people on their way to becoming productive citizens.

Now, what does this double standard do? Well, the proponents of the bill say, accurately, it prevents discrimination against students with disabilities, a wholesome and a valuable goal—a goal, I may say, incidentally, I think most school districts believe in and would reasonably enforce without any interference by the Federal Government, a goal on which most States have statutes themselves, here preempted by what we do.

But there are other consequences of this double standard. The first is an overwhelming incentive for parents and for lawyers and for certain students to act in such a fashion that they can receive the designation that they are disabled because once you find yourself so designated, most disciplinary rules fly out the window or are greatly limited. You are likely to be entitled to a personal education plan, the cost of which is absolutely unlimited in present law or this bill. You are likely, in a controversy with your school district, to be entitled to a lawyer who will end up being paid for by the school district, that is to say, by the taxpayers, by the other students. And as I have said, whatever the average per student expenditure is in a school district is out the window. The administrative procedure, including a Federal district court, complete with lawyers and attorney's fees, can order any educational setting, any educational expenditure that it deems warranted, looking only at the disabled student, not viewing in any respect whatsoever the impact of those costs on the ability of the school district to provide an education for others.

(Ms. COLLINS assumed the chair.)

Mr. GORTON. Is it any wonder that every year, in school district after school district, more and more students find themselves denominated disabled? The incentives to do so are extremely significant. It is reported by the Advisory Council on Intergovernmental Relations that this current bill, of all Federal regulatory statutes, ranks fourth in the amount of litigation that it creates. That is a pretty good record. Of all of the regulatory statutes in the United States, this ranks fourth in the amount of litigation it creates.

I note another element in that connection. We recently had a decision by the Supreme Court of the United States on a particular form of environmental litigation in which the successful challengers to a particular statute

received their attorney's fees. In this bill, however, attorney's fees are a one-way street. If the representative of the individual student claiming discrimination under the statute prevails, that student or that student's family is awarded his or her attorney's fees. If the school district prevails, no attorney's fees can be awarded against the losing party. What does this do? Of course, it encourages litigation. The litigation is free. It also overwhelmingly encourages settlements which many school districts may regard as very, very unwise, simply because the potential downside is so great—again adding immensely to costs imposed on school districts.

We tend to say ''school districts,'' but obviously in every case, every dollar paid out in attorney's fees, every disproportionate dollar paid out as a result of litigation or determinations pursuant to the statute, comes out of the finite pool of money that provides education for other students. A marvelous example of the way this works in the real world has taken place right here in the District of Columbia. Recently, the Washington Post highlighted the law firm that makes easy money by bringing administrative complaints and lawsuits over the shortcomings of the District of Columbia's schools' special education system. One of the lawyers quoted in the argument said, ''Winning those cases is like taking candy from a baby.''

I am not here to defend the quality of education in the District of Columbia. I think it is a magnificent paradox that it may spend more money per student than any other school district in the United States, or very close to that, and has pretty close to the worst results, but at least a modest portion of that has to be covered because of the fishing expeditions encouraged by this law that makes winning these cases ''like taking candy from a baby.'' In my own State of Washington, with which I am more familiar than others, lawyers' costs range from $60,000 a year, $90,000 a year, $300,000 a year, all coming out of the pool of money that would otherwise be used for educating particular children.

However, I spoke a little earlier about the impact of this legislation on other, nondisabled schoolchildren. On that subject we received a letter from a concerned mother in California. She was working as a parent volunteer in her 5-year-old son's kindergarten classroom. In doing so she observed a student disrupting the classroom with loud outburst, running, kicking, screaming, hitting the teacher and aides. The child was in the class because of what is called, in this law, a full inclusion order. The net result was that my correspondent's 5-year-old child suffered from headaches every day the disruptive child was present in the classroom, was one of the victims of the child's outbursts, was punched by the child. The parent of the disabled child rejected the use of any normal method to control her child. The mother, who wrote me, writes that finally she had no choice but to remove her child from the school. She wrote,

> Fearing for my son's physical and emotional well-being, I finally removed my child from the kindergarten system. This occurred after the Federal court ordered the school district to readmit the special education student in spite of all the documented behavior aberrations.

The statute did not protect that volunteer's child in school. It did not provide for her education. It did not guarantee her constitutional right to an adequate public education, because that child, together with the vast majority of other schoolchildren in all of the school systems in the United States, are nonpersons for the purpose of this statute. They do not count. Their safety does not count. The ability to learn in an orderly atmosphere for them does not count because the Congress of the United States has told them that it does not. All that can be considered in these cases is the situation surrounding plaintiff child, the child with a disability.

One of my own favorite superintendents, who only recently retired, L.E. Scarr, superintendent of the Lake Washington school district, a large suburban district east of Seattle, put it a little differently when he wrote this to me.

> A process which is supposed to result in an education program agreed to by parents and school personnel at times becomes a battleground on which procedures become more important than educational results.

Teacher after teacher, school district after school district say that this process depreciates, worsens the educational standards that they are able to impose. Dedicated schoolteachers give up their careers because of their frustration at being able to operate in what they consider to be an appropriate educational manner. We simply have not created a situation here in which there can be any balance. Even if it is appropriate for the Congress of the United States to pass legislation on this subject, even if it is appropriate to pass a 327-page bill setting out all of these requirements, is it not appropriate to give to each school district some method by which to determine the best educational outcome for the majority of its students? Isn't there some way to say there is some limitation on the amount of limited school district assets that have to be spent on any individual? Isn't there some limitation on the amount of litigation and the amount of attorney's fees that can be imposed on our educational system? Isn't it appropriate that some consideration be given to the safety and educational environment in which the vast majority of our young people are educated? But we do not see that here in this bill.

I must return one more time to the proposition that, yes, it is an improvement over the present situation. My friend from Vermont, in a less public conversation, said I was not giving him enough credit when I said it was minimal or modest. It was substantial. I may be willing to stand corrected on that and say that there are an additional number of factors relating to immediate physical safety which will authorize at least some discipline against a dangerous but disabled student. And that is a step forward. That is why I, along with many of my colleagues, are, to a certain degree, on the horns of a dilemma when we deal with this bill.

It would be easy to vote ''no'' if there were ''no'' Federal legislation on the subject at all. It is much more difficult when you must admit that, for all the criticisms you can make about the regime which this 327 pages creates, it is still something that is viewed with relief by the National Association of School Boards and the principals' and most of the teachers' organizations. But, it seems to me, that shows not how good this bill is, but how bad the current legislation is: the degree of desperation on the part of our school authorities, who have been willing to sign up for this proposal. I sympathize with them. I think, were I in their position, I would probably have done exactly the same thing, because the consequences of not agreeing were the continuation of the status quo.

But, here we are, 100 of us in this peaceful but highly artificial set of surroundings, pretending that we are wiser than all of the school board members in the United States of America, pretending that we know more about their business than they do, making frequent speeches about the genius of local school systems and of local school boards but acting in a way that is totally inconsistent with that lip service.

One of the features I have had in my service in the U.S. Senate in the last 8 years is to create advisory committees in every one of the 39 counties in the State of Washington. I meet with each one of them at least once a year, several of them more than once a year. I have made a conscious attempt in every one of these advisory committees to have at least one member, and sometimes more, who is a teacher, a school administrator, a school board member, in many cases recently a student, so I can hear, each time I meet with one of these groups, about their concerns with respect to the Federal involvement in public education.

Madam President, I can say—and I am probably understating it—that in the course of the last 2 years, at least three-quarters of the comments that I have received from these people from education has been with respect to this law and the frustrations and the disruptions attendant upon its implementation.

And so, I must say with some regret that I will feel constrained to vote against this bill for the reasons that I have stated. In preparing for this debate, I agreed with the sponsors that

we can probably focus on one, not more than two, particular amendments to set out the differences that we have, and the proponents asked me to come to the floor this afternoon, both to engage in a discussion that is almost complete and to offer an amendment.

I must say, through the Chair, to the chairman, while my first and perhaps my only amendment is relatively simple, I don't have it in form to offer at this moment, because I didn't like the form in which it arrived in my office from legislative drafting service.

Unlike the 327-page bill, however, it will take up less than 1 page. It will simply state that notwithstanding any other provision in this statute, each local school authority shall have the right to set rules respective of the safety and educational atmosphere for students in that school system. I hope that I will have the final form of the amendment before this afternoon is up, but we do have another amendment pending at the present time, the funding amendment of the Senator from New Hampshire.

So at this point, I simply want to say that the amendment that I will present and probably will not need to explain to the length I have explained my general position over the course of the last half-hour, the amendment that I will present goes to one element of the heart of this legislation, and that is, who makes decisions with respect to the safety of students in a given school system, who makes decisions with respect to the educational environment in which those students are educated? It does not go to the problem of attorney's fees or elaborate hearings or costs or the like, matters that I think are important but, perhaps, not quite so central to this legislation.

I will explain it. We will vote on it. I believe that while in our heart of hearts perhaps a majority of the Members of this body agree with me in theory, I am not going to hold my breath until the amendment, or that matter the amendment of the Senator from New Hampshire, is adopted. But it is healthy, I think vital, that we debate these fundamental concepts when we are talking about the education of our most priceless resource: our young people.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, I thank the Senator from Washington for a very detailed and very well-done discussion of the bill that we are considering, IDEA. However, I have to differ and would like to explain some of the areas where I think there may be confusion, if it is not explained.

First of all, I reiterate the situation that we have with respect to the requirements of States to provide an education to children with disabilities. This matter was brought up in the late sixties, early seventies in some 26 courts. Two decisions finally were utilized to define what was required.

First of all, there is no constitutional requirement to provide an education by a State. However, if a State does provide a free education to students, it cannot discriminate, and, therefore, it must provide an appropriate—and that is the keyword the courts used—an appropriate education for a child with disabilities.

Because this was nationwide in its decision, and since the States all provided a free education, it became necessary to define, in a sense, what was appropriate, and the courts labored to do that. In the consensus decree developed by the parties involved, those kinds of requirements and specificities were defined in that court decree.

As a result of that, the Congress decided that since this affected all the States, that it be wise if they assisted the States in being able to meet the mandates of the court regarding the requirements of the States to provide an appropriate education. We did that, taking the words from the courts' decisions which defined appropriate education must also, when appropriate, have a mainstreaming component and, thus, we have set out in the early version, 94–142, what was to be done to reach the courts' mandates, not the Congress' mandates but the courts' mandates of constitutional law.

The Senator from Washington brings up a problem of which we should all be aware, and that is there are limited funds available for our school systems to utilize, and any time that the courts mandate that certain things must be done, that necessarily is going to utilize those additional resources to handle those that are being discriminated against in order to give them an appropriate education.

That was done. Whether it affects the other young people by having resources not appropriately assigned to the various groups, that is a question which is of interest and of importance for us to take a look at. I personally feel strongly that right now in our country, we have to look at all of the young people and determine that question ourselves.

I would say that the results of those that are noncollege bound and those that are not under the law with disabilities may have an argument that they are not getting a qualified education, because when we graduate 51 percent of those young people—frankly, all of the young people in that forgotten half group who are graduating from high school functionally illiterate don't have the standards necessary to meet the needs, as the Senator from Washington pointed out, of our society for the next century and may have an argument. That is another case. We are here looking at how to protect children with disabilities in conformance with the courts' mandates regarding States which offer free education.

Also, he grossly overstated the cost of this in the public school systems. If you take a look at what the costs are, I think the total cost for all of special education is over $30 billion—$38 billion. That is nowhere near what we spend totally on education in this country; certainly nowhere near what perhaps one would think we spend. I do not know what the total is we spend, but it is far in excess of that.

He also got into the question of uniformity, that there is a double standard. He thinks the States should decide, that they don't need the Federal Government to give them any uniformity. I think that would have been totally disruptive to the system. I think the courts were appropriate to bring the consensus decision they did, and I think the Federal Government appropriately stepped in with this law to say let's have uniformity, let's establish what the standards are that must be met to take care of those children with disabilities.

A great deal of time was spent on lawyer's fees. I am not going to spend much time on that. I could read the requirements. First of all, there is no requirement for any attorney's fees. There is nothing in the law that says you have to pay. It says the courts may order—they may order—attorney's fees under certain circumstances. If you look at those circumstances, you will see they are all very reasonable ones. It is all may, may, may. There is no requirement that any attorney's fees be paid. I don't want to spend much time on that one.

I just have to comment on District of Columbia because I love this city, but they do have terrible problems all the way down, it is not just in special education. They have terrible problems up and down. We are trying to correct those. Actions have been taken. But as far as the amount of litigation, there were only 100 cases brought in 1993. We don't have the figures since then. That is hardly any. You have 110,000 schools. There has been a court case in a tenth of 1 percent of the schools. It is not a huge problem in that respect.

I am personally appreciative of the effort of the Senator from Washington at explaining his position. I think it helps elevate the understanding of the people as to what is in this law. But I disagree with most of the comments made. We do represent—I know from going around—the feelings and opinions of a number of people, and it is appropriate, therefore, for us to discuss, as best we can, these concerns and to alleviate these concerns. I think we have done an excellent job with respect to trying to take care of the problems.

The final thing I will mention is with respect to discipline and a child that may be dangerous in a school room. I think as has been pointed out, there is a very substantial change to protect the children in a disrupted classroom. A child may be removed now and may be removed continuously, following appropriate procedures, until such time as that child really settles down and is no longer dangerous.

So it is not the kind of a situation we had before this bill which left, in many cases, the school system pretty helpless when dealing with a disruptive

child. I believe we have done an excellent job of taking care of that and, hopefully, my colleagues will read those provisions and agree with me that we have made a great step forward in undoing what has happened in so many of the classrooms in some areas where a child is dangerous and disrupted the school setting. Madam President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Madam President. I congratulate the majority leader, Senator LOTT, for helping bring this matter to a place where it can be debated and where this reform in the IDEA law can, in fact, be implemented.

I want to thank a number of individuals who worked on this: Senator JEFFORDS, Senator HARKIN, a wide variety of others; my colleague from the State of Missouri, Senator BOND has been active in working to make sure we had the right components.

I am grateful that the Individuals with Disabilities Education Act Amendments of 1997, S. 717, is before us, and that we will have a chance to vote on it. I believe its passage would result in a substantial improvement in the ability to deal with disruptive individuals. The committee chairman was speaking about that just a few moments ago. Last year, I objected to the Individuals with Disabilities Education Act, commonly known as IDEA, passing into law because I believed there were problems regarding discipline and discipline records of students that needed to be remedied. We worked those out at the close of the session last year in some rather arduous negotiations. This year I continued to work with the IDEA working group to get improvements in this regard that will make it possible for us to have safer school districts, safer school rooms, and safer environments in which students can learn and teachers can teach.

Schools need to provide a safe learning environment. Fear is not an emotion that is consistent with a learning environment. We need, regardless of whether a student was disabled or not, to be able to have appropriate disciplinary measures that would enable us to have learning environments which would be effective.

One of the problems that really had troubled me about our previous situation and will trouble me until it is corrected by this reform or some other, is the problem that discipline records frequently did not transfer with students from one school to the next. When a student arrives at a new campus without the discipline record, the following results can be disastrous.

There is a case in Missouri where those results were fatal.

My own interest in this particular area of the law was occasioned by an outrageous incident which I think shocked the conscience of virtually everyone who was aware of it. Two years ago, in my home State of Missouri, a 15-year-old young woman was at her high school. She had gone to the girl's restroom when a student with a learning disability and behavior disorder followed her into the restroom, and that was the beginning of a series of events which eventually led to her losing her life, after other unspeakable things were done.

This incident occurred on the disabled student's second day at the school where the incident occurred. He had been transferred from another school in accordance with IDEA procedures, but when this incident occurred the officials at the school where the assault took place say they were not aware of the prior disciplinary history.

The chronology of events leading up to this horrific incident are very troubling.

In September 1994, the disabled student was enrolled as a ninth grade student at one high school.

In October 1994, the disabled student exhibited uncooperative behavior in class. He was the prime suspect of vandalism in the classroom. He was suspected of urinating on objects in the classroom.

Later that same month, the 15-year-old student was suspended pending a psychological evaluation by the district psychologist after being found in the girl's restroom. This is obviously not behavior which was unrelated to what eventually happened.

You go through a wide variety of other chronological events which finally find the student being transferred to another school, the school at which the death of the young woman occurred, at his hands and in another restroom. But the school officials did not have the information of the previous disciplinary incidents as a part of the transfer.

I felt it essential—I felt it would be totally inappropriate for us to allow a so-called reform to go into effect and allow students to precede their disciplinary records. The incident in Missouri demonstrates dramatically that if you precede your record by as much as 2 days it may be long enough for another student to lose his or her life.

When the officials at the second school said that they did not know about the disabled student's disciplinary past, they were pointing to a tremendous, gaping hole in the framework for safety that we ought to provide in IDEA legislation.

Together with Senator BOND's and Senator HARKIN's help, we have been able to address this concern. I want to thank them both and the committee chairman. I am grateful. To me, it seems that this is not the kind of thing that ought to divide us; this is the kind of thing that ought to unite us.

Whenever any of the child's records are transmitted to another school, the student's discipline record and the individual education program must be included in the transmission, so that school officials and teachers will know. They will know the past disciplinary records of a disabled student on his first day in the school. They will know in time to take corrective action. They will know in time to do what they can.

This will not make all of our schools perfectly safe, but it will elevate our capacity to do what we can do and ought to do by giving us timely information.

Moreover, when the school or school district reports a crime to law enforcement or juvenile justice authorities, copies of the student's disciplinary records must be transmitted for consideration to that authority.

In those circumstances where the public agency initiates disciplinary procedures against a student, the agency must ensure that the disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination.

We have had a disconnect between our schools and our justice system. Frankly, it is time, when serious, dangerous behavior that literally threatens the life and safety of other individuals, we do not have an artificial barrier that keeps the education agencies from talking to the criminal justice agencies or the juvenile justice agencies. This law now provides that school officials may report incidents to proper authorities.

Not long ago, in Tennessee, a student with a disability kicked a water pipe in the school lavatory until it burst, resulting in $1,000 worth of water damage.

When the school officials filed the petition against the child, a hearing officer ordered the school district to dismiss its juvenile court petition, a decision which was upheld by the Sixth Circuit Court of Appeals. The court faulted the school for not holding a multidisciplinary meeting before initiating a juvenile court petition.

I think it is clear that if students commit crimes that are worthy of prosecution, the school should be able to file or cause to be filed a case against the students. The practical effect of the court's ruling is that schools as a matter of law cannot unilaterally refer disabled students to juvenile court for committing acts of violence unless the student consents to such referrals. So prior to filing the case, you would have to get the consent of the parents of the disabled child or a court order. Otherwise, it would not happen. It is important that we say to students: Your disabilities will not be a license for you to violate the law or threaten the health and safety and security of others.

This bill moves toward abolishing a double standard for individuals who claim disabilities as a shield for potentially life threatening behavior.

Regular education students are subject to a range of disciplinary actions. Disabled students, on the other hand, even those who are violent or seriously disruptive, can stay put at their current educational environment, even if the actions are criminal. This is a double standard, and has been, and it is

wrong. While we want to protect disabled students from discrimination, we also have a duty to protect other children from harm.

Senate bill 717 now gives greater flexibility to school officials to remove dangerous students from the current school. If the child carries a weapon to school or to a school function or if the child knowingly possesses or uses illegal drugs, the bill allows school officials to move the child to an alternative interim setting for the same amount of time that a regular education student would be subject to discipline, but not for more than 45 days.

Moving away from this double standard which had existed is a step in the right direction on the part of this bill.

A trend developed recently under the bill, the law which we now have—which needs the reform which this bill would provide —that students would not be known as ''disabled'' or even claim disability until after they had committed some serious wrong; and after they had committed some serious wrong, to avoid penalties, they would shout: Well, I'm disabled in one way or another, either that I don't read well or that I have a kind of nervousness or even some kind of other subjective claim of disability.

This measure, for which I am grateful, basically provides remedies that are fundamental to improving the environment for learning in the school.

It requires that the student's disciplinary records accompany the student's individualized education program when the student transfers to another school, so no student goes to a new school without the officials at the school learning about their prior discipline history, a major achievement.

Second, it holds children with violent or other bad behavior to the same disciplinary standards of other students when the behavior is unrelated to their disabilities. You cannot claim you are a slow reader and, as a result of being a slow reader, you have the right to assault another student. That simply will not cut it anymore.

Third, it will allow school officials to report crimes committed by disabled students to police and juvenile authorities before meeting with the Individualized Education Program team, a special team that agrees on an education program for disabled students.

It seems to me, especially since that committee is composed of individuals like family members of the student and others who would not allow the crime to be reported, that we need to give schools clear authority to make the communication with law enforcement officials when even disabled students have committed what is clearly a criminal activity.

I opposed the bill last year because it did not have these safeguards.

I want to commend the committee chairman, Senator JEFFORDS. I want to commend BILL FRIST, the Senator from Tennessee, who has worked so hard on this. I want to thank my colleague Senator BOND, and Senator HARKIN from our neighboring State of Iowa, for their work in this respect.

I believe the bill is a substantial improvement, and when it is enacted, the young people of the United States will be safer. We have not sacrificed the rights of students with disabilities to be educated, but we have enhanced the capacity of students generally to get the kind of education they deserve.

I thank the Chair.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I want to thank the Senator from Missouri for a very articulate explanation of the most difficult area that we faced, and that is how to handle disruptive children in the school. That has been a very, very troubling problem for schools to handle. It has been one which has led to considerable concern about the effectiveness of special education.

The Senator's help in producing this amendment and in these things, I think, has done more to get this bill quickly in shape where I think it will have close to unanimous passage. I deeply appreciate all the help the Senator has given.

Mr. ASHCROFT. Thank you.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, I have just a brief supplement to the remarks that I made earlier.

I referred in general terms to the cost of the mandates under this bill and under the current IDEA legislation. I have checked it, and, at the present time, the current funding level is just over $3 billion.

The amendment proposed by the Senator from New Hampshire, [Mr. GREGG], would, over roughly a 7-year period, reach the authorized level of having us here in Congress pay for 40 percent of the cost of IDEA and would reach, I am told, something like $13 billion or $13.5 billion. It seems to me that is a little short. My own figures are, if we were to fund it at 40 percent for next year, for 1998, the cost to the Congress, to the Federal Government, would be just over $14 billion. Now, that is 40 percent.

My grade school arithmetic tells me that if the cost were $14 billion at 40 percent, the cost of 100 percent funding would be $35 billion. So we have created and will continue to impose a $35 billion cost on the school districts of the United States for the implementation of the requirements that are set out in the statute.

Madam President, I went into the Cloakroom and checked how much we put into title I, which is, I believe, the single most expensive of all of our Federal aid to education in specific bills for all the disadvantaged children.

The basic grants for the current year for title I are a little over $6 billion. When you add all of the special categories under title I, you get almost to $8 billion.

I am told, without having checked every single one of these, that the second most expensive are the drug-free schools programs, which is roughly $4 billion.

Now, if I am correct in these, Madam President, I simply go back to the proposition that here we are creating a set of mandates far more expensive than all, I think, of the programs of direct aid for education from kindergarten through the 12th grade.

I guess I have to ask the manager of the bill, the chairman of the committee, if, in fact, we had to come up with $35 million right now for 1998 to pay all of the costs of this bill, and if, in fact, we had to work within the balanced budget agreement that has been entered into between the President and the leadership in the Congress, and if, in fact, paying for this bill caused us to either repeal or substantially wipe out a huge range of other programs of education assistance, would we be imposing this mandate?

Now, I ask that question rhetorically. I know the answer. Of course we would not be. It is real easy to do it, Madam President, when somebody else has to pay the bill. But the Senator from Vermont is going to oppose even Senator GREGG's amendment, which allows us 7 years to get to 40 percent.

Now, it is wonderful for us to say our educational theory is this or our educational theory is that. We think this is the way schools ought to be managed or we think that is the way schools ought to be managed. There are two objections to it. First, we do not know as much about the subject as educators do; and, second, I think we have a requirement to put our money where our mouth is. We are not putting our money where our mouth is in this bill. We never have, as long as this predecessor has been the law.

How do we get to the point at which we tell everybody else in the United States how to run their businesses, but do not pay for it?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Just to get back to the Gregg amendment very quickly, there is no limit as to what we can appropriate by any authorization level that we could set. We could go for 40 percent tomorrow. There is no requirement.

Even Senator GORTON voted back in 1994 when the vote was 93 to 0—I have not checked the seven absences, but I do not think the Senator was absent—that as soon as reasonably possible, we ought to fund IDEA.

There is no necessity for the Gregg amendment. We can do that now. It does set out for my colleagues a very reasoned way to do it, which is in S. 1, a commitment that the Republicans here—that we do it. I think that is important to keep in mind.

What the Senator from Washington has talked about, well, that would skew things. But look where the money would go. That money would go to the

local school districts. That is where it goes. In the bill, right now, as this is written, if we went up to full funding, that money would all flow to local school districts that have any children at all with disabilities. That is where it would go. The States have to keep their levels. So we would help the local school districts so they could use the money and spend it on people you are concerned about that do not have adequate resources.

This is an excellent way of pushing money to your local school districts. You ought to be yelling and shouting for it. It is exactly what you have always said, that we have to help the local school districts have more flexibility. This gives great flexibility.

I yield the floor.

Mr. GORTON. Will the Senator yield?

Mr. JEFFORDS. I am happy to yield to the Senator.

Mr. GORTON. I spoke to the Senator recently, Madam President. I have one more modest redraft on my amendment and then we will be able to submit it during the course of the afternoon, I hope in the course of the next hour. I gather there is an attempt to see to it that there is some overall reasonable limitation of debate on the amendments and on the bill to which this Senator is certainly in accord.

So, we will have that here so Members can read it so the Senator can critique it, as he will, in a relatively short period of time.

Mr. JEFFORDS. I thank the Senator from Washington.

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. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CRAIG. Madam President, I have the privilege today to be here on the floor to support S. 717, the Individuals With Disabilities Education Act.

First of all, I find it important to congratulate Senator JEFFORDS, Senator COATS, and Senator LOTT, who have worked hard to reach a compromise that I believe this legislation supports. It is an important compromise because this is necessary and important legislation.

As my colleagues have stated so well here today on the floor, IDEA is our Nation's core special education statute for children with disabilities. In 1975, when the original IDEA passed, Congress accepted responsibility in this area. Now it is our turn to live up to this commitment.

I happen to have a son-in-law who is a fifth grade schoolteacher. He speaks to me about the difficulties in the classroom when there are not enough resources to be able to handle children who find themselves with these difficulties and the average child who is there in the classroom to learn. He finds himself dividing his time up among these, and sometimes in an inappropriate way, and not offering to all of the children the kind of time that their teacher and their instructor ought to give.

In the bill before the Senate today we have a balanced approach which takes into account the needs and rights of the local school boards, teachers, parents and, most important, the students. Among its chief provisions is the flexibility it affords local school officials in making alternative interim placement of children with disabilities who bring weapons or drugs to school. This was an area of heated debate, and I am pleased to see the final bill includes an arrangement we can all work with.

Likewise, I am pleased with the progress the committee has made on other controversial issues such as the recovery of attorney's fees and succession of services. While no parties involved will receive all that they hoped for, this balanced approach is fair, and, I think, it is sound public policy.

There is, however, some work left to be done. Though perhaps not today, this Congress will, in the very near future, have to take up the issue of full funding for IDEA. There is a role for the Federal Government to play in education, and while those of us who believe in the right of the State and, most important, the right of the local school district to have the primary responsibility, the area of funding of targeted needs and special needs has been something the Federal Government has done well over the last good number of years, and IDEA, in my opinion, is one of those.

When the law was originally passed in 1975, Congress promised to provide appropriations equal to 40 percent of the national average per pupil expenditure for education. Since S. 717 makes progress toward that important goal, I remained committed to seeing us reach the full funding level. I am confident, however, that this issue will be addressed during our consideration of the budget. Accordingly, I do not see the need for amending S. 717 at this time.

Again, Madam President, I state my thanks for the work that has been done by all of those involved in the lengthy but successful process of bringing S. 717 to the floor.

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. FORD. Mr. President, what is the order of business?

The PRESIDING OFFICER. The pending business is the Gregg amendment, No. 241.

Mr. FORD. Mr. President, I would like to speak on the bill itself rather than the amendment. I believe that is appropriate.

The PRESIDING OFFICER. Yes, it is.

Mr. FORD. Mr. President, I rise today to speak about the reauthorization of the Individuals With Disabilities Education Act, or IDEA, as it is commonly referred to. This legislation has had a long and difficult journey. The coalitions supporting this bill do not all agree on all of its points. In fact, there are a few things in this legislation that I would have preferred to have seen strengthened. However, as the great Kentucky statesman Henry Clay once said, ''compromise is mutual sacrifice.''

It is my understanding that modifications to this legislation will doom the bill to failure. While I have a few reservations, I am certain that this reauthorization is better than not reauthorizing the current statute. Therefore, this Senator will not vote for any amendment that will prevent this legislation from being signed into law. Let me repeat that. This Senator will not vote for any amendment that will prevent this legislation from being signed into law, and I hope others will follow that lead. We simply cannot fail to reauthorize this important statute. Our disabled children and our educators have waited long enough.

A few years back, I read a journalist's observation that ''We are defined by who we have lost.'' It wasn't until this time last year, Mr. President, when I got word of the death of a young woman from Berea, KY, that I really understood the journalist's words. Twenty-three years ago, when I was Governor of Kentucky, Susy Riffe was just a child with Down's syndrome. But she became a symbol of great potential and great promise as she sat on my lap and helped me sign a bill guaranteeing public education for disabled children in Kentucky.

Susy went on to lead a full and productive life, completing her education and giving back a great deal to the community as a volunteer, an employee, and a dear friend. Her life came to define the potential that exists for all Americans when the greater community provides them with the tools they need to succeed. They say that 250 people came to Susy Riffe's memorial service. But that number represents only a small fraction of the children and families she touched and the world of possibilities she helped define.

Just 1 year after I signed that law onto the books in Kentucky, the Individuals With Disabilities Act was passed into law here in Washington, helping millions of children across this great land of ours. We must always remember that the mission of this law is that the right to a free and appropriate public education is the right of all American children. While IDEA provides critical education assistance from the Federal Government to the State and local education agencies, it

is the guarantee of disabled children's rights to an education that makes this statute great.

I want to take this opportunity to thank my colleagues, the floor managers, members of the Labor Committee, the majority leader, and their staffs for their efforts in bringing this reauthorization to the Senate floor today. It is a herculean task that has not gone unnoticed by this Senator.

Finally, Mr. President, I ask unanimous consent that my name be added as a cosponsor to this legislation.

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

Mr. MACK. Mr. President, I rise today to commend my colleagues in both the House and Senate, from both sides of the aisle, for their diligent work on S. 717, the IDEA Improvement Act of 1997: Their commitment to ensuring that children with disabilities have continued access to the opportunities and resources essential to becoming independent and contributing members of society.

Since Congress first enacted legislation to ensure that students with disabilities were no longer denied educational services, few changes have been made. Today, the world is a very different place, and Congress needs to address the issues currently facing both students and educators. These include changes to ensure States have flexibility in using Federal funds; the ability for schools to effectively discipline disruptive children; and provisions to encourage alternative dispute resolution procedures to ensure timely and cost-effective responses to the needs and concerns of parents and administrators. S. 717 accomplishes these important goals.

Discipline of special education students has been a matter of contention for several years. Currently, except in cases involving firearms, schools are hindered from removing a disabled child from their current educational setting unless the parents of the child agree with the removal decision. Under S. 717, schools can discipline a disabled child just as they would on a nondisabled child if the behavior is determined not to be a manifestation of the child's disability. A hearing officer would then be able to remove the child from his or her current educational placement. This is an important change because, currently, a court injunction is required to remove a dangerous child.

S. 717 also prohibits States from ceasing to provide services to a child whose behavior warrants expulsion from school. In cases such as this, States would be required to educate the child in an alternative setting, which is a continuation of the guarantee of a free, appropriate, public education.

This bill ensures parents have continued access to due process by requiring States to offer voluntary mediation services to parents and schools. Currently, 39 States offer mediation to parents in an effort to resolve disputes concerning their children. Florida is one of these States, and its mediation program has been an overwhelming success since it was instituted in 1992. A majority of all mediation cases in Florida are reconciled, reducing the need for more costly litigation.

Mr. President, this bill will aid in the education of the 319,012 disabled students in Florida. I am pleased that Members of Congress and the administration have been able to come together to reach a consensus on this bill. It will shift current policy from a focus on bureaucracy and paperwork to educating our students. I want to commend Chairmen JEFFORDS and GOODLING, Senator LOTT, as well as Senators FRIST and COATS for the leadership they have shown on this important issue. I also want to commend State of Florida officials who have already enacted many of the changes contained in this bill.

I urge my colleagues to support this bill.

Mr. KENNEDY. Mr. President, I was proud to serve on the committee that passed the original Individuals With Disabilities Education Act in 1975, and I am proud to support the current reauthorization.

I commend Chairman JEFFORDS, Senator COATS, Senator FRIST, and Senator HARKIN for their leadership in negotiating this needed legislation to reauthorize IDEA. I commend the House Members who worked closely with us—Representative GOODLING, Representative RIGGS, Representative CASTLE, Representative GRAHAM, Representative MARTINEZ, Representative SCOTT, Representative MILLER, and Representative CLAY. I also especially commend our distinguished Senate majority leader, Senator LOTT, for his effective leadership in bringing all sides together and making this needed compromise possible.

For 22 years, IDEA has held out hope to young persons with disabilities that they too can learn, and that their learning will enable them to become independent and productive citizens, and live fulfilling lives. For millions of children with disabilities, IDEA has meant the difference between dependence and independence, between lost potential and productive careers.

In 1975, 4 million handicapped children did not receive the help they needed to be successful in school. Few disabled preschoolers received services, and 1 million children with disabilities were excluded from public school. Now, IDEA serves 5.4 million children with disabilities from birth through age 21. Every State in the Nation offers public education and early intervention services to children with disabilities.

Fewer than 6,000 children with disabilities are living in institutional settings away from their families today, compared to 95,000 children in 1969. This transformation represents a major accomplishment in keeping families together, and it also reflects a significant reduction in the cost to the Government and taxpayers of paying for institutional care, which averages $50,000 a year for each child.

Students with disabilities are making great progress. The number of students with disabilities completing high school with a diploma or certificate increased from 55 percent in 1984 to 64 percent in 1992.

Some 44 percent of all people with disabilities have some college education today, compared to only 29 percent in 1986. This dramatic increase demonstrates the success of the equal access provisions of IDEA; 47 percent of people without disabilities have some college education, so the gap has almost closed.

For young people with disabilities, as for so many others, education leads to economic success; 57 percent of people with disabilities are competitively employed within 5 years of leaving school today, compared to an employment rate of only 33 percent for older people with disabilities who have not benefited from IDEA. With this reauthorization, we are taking needed additional steps to see that disabled children can grow up with the skills they need to get a job and live independently.

This bill will direct the attention of teachers and schools away from paperwork and toward the academic progress of students with disabilities. The bill changes the Federal formula from one based on child counts to one based on census and poverty data. This revised formula in no way changes the commitment and obligation of education agencies to identify and serve children with disabilities. Changes in the Federal formula and in other areas of the bill are intended to help schools and school districts improve the quality of services the children receive.

The bill strengthens the individualized education plan, by tying a child's education to the general curriculum and ensuring accountability for results. It also urges schools to see that students are not being referred to special education when their needs can be better met in regular classes.

We also address another serious problem—the disproportional representation of minority students in special education. This bill makes States responsible for monitoring the impact of policies on identification and placement of minority students. Through the development of coordinated service systems in schools, prereferral intervention programs, including behavior management and academic skill development, will be more available to academically challenged students and help reduce the number of minority students wrongly referred to special education. It also gives parents better information about these issues so they can be more effective in helping their children.

In addition, the bill continues and strengthens early intervention and preschool programs for disabled infants

and toddlers. By establishing better relationships with other public and private programs, early childhood programs under IDEA can be a resource for young children with disabilities as well as for children at risk of disability. It will make it easier for schools and districts to collect funds from other agencies, without allowing schools to abdicate their responsibility for making sure that disabled students get the services they need.

It also requires States to offer mediation, but makes it voluntary for both parties to determine whether they want to participate. In addition, the bill authorizes school districts to require parents to meet with representatives from parent training centers or other alternative dispute resolution experts to explain the benefits of mediation.

Schools have asked for additional leeway to discipline students with disabilities to help guarantee a safe learning environment for all students. This bill gives schools more discretion in disciplining students with disabilities, while still protecting those students. The bill provides the authority for school personnel to remove children with disabilities from their current placement into an interim alternative educational setting for up to 45 days in two specific cases: First, if the child carries a weapon or knowingly possesses, uses, or sells illegal drugs of controlled substances; or second, if the school obtains such authority from a hearing officer after demonstrating that maintaining a child in the current placement is substantially likely to result in injury to the child or others.

Although the bill provides more flexibility for schools to discipline students, discipline should never be used as an excuse to exclude or segregate children with disabilities because of the failure to design behavioral management plans, or the failure to provide support services and staff training. It is critical that schools use the new discretion with utmost care. Research tells us that suspension and expulsion are ineffective in changing the behavior of students in special education. When students with disabilities are suspended or expelled and their education is disrupted, they are likely to fall farther behind, become more frustrated, and drop out of school altogether.

Children who leave school become a burden on society. Dropouts are three times more likely to be unemployed than high school graduates. Nearly half of the heads of households on welfare and half of the prison population did not finish high school.

We have also made changes to see that the provisions of IDEA are more vigorously enforced by giving the U.S. Secretary of Education and State education agencies greater power to enforce the law, including greater discretion to withhold funds when violations are found and explicit statutory authority to refer cases of noncompliance to the Department of Justice for enforcement action. We expect the Department of Justice to act on such referrals in a timely and appropriate manner. This referral authority is particularly critical for instances when a State fails to implement corrective action within the time specified in the State monitoring plan. We expect the Secretary to use enforcement authorities when applicable to ensure that failure to comply with the law will not go without remedy.

In addition, the Department of Education is expected to report annually on the status of State monitoring and compliance. We also expect the Department of Education to include parents more actively in the State and local monitoring process.

We must never go back to the days when large numbers of school-age children with disabilities were excluded from public school, when few if any pre-school children with disabilities received services, and when most children in school did not get the help they deserve. The goal of public education is to give all children the opportunity to pursue their dreams. We must be committed to every child—even the ones who aren't easy to teach.

I commend all the students, parents, teachers, and administrators who have left an indelible mark on this legislation. Their commitment to this law and their willingness to put aside the divisions of the past and find constructive compromises will improve the education of students with disabilities, and enable schools to implement the law as effectively as possible.

I also commend and thank all the staff members of the working group for their skillful assistance in making this process successful: Pat Morrissey and Jim Downing of Senator JEFFORDS' staff; Townsend Lange of Senator COATS staff; Bobby Silverstein and Tom Irvin of Senator HARKIN's staff; David Hoppe and Mark Hall of Senator LOTT's staff; and Kate Powers, Connie Garner, and Danica Petroshius of my own staff. I also commend the hard work of the House staff on the working group, including Sally Lovejoy and Todd Jones of the House committee majority staff; Alex Nock of the House committee minority staff, Theresa Thompson of Representative SCOTT's staff, and Charlie Barone of Representative MILLER's staff.

This bill deserves the support of every Member of Congress. It means a new day of hope and opportunity for children with disabilities.

I yield the floor and 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. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1841. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–1842. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, a rule entitled ''Revisions and Clarifications'' (RIN0694–AB56) received on May 1, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1843. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule including a definition (RIN3235–AH14) received on May 1, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1844. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on Bradley Vehicle Systems acquisition program; to the Committee on Armed Services.

EC–1845. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on Chemical Demilitarization aquisition program; to the Committee on Armed Services.

EC–1846. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation that addresses several management concerns; to the Committee on Armed Services.

EC–1847. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled ''Intergovernmental Personnel Act Mobility Program'' (RIN3206–AG61) received on April 30, 1997; to the Committee on Governmental Affairs.

EC–1848. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule relative to employment, (RIN3206–AH66) received on April 30, 1997; to the Committee on Governmental Affairs.

EC–1849. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled ''Official Duty Station Determination for Pay Purposes'' (RIN3206–AH84) received on May 8, 1997; to the Committee on Governmental Affairs.

EC–1850. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation to reform government-wide acquisition; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first