

NAYS—42

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

NOT VOTING—3

Biden	Byrd	Torricelli
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The motion to lay on the table amendment No. 32 was agreed to.

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

The PRESIDING OFFICER (Mr. HAGEL). The pending business is the substitute of the Senator from Vermont.

Mr. JEFFORDS. It is my understanding that two amendments would be in order, if offered—the Kennedy amendment and a Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct. Those are the two pending amendments that will be agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

AMENDMENT NO. 33 TO AMENDMENT NO. 31

(Purpose: To prohibit waivers with respect to serving eligible school attendance areas in rank order)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 33 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

Mr. WELLSTONE. Mr. President, this amendment simply requires that schools with over a 75-percent low-income student population must receive funds first, as a matter of priority—first, in terms of the allocation of the title I money—and that those neediest schools with a population of low-income students over 75 percent would have first priority in receiving those funds.

It is accepted by both sides. I thank my colleagues, Senator KENNEDY, Senator JEFFORDS, Senator WYDEN, and Senator FRIST, as well.

Mr. JEFFORDS. Mr. President, I have no objection to the amendment.

Mr. HAGEL. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 33) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 34 TO AMENDMENT NO. 31  
(Purpose: To ensure that increased flexibility leads to improved student achievement)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 34 to amendment No. 31.

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

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

The amendment is as follows:

On page 7, line 21, strike “and” after the semicolon.

On page 7, line 24, strike the period and insert “; and”.

On page 7, after line 24, insert the following:

(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike “which may include progress toward” increased school and student performance.

On page 11, line 17, insert “in accordance with the evaluation requirement described in paragraph (3)(A)(v),” before “and shall”.

On page 12, line 14, before the period insert “, and has improved student performance”.

On page 16, line 9, insert “and goals” after “desired results”.

On page 16, lines 10 and 11, strike “subsection (a)(4)(A)(ii)” and insert “clauses (ii) and (iii) of subsection (a)(4)(A), respectively”.

Mr. KENNEDY. Mr. President, I will just take a moment of the Senate’s time. We had a good opportunity during the course of the afternoon to talk about the student performance. We have worked out language which I think responds certainly to my concerns and, hopefully, is consistent with what Senator FRIST and Senator JEFFORDS were doing. Now the States will be able to receive Ed-Flex, but they will also—in the application, there will be an indication about what their expectation in the State is in terms of the students’ performance, consistent with what the overall State plan is to

enhance academic achievement. It also will take in student performance after 5 years, should there be the request for the continuation of this legislation.

I thank my colleagues and friends. I think we really have the best of all worlds here. I am grateful to Senator JEFFORDS and Senator FRIST for working this through.

Mr. JEFFORDS. Mr. President, I think the amendment is a helpful addition to the bill. We appreciate the efforts of Senator KENNEDY and are happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 34) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, under the Wellstone and Kennedy amendments, would Michigan be able to continue their current Ed-Flex authority?

Mr. KENNEDY. Yes, Michigan would be able to continue its current Ed-Flex plans.

Mr. LEVIN. In January, 1998, Michigan moved to lower the poverty threshold statewide from the 50 percent poverty level in title I to 35 percent. Would either the Wellstone or Kennedy amendment prohibit Michigan from continuing to allow these waivers under Ed-Flex that is improving reform in the affected schools?

Mr. KENNEDY. No.

Mr. President, we have made some progress today. We are looking forward to having some debate on the Bingaman amendments tomorrow, followed by my friend and colleague, Senator KERRY. We will indicate to the membership that we will tentatively get started sometime around 11, and we will let the floor managers know at least in what order we will want to offer our amendments.

Obviously, they have their own rights. But we will try to keep them as fully informed as possible so that we can all be as prepared on these amendments as possible.

Mr. JEFFORDS. Mr. President, I thank my good friend and Senator from Massachusetts. I deeply appreciate the cooperation we have had today. We moved along well. We are well on our way. I look forward to seeing the wonderful cooperation that we will have as we proceed on this bill. I look forward to seeing you all again in the morning.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Members permitted to speak therein for up to 10 minutes each.

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

Mr. JEFFORDS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, parliamentary inquiry. What business are we in right now?

The PRESIDING OFFICER. We are in morning business.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

#### EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT

Mr. BROWNBACK. Mr. President, I rise in support of the Educational Flexibility Partnership Act, the Ed-Flex program that has been debated here today. I congratulate Senator FRIST and Senator JEFFORDS for their work on this bill of which I am a co-sponsor.

Ed-Flex does the important work of granting waivers of certain statutory and regulatory requirements so that local schools can implement creative programs that are custom-tailored to the needs of their kids and allows some State education agencies to waive State requirements along with Federal mandates so that local schools can innovate effectively.

I think this is an extremely important program. We have been saying for some period of time that too much of education is directed out of Washington, that problems in education are not solved in Washington as much as they are at the local level. If we can allow people to have the flexibility in Kansas, Nebraska, Vermont, Tennessee, Texas or California to solve their education problems with these dollars, they will get more education done, and they will have more effective education done than if we direct it out of Washington. It is a basic premise. It works. It has worked on a number of programs. We allowed this to take place in welfare reform. We had a number of different experiments on welfare reform that led welfare rates to decline 50 percent. We solve it in Kansas differently than they solve it in other States. It worked. Education—we have a problem. But it is not a uniform problem that you can say, OK, if we just do this and this and this all across the Nation with programs, the problem is solved. It doesn't work that way. We have different educational needs in different places.

Ed-Flex is tried and true as a concept. It is a needed concept in education, because we need more flexibility to get these dollars into the classroom than people back here deciding how to spend it.

I might note that Ed-Flex is already in place in 12 States, including my home State of Kansas. Schools there have already submitted 43 waiver requests in an effort to better serve the unique needs of Kansas students. At this point, no waiver has been rejected. Around two dozen requests have already been granted, and others are pending. I would encourage the Department of Education to expedite those requests.

That speech and that point that I just gave sounds very reminiscent of a point that I made in 1995 about waivers that were being granted on welfare reform and asking that those be sped up so that States could solve the problem. We are at the same point in time with education. Let's let the States have the resources and have them solve the problem.

Kansas schools have used Ed-Flex for many reasons. One school district received a waiver in order to better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the needs of children of parents that are at Fort Leavenworth at the military facility. Emporia used an Ed-Flex waiver to implement new literacy programs in an intensive summer school program. That fit the needs and what we had for needs in Emporia. The list goes on.

These are all very different programs that address different needs. But that is just the point. Schools need this flexibility. We need education decisions made in Emporia, in Fort Leavenworth, in Topeka, and in Manhattan—not in Washington for Kansas. We need it made there. And the people there care for the students. They look in their eyes every day. They can say, "We need this program here." What can we tell them in Washington? No. You don't need that program. What you need is something else when we don't even look into the eyes of that same child. People here in the Washington bureaucracy have great desires to help that child, but the person who is right there closest is the one who can best determine what that child needs. This is the sort of program that allows that to take place. Schools need that sort of flexibility.

While Ed-Flex is an important first step, there are other steps that we need to take as well. If we are going to make progress toward improving our schools, we need to give the States and communities far more flexibility and empower them to make decisions with what is best for their schoolchildren. As important as it is to make waivers to Federal regulations available, frankly, I believe it would be better if we would roll back those regulations altogether and provide the resources to Kansas and to the school districts, and say to them, "You figure out how best to educate these students." Believe me. They will come up with the ideas to do it. They will implement them, and they

will get them done without the regulation here.

I don't think anybody in this Chamber, or in this town, should think that somebody in Emporia, KS, doesn't care greatly about how that child is educated and won't do the absolute best they can to make sure that child is educated well.

We need to empower them. We need to empower the parents, the teachers, the school boards, the communities over the government bureaucracy. That is why I will vote in favor of the Ed-Flexibility Act. I urge my colleagues to do likewise.

I say let's not stop here. This is where we started with welfare reform—providing these waivers. Ultimately, when we gave the program to the States and the resources to the State, they cut the welfare dependency in half and had people who were on welfare being thankful that they are now out on the job and they are encouraged about that. Why don't we try that with education, letting the States and the locals decide this? We will get more for every education dollar that we put out there. And, more importantly, our students will be better, and they will achieve higher test scores in the key areas that they are not doing today.

Mr. President, one other point: I think we have finally started down the road of making some real reforms in education, and reforms that I think people have been afraid that we are going to dictate out of Washington. This, to me, is a positive step forward—letting the local school districts start to decide on how they can implement those reforms. We have a lot of bright students across this country who need a system that is as bright as that are to challenge them and help them move forward.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. MACK. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MACK. I ask unanimous consent to speak in morning business for not to exceed 30 minutes. I hope I will not use the full 30 minutes.

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

#### ISRAELI AND PALESTINIAN PEACE BASED UPON SECURITY, FREE- DOM, AND A CHANGE OF HEART

Mr. MACK. Mr. President, I very recently traveled to Israel. It had been several years since my last visit, and I expected this year we would bring some