

very many who don't desire to work. They have been placed in this incredibly terrible position of, if you go to work, you lose your health care and you lose your SDI benefits or other benefits that you have to help you live. You just cannot do it except under very unusual circumstances.

Thus, we have finally opened the door, after many years. The Senator worked on all these issues, too, starting with the bill that we have been talking about, special education, back in 1976, when we passed what is called IDEA. That opened the first big door, and that is to get an education. Without an education, you do not have any hope of being able to be employed.

Since then, we have marched up through with ADA. I remember one of the amendments I had, which probably created the most stir, was when I was with John Brademas on his committee. I said, John, do you realize that the Federal Government is exempt from 504, which removes barriers for people with handicaps? He said, No. He said, Well, let us fix it. So over in the House, you have the day when you put all these unimportant amendments through and nobody looks at them. We had a little committee amendment on that which affected all the Federal buildings. I remember it well because when I got back to the office a couple days later, somebody had finally read the bill. It was filled with the head of the Post Office and everybody else asking me if I knew what I had done. I said, well, I didn't know how important it was until now, but that got the Federal Government by.

Then we worked together on assisted technology as well. That bill we reauthorized last year, which is incredibly important at this time, to assist all those people with disabilities to have a better opportunity of getting employed because they have the assistance of technology to do that.

It is a great day. I am confident that we certainly will prevail on the Senate floor. I think that the two Senators who have some problems we can take care of, but I thank you for your tremendous support over all the years we have been working together.

Mr. KENNEDY. Mr. President, I thank the Senator. I think this is perhaps in some respects the most notable thing that we will achieve today. As important as this is, with the reporting out of that particular bill, which is really, as the Senator has pointed out, the Americans with Disabilities Act, we effectively attempted to eliminate discrimination against those that had disability. It was enormously important, and we made extraordinary success. But to really breathe life into that legislation, you have to make sure that not only is the individual not going to be discriminated against in getting the job, but that they are also not going to have these barriers placed in front of them in holding the job which were there in terms of their elimination of their health care sup-

port and any other kinds of support services. That was the purpose of this legislation that was reported out with very strong bipartisan support.

We look forward, hopefully, to being able to act on that at an early time.

Mr. JEFFORDS. I am sure the Senator shares this with me, too. There were some staff members—Pat Morrissey on my staff had been working on this for 20 years or more, I guess. I know on the Senator's staff, members have had similar input. I think we ought to remember who it really is sometimes that moves this legislation along.

Mr. KENNEDY. I will include my good staffer, Connie, has been working some 20 years, as well, on these. I agree with the Senator that they have just provided invaluable service. And for all those that work here, I hope they do recognize and get the sense of satisfaction, professional satisfaction, from really making the important difference in people's lives. That will certainly be true of all of the staff that worked on this legislation.

Mr. JEFFORDS. 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. ASHCROFT. 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. ASHCROFT. Mr. President, I ask unanimous consent to speak on the Ed-Flex bill while in morning business.

The PRESIDING OFFICER. The Senator has that right.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. ASHCROFT. Mr. President, I congratulate the Senator from Tennessee for his hard work and the good work he has done on the Education Flexibility Partnership Act of 1999. This has been a task of assembling the right components that were acceptable to a broad range of interests and reflecting the capacity of States and local communities to make good decisions. I think the Senator has done an outstanding job. I am pleased to have the privilege of being a cosponsor of this bill.

Under this legislation, the State of Missouri, my own State, as well as every other State in the Nation, will no longer have to come to Washington on a piecemeal, case-by-case basis to ask for relief from a myriad of Federal education statutes and regulations. Instead, Missouri will have the authority to waive regulations that hinder our schools from providing an excellent education for our students.

Now, I know that the occupant of the Chair is a former Governor and had a lot of involvement with individuals in the education effort which is focused at the State level. I remember those days

well from my time as Governor. It is most satisfying to try to do something to advance the performance of students. We understand that when students perform well and have great skills, it elevates the potential they enjoy for the rest of their lives.

It was always a tremendous matter of concern to me—and I am sure to the occupant of the Chair—how Federal administrative burdens impeded the efforts of States rather than accelerated their capacity to help students perform. I think most Governors and former Governors we talked to would agree that Federal mandates and requirements associated with Federal programs can hinder a State's flexibility and, as a result, they cut into the dollars that could be spent on students. They end up being spent on bureaucracy—not just bureaucracy here in Washington, but a corresponding bureaucracy to deal with the Washington bureaucracy that has to be established and maintained in the States.

In response to the question of whether we should impose Federal education standards from Washington, Governor Whitman of New Jersey said, and I think she said it well,

What you see now is a huge waste of money on bureaucracy. The more government strings that are on these dollars, the more difficult it becomes to deliver education. If the money that the Federal Government now puts out is too finite and it says you can only spend it for this or for that, that money won't go toward helping students learn, and that's what we want.

I agree with the entirety of the statement—"helping students learn, and that's what we want"—and the last line should be the motivation for every one of us not only in the Senate but across America. I simply couldn't agree with Governor Whitman more.

States and local schools need more flexibility in how to spend education dollars, to spend them in ways that will help students learn. They are in the best position to make decisions about the education of students. I have to believe that being on site adds value to one's capacity to make an accurate diagnosis or assessment of what is needed.

I appreciate the opportunity to speak regarding the Education Flexibility Partnership Act of 1999, which will provide States and local schools with the kind of flexibility they need to improve education and to elevate student performance.

One of our Nation's highest priorities is to ensure that our children receive the kind of challenging and rigorous education that will prepare them for success. By building a strong educational foundation that focuses on the concept of high academic excellence, we will prepare students to make important career decisions and to become lifelong learners. The habit of education should extend beyond school. As a result, their lives will be enriched.

We in Congress should develop and support Federal policies that will promote the best education practices in

our States and local schools. We have learned from reports and studies that successful schools and successful school systems are characterized by parental involvement in the education of their children. They are characterized by parental involvement and local control, and they emphasize basic academics and make resources available to the classroom. These are the ingredients needed to elevate educational performance.

It is with this in mind that we should stop and ask ourselves whether the current Federal education laws contain the elements that further our goal of giving our kids a world-class education. The unfortunate answer to that question is, our current laws don't do that; the answer is no. A number of our Federal education programs contain a plethora of regulations and restrictions that hinder States and local schools, hinder their ability to tailor and design what is needed in the local circumstance to advance the opportunity for students to learn. Whenever they hinder and obstruct that opportunity to tailor and design the right system, they waste the education dollars.

Frequently, education dollars that Washington directs in terms of how to spend them are wasted because the how-to doesn't meet the need of the students and the school district.

While the Federal Government has played an important but limited role in providing funding for education, it has also played a conflicting role by attaching so many conditions and strings to Federal dollars that it costs States and local schools a lot of time and resources to comply with all the rules and regulations.

We have heard much about the paperwork burdens created by the Federal education rules and regulations. The Federal Department of Education requires States and school districts to complete over 48.6 million hours worth of paperwork to receive federal dollars. This is a statistic that is mind boggling. That translates into the equivalent of 25,000 employees working full time just to do the paperwork for States to get their own money back to educate the students, which the State cares enough about to work hard to make sure that they are trying to elevate the students' performance.

We heard that in Florida it takes 374 employees to administer \$8 billion in State funds, while it takes 297 State employees to oversee \$1 billion in Federal funds—6 times as many per dollar. So that to do the paperwork and create the paper trail and all the paper involvement, to be a recipient of Federal funds, it takes six times as many employees as it does to follow a dollar of State funding in Florida.

We know it takes a school nearly 20 weeks, 216 steps, to complete a discretionary grant process within the Department of Education. The Department has boasted that it has streamlined the process, because it used to take 26 weeks and 487 steps from start

to finish; now it is only 216 steps in the bureaucratic jungle. With this bureaucratic maze, it is no wonder we lose about 35 cents out of every Federal education dollar before it reaches the classroom.

If I were to give my children a dollar and, before I got it from my hand to their hand, I took 35 cents out of the dollar, they would know the difference. We tell ourselves that we are doing great things for education, but before the dollar reaches the student, 35 cents is taken out of the dollar. They know the difference. The difference is felt. And then sometimes we are telling them it has to be spent in a way that doesn't elevate student performance.

Current Federal laws, of course, can also be inflexible, requiring the Federal education dollar to be spent only for a narrow purpose, to the exclusion of all others. This type of inflexibility hurts schools that have needs other than the ones prescribed by the Federal Government. A recent example was the \$1.2 billion earmarked exclusively for classroom size reduction for the early elementary grades. What a noble aspiration. But it wasn't what a number of schools needed. Governor Gray Davis of California recently described how the inflexibility of this initiative is hindering his State's ability to direct Federal funds to areas where they are most needed. Governor Davis said:

We need to have the flexibility to apply those resources where we think they could best be used.

He went on to say:

For example, I was just with Secretary Riley, our U.S. Secretary of Education, for 2 days last week in California. And Secretary Riley was telling me about the \$1.2 billion that was appropriated to reduce class size to 18 in the first 3 grades. Now, in California, we are already down to 20 students per class size in K through four. So that money, which is supposed to be earmarked to the area where we have pretty much achieved the goal, would best serve our needs by reducing class size in math and English at the tenth grade level, because we have just started to use a high school graduation exam.

Here is a State wanting to elevate the performance of students, with a massive Federal program directed at an area where they have already addressed the problem, but it is ineligible to be used in an area where they need help. We should really understand this. That is why we are proposing in this Ed-Flex program a massive new capacity on the part of States to use money where it is needed, to use money to help get the dollar all the way to the student, and not take 35 cents out of the dollar when it is on its way from the folks in Washington to the classroom where the student studies.

Another example is found in title I, which authorizes aid for the education of disadvantaged children. Some of the rigid standards in this program can result in a school losing its ability to provide intensive services to students on a schoolwide basis because it fails by 1 percentage point to have the requisite number of children below a cer-

tain income level. Such policies fly in the face of one ingredient for educational success, one vital ingredient: local control.

Fortunately, there is a current Federal policy that has helped provide more flexibility and relieve States of regulatory burdens that are associated with otherwise inflexible education dollars. Under the Education Flexibility Partnership Demonstration Program, the Department of Education has delegated its authority to 12 participating States to grant individual school districts waivers from certain Federal requirements that hinder States and schools in their efforts to improve their education programs. Under Ed-Flex—this proposal, not just for the 12 States, but for all 50 States—school districts do not have to march up to Washington each time they want to ask for a waiver. Instead, they can get the waiver from their own State.

The Ed-Flex program, as it is called, has reduced paperwork burdens. That sounds good, to reduce paperwork, but when you take the expensive paperwork out of the equation, more of the resource reaches the classroom. Sure, it is good to reduce paperwork, but it is even better to deliver the resource to the site of learning, where students learn.

For example, in response to a perceived need, Texas schools have been able to direct some of their Federal funds from the title II Eisenhower Professional Development Program, which is targeted primarily for science and mathematics, to reading, English language, arts, and social studies. If you need help in English and the arts and social studies, why not be able to focus the attention there?

In Howard County, MD, Ed-Flex authority has allowed schools to provide additional instruction time in reading and math to better meet the needs of their students. Well, you mean a program that serves the needs of the students instead of serving the plan of the bureaucracy? What a good program.

These are all States that have been allowed, in the 12-State pilot program, to have this kind of flexibility—it is interesting that they are moving resources to help students. Oregon used its waiver authority to simplify its planning and application process so that its school districts can develop a single plan that consolidates the application for Federal funds. Well, that is great. Instead of spending more money on paperwork, we are making resources available to the classrooms where students study and achieve.

In Vermont, they have reported that the greatest advantage of having Ed-Flex is the ability of schools and districts to gain waivers without having to go directly to the Department of Education. The fact that the State can grant waivers with a minimum of red tape encourages schools and districts to ask for waivers they might not otherwise have asked for. You see, the intimidation factor of Federal regulation

is one that is hard to assess. But here is the State of Vermont basically saying they were lacking creativity in their schools and people didn't bother to try to ask for the waiver. They went ahead and did what Washington said, in spite of the fact that it may not have been best for students, because they had been intimidated. The process was too complex. The desire to get a waiver may never have been really strong enough to get them past the Federal bureaucracy. But the schools are now doing things, trying things, delivering help to students, meeting needs at the site of learning, rather than meeting the appetite of the bureaucracy.

Other Ed-Flex States have used the waiver authority to include all school improvement resources in a single 34-page plan rather than 8 separate plans totaling 200 pages. Can you imagine that? If you can move the paperwork down in the direction of sort of manual operations from 200 pages to 34 pages, you will cut out that kind of paperwork and you are cutting out a wasted resource, and when you stop wasting, you can start delivering.

I am sure this next item is of special interest to the occupant of the Chair, who served as the chief executive of Ohio. Reports indicate that Ohio used its Ed-Flex authority to significantly reduce paperwork in the schools. The education agency of the State also reduced its paperwork. This is great news to hear. Ohio is the State that reported at one time that 52 percent of all the paperwork—I think that is right; the Chair might correct me—required of their school districts was related to participation in Federal programs while the Federal dollars were about 5 percent of the State's total education budget. That means we are costing people a lot in terms of paperwork to get a very small amount of the resource. It is time we freed the system from the burden of paperwork so it can get moving forward to the task of helping students.

States are finding that flexibility and regulatory relief they have gotten under the Ed-Flex program has caused increased student performance. Texas has found that its schools with Ed-Flex waivers made gains that match—and in many instances exceed—those as a whole in the State. And frequently those schools with the waivers were ones that were especially challenged.

Because of the success of the Ed-Flexibility Partnership Demonstration Program, we need to expand this concept to every State in America. In my home State of Missouri, we don't currently have broad authority, the kind of authority we need to waive the Federal regulations that keep our schools from improving education programs. In the past few years, my State, as well as local districts in Missouri, have had to come to Washington on a number of occasions and ask for waivers of certain Federal education statutes so they could administer their programs in such a way that they can better serve

their students. It doesn't make any sense for a State or a school district to keep coming to Washington time after time to beg for permission to help their students. It seems like we could agree that we would allow States to help their students.

That is why I support the Education Flexibility Partnership Act of 1999, because it gives the States the authority on their own to grant to schools waivers of Federal statutes and regulations for many Federal education programs. States will also be expected to grant waivers of their own regulations which schools believe are barriers to improving education programs. This is a design—a conspicuous and conscious design—to deliver resources to classrooms where students learn and improve their performance.

Around the Nation, Governors of both political parties have called for quick passage of this legislation as it will allow educators to design and to deliver federally funded education dollars in ways that meet the needs of students. As a former Governor, I know how important it is for a State and its local school districts to have decision-making authority over educational matters. The closer the decision-making is to the local level, I feel, the better.

States and local schools are in a better position to know what programs work in their community and elicit the necessary enthusiasm and response from their families which are being served.

I also know that States want to show that their education reforms will actually improve quality of education. When I was Governor of Missouri, I also served as chairman of the Education Commission of the States—all 50 States, legislators, governors, school board officials—the Education Commission of the States. During that time I emphasized a point. And it was this: We must insist that our reform programs create a current of educational improvement. We must show that reforms actually help our children learn more.

Mr. President, I believe that Ed-Flex boosts educational achievement by allowing States to direct resources where they will get to the classroom and help students learn.

So today I want to voice my strong support for the Educational Flexibility Partnership Act of 1999. Under this legislation, Missouri schools and schools across America no longer have to come to Washington to seek education waivers one at a time. But they will have more flexibility to administer federally funded education programs in ways that boost student achievement, and ultimately have as a result more capable students.

States and local schools want more flexibility because they have the best ideas of what will work in their communities. And they want the ability to take that good news to the students of their schools. Important education

groups in my State such as the Missouri State Teachers Association and the Missouri School Board Association have said that flexibility and local control are important goals in Federal education policy.

The Ed-Flexibility Partnership Act of 1999 helps to accomplish these goals. This bill, Ed-Flex, will ultimately help to improve educational opportunities for the children in my State and all over the country by reducing the Federal redtape involved currently with trying to comply with Federal rules and regulations related to educational programs.

ORDER OF PROCEDURE

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the vote scheduled to occur at 2:15 today now occur at 2:30 p.m.

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

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

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

The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB and Mr. WARNER pertaining to the introduction of S. 533 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, 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. WARNER. 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. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. ROBB pertaining to the introduction of S. 535 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. WARNER pertaining to the introduction of S. 536 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. I thank the Chair, the indulgence of my colleague, and I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

(The remarks of Mr. GRAHAM pertaining to the submission of S. Res. 57 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")