

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Arizona (Mr. KYL), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SESSIONS) would each vote "no."

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 88, as follows:

[Rollcall Vote No. 33 Leg.]

NAYS—88

Abraham	Feingold	Mack
Akaka	Feinstein	McConnell
Allard	Frist	Moinihan
Ashcroft	Gorton	Murkowski
Baucus	Graham	Murray
Bayh	Gramm	Nickles
Bennett	Grams	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Robb
Bond	Hagel	Roberts
Boxer	Harkin	Rockefeller
Breaux	Hatch	Roth
Brownback	Helms	Santorum
Bryan	Hollings	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inouye	Shelby
Chafee	Jeffords	Smith (NH)
Cleland	Johnson	Smith (OR)
Cochran	Kennedy	Snowe
Collins	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Voinovich
Dodd	Levin	Warner
Domenici	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—11

Bunning	Hutchinson	Mikulski
Burns	Inhofe	Sessions
Conrad	Kyl	Thomas
Dorgan	McCain	

The motion to lay on the table the amendment (No. 40) was rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, the Senate now is in its third day of debate on the education flexibility bill. I think that is good. This is a subject we should all be more than happy to talk about. There has been a good debate and a number of amendments have been disposed of. But progress has begun to slow down.

I feel the need to remind our colleagues on both sides of the aisle that

the appropriations season is fast approaching and that we have several important items to consider between now and the Easter recess. For instance, I presume that by the latter part of next week the emergency supplemental appropriations bill will be ready for consideration, since the Appropriations Committee reported it out unanimously yesterday; and, of course, we hope to go to the budget resolution and get it completed before we end the session at the end of March for the Easter recess. I believe there is a genuine interest on both sides of the aisle in completing both the Ed-Flex bill as well as the emergency supplemental, if that can be worked out, and the budget resolution which will be available, hopefully, within the next 10 days or so.

CLOTURE MOTION

Mr. LOTT. In order to assure that we keep moving toward passage of the Ed-Flex bill, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the education flexibility partnership bill.

Trent Lott, Jim Jeffords, John H. Chafee, Bob Smith (NH), Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, Judd Gregg.

Mr. LOTT. Again, Mr. President, it is my hope that the cloture vote will not be needed and that the Senate will be able to enter into some reasonable time agreement with respect to the Ed-Flex bill.

I know the Senator from Oregon has been working on both sides of the aisle, talking to his cosponsors, Senator FRIST and the chairman and ranking member of the committee, as well as leadership on the Democratic side of the aisle, and to the majority leader. He will continue to do that. I am hoping that he will find some way to get an agreement as to how we can proceed with amendments and get to a conclusion. But we haven't been able to get that worked out yet.

If we cannot get something worked out, then the cloture vote would occur on this cloture motion on Tuesday, March 9.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate has conducted its last vote for the week.

Several Senators, again, on both sides of the aisle, expressed concern that it was necessary to have votes on Friday. But I discussed this with Senator DASCHLE. We just are going to have to, in order to complete the work we need to do, have votes on Friday mornings and also sometime around 5 o'clock on Mondays. We will try to be as flexible as we can. But, as usual, we have Senators who would like us to be a little later or a little earlier. And it is very hard to find that narrow window.

But from now until the Easter recess, and probably in May and June, Senators should plan on having a vote on Mondays at 5 and in the morning on Fridays, but with those votes not occurring later than 12. There will be some Mondays or Fridays where that will not be the case because there is a conference on one side or the other or a conflict.

Senator DASCHLE and I will talk about that, and we will try to notify Members far in advance—hopefully a month or more—when a Friday or a Monday might be completely divided.

There was a cloture filed last night to the pending Ed-Flex bill. We are reminded that under the provisions of rule XXII all first-degree amendments must be filed by 1 p.m. today; all second-degree amendments by 4 p.m. on Monday in order to qualify under the cloture rule.

The Senate will now continue on the Ed-Flex bill for debate only for Members to make statements.

It is my hope that an agreement can be worked out on the Ed-Flex bill as we proceed. If we can, then the cloture vote could be vitiated on Monday, and we would have some other vote.

But around 5 o'clock on Monday will be the next recorded vote.

I ask unanimous consent that the Senate continue with consideration of S. 280, the Ed-Flex bill for debate only until 12 noon. I further ask unanimous consent that at 12 noon the Senate begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Several Senators addressed the Chair.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I rise to agree and disagree with the distinguished majority leader. Let me point out my area of agreement first.

I believe it is important, as we begin our legislative session this year, that Senators be fully apprised of the schedule, and we understand that we have to be here on Fridays and on Mondays.

I think the majority leader is absolutely right in expecting that we have votes on Friday mornings and Monday afternoons or Monday evenings.

I hope Senators will accommodate that schedule with their own personal schedules, because that is the only

way, as we get into more legislative work, that we will be able to accommodate all of our needs legislatively.

I must say that I am in strong disagreement with the leader's decision to file cloture. We have a very important amendment that I was hoping we could offer even this morning, the class size amendment, the 100,000-teacher amendment offered by Senator MURRAY and Senator KENNEDY, and a number of other Senators. That was not possible because of the decision made by the leader.

What is perhaps most perplexing to me is, having filed cloture yesterday, that 17 Republican Senators filed cloture, then they voted against tabling a banking amendment to the education bill this morning.

So we have an unusual set of circumstances where the very same Senators who signed a cloture motion yesterday, voted not to table an extraneous amendment having nothing to do with Ed-Flex today, the banking amendment. I must say it doesn't help us as our colleagues are attempting to work through this procedurally to understand what the nature of the strategy may be on the other side. It appears that what they are trying to do is simply deny the Democrats the right to offer our amendments. They will vote no on a Republican amendment—they will vote not to table; that is, a Republican amendment—having to do with banking, but then they will preclude Democrat Senators from offering legitimate, important amendments having to do with education, such as the class size amendment, and for having a debate on it.

So I am perplexed by that. It sends the wrong message. We want to cooperate.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Senate resumed consideration of the bill.

Mr. DASCHLE. Mr. President, this is an important bill. Ed-Flex is a bill that, in my view, as I have said before, warrants a 100-to-nothing vote. We ought to give States more flexibility. But we also ought to recognize that if we are going to begin debate on education policy in the U.S. Senate, there are other issues that also merit consideration and opportunity for an up-or-down vote: Whether or not we have an afterschool program, whether or not we have an effort in this country to prevent dropouts, whether or not we consider 100,000 teachers and class size, whether or not we have school construction. All of those are legitimate education issues.

So I will offer to my distinguished majority leader another effort at compromise. I will attempt to see if we might come down to five or six amendments and say: Look. We will agree to those five or six amendments; we will agree to time limits and up-or-down votes on those five or six amendments;

and then let's move on. The majority leader was very generous, I thought, with what he said earlier to the Governors. As I understand it, the majority leader said, Let's go to the Senate; let's take a week; let's take 2 weeks, if necessary, but let's talk about education. Let's take 2 weeks if necessary. We haven't even taken a week yet.

So I really appreciate the majority leader's interest in trying to find some way with which to resolve this impasse. I think he is understandably desirous of moving on to other things. We want to do that. We want to pass the Ed-Flex bill. We want to pass good education amendments. We want to resolve this matter. We want to find a way to do it in a bipartisan manner. And I am confident that if we continue to work at it that we will.

So I will offer, again, to see if we might limit our amendments to maybe five or six with time limits and have up-or-down votes. I believe that is the best way to break through this. I am hopeful that we can get broad bipartisan agreement.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I would like to follow up briefly on this Ed-Flex issue, first to thank the minority leader, who is clearly making a very strong effort to work this out and be conciliatory.

I would also like to thank the majority leader, Senator LOTT, who is making such an effort as well.

I want to advise our colleagues that we are going to work through the weekend to try to come up with a way that is fair for all concerned.

I think Senator DASCHLE made it clear these Democratic amendments are critical, it is important there is an opportunity they be discussed, and—conciliatory on the part of the leader—that there would be time agreements. I think the majority leader has made a very sensible statement of why this bill is a priority.

It is critically important that the more than \$11 billion that go out in programs covered by Ed-Flex is spent wisely. What we have found in the 12 States that are now using Ed-Flex is that a few miles from here, just a few miles from here, existing dollars now allocated under title I are being used to cut class size in half to make sure that kids can get the education they need.

For those of you who think that the Senator from Washington, Senator MURRAY, is making an important contribution in terms of the extra teachers, I want it clear that I support that. It is needed. But I support just as strongly—and I would say this especially to my Democratic friends—the proposition that we use money that is now allocated wisely. And we are not doing that today.

Under current law, for example, poor kids who want to get access to ad-

vanced computing aren't able to do it in a lot of instances because these programs put them into a regulatory straitjacket. In a lot of instances, we could boost the test scores up for poor kids. We haven't been able to do that because of some of the bureaucracy associated with these programs.

Last night we had a discussion about what these programs mean to parents. I happen to agree with the distinguished Senator from Massachusetts, the parents don't focus on Ed-Flex in bureaucratic terms. They do focus on results. I can assure you, the parents of those youngsters a few miles from here who have had their class size cut in half as a result of Ed-Flex are very appreciative of that. Because of Senator KENNEDY and Senator Hatfield, in 1994 we began this effort to pass Ed-Flex. It is time to expand it.

Around this country there has not been one example of an abuse associated with Ed-Flex—not one. But there are plenty of examples of why Ed-Flex is working for poor kids from coast to coast. Go see those kids in the State of Maryland—our friend, Senator SARBANES, is here—where they have used those dollars to cut class size. Or come to my home State of Oregon where, because of bureaucratic rules, it was not possible for poor kids to get advanced computing at their schools.

I know a number of my colleagues would like to speak, and I want to let them have that opportunity. But just know—because of the very conciliatory offer that has been made by the minority leader, Senator DASCHLE, this morning, and the majority leader, Senator LOTT, I believe is also trying to accommodate both sides—those of us who are sponsoring this legislation are going to work throughout the weekend to see if we can get a sensible time agreement that is fair to both sides.

As the Democratic sponsor of Ed-Flex, I want to again state to my colleagues, I think the contribution of our friend from Washington, Senator MURRAY, is important and the Boxer amendment on afterschool programs is critically important—but it is just as important to show that those \$11-plus billion that are now allocated in title I and other programs are being spent wisely. In fact, for those colleagues who share my view that we need more financial assistance in these key areas, I submit the best way to make the case for getting additional funds is to show taxpayers you are spending more wisely the dollars that are allocated at this time.

I look forward to some long hours over this weekend, working with our colleagues on both sides of the aisle. Education, in my view, is the premier issue of our time. I think that is why the Members of the Senate feel so strongly about it.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend my colleague for his work on the