

community was going to be a better community.

The Murray family is a very close-knit family. They are an extended family. I had the opportunity to meet many of them at the time Senator MURRAY was initially sworn in here to the U.S. Senate.

She left last evening to return to the State of Washington to be with members of the family. I know all of us send our thoughts and prayers to Senator MURRAY, her husband Rob, and the entire Murray family. We are thinking about her and are mindful of her loss.

Mr. President, I yield myself such time that I might use.

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

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. KENNEDY. Mr. President, today we will vote again on whether to end this debate on education—prematurely, I believe—or do our part to help communities meet critical educational needs. After a very limited 2-day debate on education last week, the majority leader filed cloture to end debate on the bill. The next day he filed the same cloture motion to force a second vote on whether to end the debate. The first cloture motion was defeated yesterday; the second cloture motion will be defeated today. I believe we should stop playing procedural games and vote on amendments that are critical to communities across the Nation.

Republican intentions are clear. They do not want a debate on education. They do not want a vote on the critical educational issues facing the Nation's communities: reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. And there is a shared responsibility in all of these areas between the local communities, the States, and the Federal government as well. Parents and communities have a central concern about ensuring that their children are going to be adequately trained as they move towards the new century.

We have an opportunity to do something about it, and we have, as we have demonstrated over the course of this debate, compelling evidence that each of these particular programs can really make a difference in children's achievement and growth, scholastically, in their local communities. No bill on the Senate calendar right now concerns more important issues than education.

These issues are important and timely. We start off this session with a very thin calendar. We have the time and we have the ability, as we have said on a number of different occasions. Under the leadership of Senator DASCHLE on this side of the aisle, we are prepared to agree to a small number of amendments with strict time limits that

could ensure a speedy conclusion to those amendments, even, probably, during the day today. We can all work together to reach a bipartisan consensus on education now, because the Nation's schools and children cannot.

Some Republicans insist that they won't agree now to any amendments which affect the Elementary and Secondary Education Act, but that position is untenable. The pending Ed-Flex bill directly affects the largest ESEA program, title I. It also affects a number of the other programs included in the Elementary and Secondary Education Act—the Education Technology, the Eisenhower Professional Development, and the Safe and Drug Free Schools programs. Yet we are now considering Ed-Flex long before it is ready for action.

We should also be able to consider other vital education issues, too. Ed-Flex is a good idea, because it gives States more flexibility in implementing Federal programs. It makes them accountable for how well Federal aid is used to improve the schools. It goes back to the initiative of our good friend from the State of Oregon, Senator Hatfield. I joined him in offering the initial Ed-Flex in 1994. I offered it as an amendment to Goals 2000, to permit another group of States to do so. I know this program. I support this program.

We have strong support for the Ed-Flex concept on this side of the aisle as well as the other side of the aisle. We want to make sure, when we provide scarce resources, that the local communities, when they get the scarce resources, are able to show how the changes in the education programs will enhance student achievement. That is what we are interested in. Families are interested, local communities are, States are; we should be as well. We are trying to give the assurance to families across the country that accountability would be a part of Ed-Flex.

Ed-Flex, as I mentioned, is a good idea, but flexibility and accountability mean little if we do not give communities the support they need to implement school reform strategies that work. If you take the time to read the General Accounting Office review of Ed-Flex, what springs out at you is what the GAO report stated was the greatest desire for the local communities. What they asked for was additional funding for education programs. That makes sense. Second, they wanted to know if there were other opportunities to enhance academic achievement. Third, they were looking for help and assistance in how to run their schools more efficiently and effectively.

Those are pretty reasonable ideas and ones that I think all of us can understand. That is what they were looking for, and we are attempting to try to assist with these other ideas that different Members have talked about over the period of the past few days to try to help the local communities.

Last year, with broad bipartisan support, the Congress made a substantial investment in improving the Nation's public schools. We increased funding for IDEA by \$500 million. We increased funding for afterschool programs by \$160 million. We increased funding for title I by \$300 million. And we made a \$1.2 billion investment in reducing class size in the early grades. Those were done with bipartisan support, including the commitment to reduce class size, the amendment that Senator MURRAY has championed in the Senate not only this year but last year as well.

Much more remains to be done. Good ideas to improve education deserve our strong support. We need to do more to help communities hire additional teachers and reduce class size. We need to support State efforts to raise academic standards and support communities and teachers who are helping children meet those standards. We need to modernize school buildings and repair crumbling facilities. We had the GAO report which estimated it will cost \$120 billion just to bring classrooms across this country up to standards. Many communities in urban and in rural areas just cannot afford to take on that particular challenge themselves. We have ideas about how we can assist local communities, not with a handout, but to help them ease the kinds of financial pressures on that local community in order to bring their school buildings and classrooms up to speed.

That is a very important concept, partly because without doing so it is more difficult for the children to learn. We find even in the city of Boston that when the temperature goes down to 15 to 20 degrees, 15 schools close down because their heating systems are not adequate. Automatically, 15 schools close down. There is an effort being made in the local community—the greatest increase in a school budget in terms of education, I think, of any major urban area in the country—but still it is taking time.

We can help in this area. It is not only important in terms of the physical facility, it is important in the message we send to the children. Every parent, when they see their child go off in the morning, is talking to that child about paying attention during the course of the day, working hard, doing his or her homework, getting extra help and assistance if it is needed. Every parent is to instill in them the value and the importance of education. But if the child walks into a classroom and it is dilapidated and not functioning or does not have an electronic system to hook up the various new kinds of technology, we are sending a very powerful, very simple message to those children. The parents may be talking about the value and importance of education, but we, as a society, are not prepared to put the resources into it to ensure that those children will go to a first-rate school. That is the message, and that is powerful.

That is happening every single day in communities all across this country—certainly in many of the older communities and in many of the poorer rural communities across this country—where we do not have the kind of facilities that all of us would hope we might have for the children of this country. It is a very important message, and we are attempting to do something about it. We are not going to answer the whole problem, but we are going to offer a helping hand for local communities. Trying to provide some help and assistance in terms of school construction makes a good deal of sense.

Much more remains to be done. Good ideas to improve education deserve our strong support. We need to do more to help communities hire additional teachers, reduce class size, support State efforts to raise academic standards, and support communities and teachers who are helping children to meet those standards.

We talk about content standards. An increasing number of States have adopted content or performance standards. That is very important, so that parents will know what their children are learning and how they are doing. We need to end social promotion, but, when we do that, we are going to make sure there will be the kinds of support facilities out there for children who have not been able to keep up, to keep them from falling further behind.

We have different examples of where that is taking place—in Chicago, where children who are falling behind are getting extra assistance during the school-day, or even after school, or over the course of the weekend, or during vacations, or during the summer—maintaining high standards for children, but also trying to get assistance for those children who need it. It makes sense. That is what we are trying to bring attention to.

We need to modernize the buildings, as I mentioned. We need to expand the afterschool programs—for the 7 or 8 million children between the ages of 8 or 9 and 14 who go home in the afternoon to empty houses, who may spend their time watching television, if the parents are fortunate, or otherwise involved in antisocial behavior, if they are not—to try to develop programs that are going to work with the schools or with nonprofits.

We have different ways of approaching this, modest amounts of resources in the President's budget to try to do so. We can encourage those children to be involved in afterschool programs, to enhance their academic ability and achievement and perhaps give those children a chance to spend some quality time with their parents. Rather than the parents coming home, finding the child has been watching television, and saying, "Go up to your room to do your homework," parents can provide the kind of climate and atmosphere which is going to be profamily.

This is a profamily issue, Mr. President. We have seen the amount of suc-

cess that it has. Last year, when we had \$40 million in afterschool programs, we had \$500 million in applications. That is from the local communities. What we are doing now is trying to build that up to cover more than a million children, and that will send a ripple all across this country to develop after school programs. We do not intend to do all that is required in terms of after school, but we can demonstrate, by the success of these programs, how they have impacted children and families to build the kind of local support for the enhanced programs.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mrs. BOXER. Thank you, I say to the Senator.

I am so pleased he is talking about afterschool programs. I am so disappointed at this point we cannot offer our amendment which would, in fact, accommodate, as the Senator pointed out, more than a million children in afterschool quality programs.

I ask the Senator if he was aware of the relationship to the crime issue, juvenile crime, that we have been told by the FBI that the highest incidents of crime occur at 3 o'clock. And we have tremendous support for this afterschool amendment from the police athletic leagues all across this country and the police officers because when you have quality afterschool programs, it not only improves the education of children—and they do much better as they have done in afterschool programs throughout California—but also the police athletic leagues tell me they see a 75-percent reduction in crimes. So I ask the Senator if he could comment on the impact these afterschool programs have on reducing juvenile crime.

Mr. KENNEDY. The Senator is absolutely correct. Perhaps the Senator wants to put in the RECORD the excellent letter that has been sent to all of us from some 450 police chiefs, sheriffs, prosecutors, and leaders of police organizations in strong support of your amendment for the after school program. It reviews what has been happening in local communities to demonstrate their reasons for their strong support. Just as the Senator has mentioned, it has had an important and significant positive impact on reducing juvenile crime.

I can tell you in Boston, MA, we went 2½ years without a youth homicide—virtually unheard of for any major city of this country. And if you talk to Paul Evans, who is our police chief up there, the first thing he will talk to you about are the after school programs. He will talk about other programs in terms of trying to penetrate gangs, and he will talk about working with teachers and social service offices in terms of identifying the real trouble makers, and a variety of different other efforts, but he will lead off his list with the after school programs. It is just as the

Senator has stated. This has an important, positive impact in reducing juvenile crime.

We are talking about preventing antisocial behavior, whether it is in terms of crime, or more dangerous kinds of activity, namely juvenile violence. This is very important.

Mrs. BOXER. I thank my colleague for speaking out on these issues today. And, yes, I ask unanimous consent the letter Senator KENNEDY mentioned be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIGHT CRIME

INVEST IN KIDS

Washington, DC, March 4, 1999.

Re: Anti-Crime Amendment to Educational Flexibility Partnership Act.

DEAR SENATOR: As an organization of 450 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime victims, we urge that you co-sponsor and support Senator Boxer's After School Education and Anti-Crime Amendment, which would boost authorization funding levels for the 21st Century Community Learning Centers afterschool programs, as you consider the Education Flexibility Partnership Act of 1999 (S. 280).

FBI data show that in the hour after the school bell rings, juvenile crime suddenly triples. The peak hours for violent juvenile crime are from 3:00 p.m. to 6:00 p.m., and more than half of all such crime occurs between 3:00 p.m. and 9:00 p.m. These are also the peak hours for unmarried teens to engage in sexual activity, and being unsupervised in the afternoon doubles the risk that teen will drink alcohol, smoke cigarettes, or use drugs.

Quality after-school, weekend and summer programs for children and youth can cut crime dramatically—by offering school-age kids a safe haven from negative influences, and providing constructive activities that teach them not only the skills they need to succeed, but also values like responsibility, hard work, and respect and concern for others. For example: high school freshmen boys randomly selected from welfare households to participate in the Quantum Opportunities after-school program were only one sixth as likely to be convicted of a crime during their high school years as boys in the control group. Together, the boys and girls who participated in the program were 50% more likely to graduate from high school on time, and two-and-a half times more likely to attend post-secondary schooling. The program produced three dollars in benefits for every dollar spent.

When a Canadian public housing project intensively recruited youngsters to participate in an after-school skills development program, juvenile arrests among its teen residents declined by 75%, while they were going up 67% among the residents of a nearby comparison housing project. The program saved the government more than twice its cost.

When the Baltimore Police Department opened an after-school program in one high-crime neighborhood, kids' risk of becoming crime victims was cut nearly in half.

That's why, in addition to our 450 law enforcement members, law enforcement organizations nationwide have called on public officials to provide for America's children and teens after-school programs that offer recreation, academic support and community service experience. Among the organizations which have passed such resolutions are the National Sheriffs Association; the Major

Cities [Chiefs] organization (composed of the police chiefs from North America's 52 largest cities); the Police Executive Research Forum (made up of police chiefs, sheriffs, and other law enforcement officials who together serve over 100 million Americans); the National District Attorneys Association; and such state law enforcement groups as the California District Attorneys Association; and such state law enforcement groups as the California District Attorneys Association, the Illinois Association of Chiefs of Police and the Illinois States Attorneys Association; the Texas Police Chiefs Association, the Arizona Sheriffs and Prosecutors Association, the Maine Chiefs and Maine Sheriffs Associations, and the Rhode Island Police Chief's Association.

Despite clear evidence that quality after-school programs have a dramatic crime prevention impact and actually save taxpayer dollars, we are serving only a small portion of the children and youth who need these programs. More than 7 million children under twelve years old and millions more between twelve and eighteen years old, now spend their after-school hours unsupervised and vulnerable to the negative influences of gangs, drugs, and crime.

Senator Boxer's After-school Education and Anti-Crime Amendment would be a step forward in meeting our nation's need for more after-school programs. We therefore urge the Senate to adopt this amendment.

If we can be of further assistance as you consider S. 280, and other crime-prevention issues, please feel free to call on us.

Sincerely,

SANFORD A. NEWMAN,
President

Mrs. BOXER. I do want to thank the police athletic leagues for getting involved in this. I want to ask my friend this question, because he is our leader on education. He was the former chair of the Education Committee, now the ranking member.

I seem confused in trying to understand the majority leader's decision here not to allow these amendments to be offered. And I read somewhere that he said he looked forward to this debate when we began and he said, let's have those amendments, and we will vote them up or down. Can my friend explain to me why on Earth, when we have a situation here where the No. 1 issue in America today is our children and their education, the majority leader will not allow us to have an up-or-down vote on 100,000 teachers, on expanding afterschool programs, on the myriad of issues that we all know we need to address, the No. 1 issue today? Does my friend understand this change of heart? And can he explain to me what the rationale is for filibustering our amendments, for not allowing us to be heard by placing a gag rule on the Senate? Does he have an explanation?

Mr. KENNEDY. I say to the Senator, let me respond in this way. I had placed in the RECORD the statement by our majority leader at the National Governors' Conference just at the end of February where he said:

Now when we bring the education issues to the floor . . . there will be some amendments and some disagreements, but—and the leadership meeting that we had yesterday afternoon, I said, "That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take two weeks if it's necessary. Let's talk about education."

Here we had effectively, on Friday afternoon of last week, debate, but because of parliamentary means the opportunity for amending the legislation was closed out. Yesterday—yesterday—as the Senator might have heard, we could not call off quorum calls in order to amend the bill or to bring up an amendment. We were effectively told that unless it was cleared it with the majority, they were not going to permit amendments to be offered. Fortunately, we were at least able to find a way to try and get a vote on the Murray amendment, which we will vote on tomorrow.

Then we were, of course, absolutely mystified as to why the leadership included in the Ed-Flex this very complex bank reform legislation that has absolutely nothing to do with education—absolutely nothing. They added that and refused to permit an orderly process of consideration of amendments on which, as the Senator from California and others have pointed out, we would be willing to enter into a reasonable time limit.

The Senator from New Mexico, Senator BINGAMAN, has an amendment that has been passed with strong Republican support in the past. He indicated he would be willing to have one-half hour of debate, 15 minutes to a side. Other Senators have been willing to do so as well. Senator MURRAY was willing to do so, so we could move this process along, not that we should not have at least a fair opportunity to permit some of our colleagues to be able to express their own views, both for and against. But the Senator is quite right. We are effectively being told that even though the legislation is technically before the Senate, that we are closed out from having the opportunity to offer amendments and have the Senate dispose of those amendments, and that is obviously troublesome.

It works, as the Senator knows, in a strange way. We have had a deadlock for these past days, but there is nothing that is going to preclude Senator MURRAY from offering her amendment on some other piece of legislation. That is what, evidently, some of our people here must understand—that you just cannot do it at this place in the Senate calendar. You might be able to squeeze it out in the last few days of a session, but you cannot do it at this time.

We are going to see these amendments at one time or other, and I imagine earlier rather than later. So it has always seemed to me to make the most sense to do it in a responsible way, and that is in debating this with an underlying amendment on education rather than trying to work the process to have an amendment on a different item.

Mrs. BOXER. If my friend would continue to yield to me, I came over here not to seek time on my own, I say to my friend, but really to engage him in a conversation, because I think the

American people are completely confused. I know I am confused. I see an Ed-Flex bill coming over here. It is a good bill. The Senator supports it. I support it. But as we have said before, it is a thin bill. It does not go to the heart and soul of what we need to be doing—more teachers in the classroom, afterschool care for our children, dropout prevention.

I will tell you why I am confused. I read that our majority leader, Senator LOTT, was with our Presiding Officer in his State. They had an excellent town-hall meeting on education, and they talked about education a lot. They talked about it a lot. They talked about how it was a priority for the Republican Party. Well, talk is cheap.

I would like to know, what are we going to do? And we have an opportunity here, because there is an education bill on the floor, to let the majority of the Senate work its will; allow us to vote up or down. The Senator is completely correct. On after-school, I offered a 1-hour timeframe and an up-or-down vote after that—1 hour. That is all. We are not trying to tie up the Senate. And further, my friend reminded me, which I had forgotten, there is a banking amendment on this bill.

I am confused here, I say to my friend, and continue to be confused, that we have this bill on the floor that deals with education. The majority leader says he doesn't want it amended by any education amendments but he allows an amendment to go through that deals with the banking system. Members can only come to one conclusion, and that is that the Republicans like to talk about education but when it comes down to doing something to help our children, they are missing in action, regardless of town hall meetings.

I am glad that the Senator from Massachusetts, the ranking member on the Committee on Health, Education, Labor, and Pensions, has taken this time to explain what is going on to the American people, because you can't fool them.

I think what is interesting, as my friend has pointed out, we are not going to go away. Senator MURRAY, who isn't with us this morning because she had a tragic death in her family, Senator MURRAY is not going to go away. She and the Senator from Massachusetts were on their feet Friday, they were on their feet yesterday, they tried in vain to get a vote on the 100,000 teachers. She is not going to go away. The Senator from Massachusetts isn't going to go away. This Senator isn't going to go away. Why not have an agreement to bring up these issues and vote on them?

There is only one thing I can say, and that is that the majority leader does not support these amendments, he does not support 100,000 teachers in school, he does not support afterschool, he does not support dropout prevention. Otherwise, I can't imagine why he would use the heavyhanded tactics.

I yield back to my friend to continue to enlighten us on where we stand and how he sees the rest of the year going when we start off with such a gag rule on such an important measure.

Mr. KENNEDY. Senator, if I might just raise some conclusions that have been reached by this independent evaluation of title I that is directly relevant to the issue which the Senator wanted to address. This is the final report of "National Assessment" of title I. It just came out last week. In the summary, it points out: "Recent research on effective schools has found that using extended time learning in reading and mathematics"—this is the afterschool model; not all afterschool models, but many of the afterschool models. More so, now, I think, as a result of this excellent report.

And it talks about the recent study of schools in Maryland:

Researchers found that the most successful schools were seeing constant academic gains as a result of the extended day programs.

This is just what the Senator is talking about. This is the "National Assessment."

I mentioned before, there is \$500 million in requests. We have an important increase in the President's budget paid for. The Senator is just trying to get the authorization so the communities will know this program is alive and well and going to be continued over the period of time. That could be done in a very short order.

If there are those here opposed to it, why not express your views and then vote in opposition to it? Effectively, the good Senator is being denied at least any opportunity to be able to advance that—advance it, let the Senate finally vote on it—being denied that in spite of the fact that in this excellent review about what has been successful and what has not been, this is right on point to the Senator's initiative, and that, I think, is one of the reasons we are very frustrated.

We take a Banking Committee bill. Here we are on education. The timing was set by the majority leader and the majority. They are the ones who set the agenda. They are the ones who called up this bill.

Now we find out they are effectively foreclosing or have foreclosed. We are still hopeful that the Senator would be able to offer the amendment.

While the Senator is here, I just mention the kind of support we have on the class size amendment. We will have an opportunity to vote on that cloture tomorrow. Various groups have supported that, including the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education.

That is interesting, special education; we heard a great deal about the importance of special education. Here is the association that is the primary spokesman for special education, and they are talking about the importance of this, and for very good reason. We have to fund both—that is our position—the IDEA and also this program for having smaller class sizes and having a well-trained teacher in every classroom. When we have the teacher quality, the well-trained teacher, they can identify early in their development the children who are going to have the special needs. If they are spending time with them in reading, they can find out whether that child needs the other kind of attention. Then you can locate and identify these needs much earlier, and we also can find out if they can provide that help and assistance to them, for example, in literacy. It may very well reduce or eliminate the need for special education.

There is support from this association in terms of school construction. They find out that the children with disabilities will benefit from buildings with appropriate physical access to buildings, buildings that are well equipped to handle modern technologies which so many with disabilities need to get a good education. And they find out that the afterschool programs, including Children With Disabilities, Stay Off the Street, Out of Trouble, help them get the academic help they need and desire.

That is what we are saying. Help all the children. We are also helping those with special needs. We are committed to trying to get additional funding in the area of special needs.

I remind our colleagues that under the constitutions of the States, the States have the responsibility for educating every child. We set as a goal that we would pick up 40 percent. I am strongly committed toward doing so. We will have an opportunity before too long to offer amendments to move us in that direction. We hope we will get as much support on that issue when we offer those amendments as we have had in terms of an opposition to trying to do the kind of things that the Senator from California has identified.

Mrs. BOXER. Will the Senator yield? Mr. KENNEDY. Yes.

The PRESIDING OFFICER (Mr. ENZI). The Senator from California.

Mrs. BOXER. I think it is an important point the Senator makes, that when you have smaller class sizes you can give special attention to the children who need it. The Senator makes a very interesting point. Perhaps some of these children who now need to be pulled out of those classes because they are so large would be able to be served in smaller classrooms.

I had a very interesting conversation with a woman who sat next to me on an airplane back to California on Friday who works for the Pentagon. She was so excited about the fact that the military has just decided to undertake a project to lower classroom sizes.

I ask my friend if he had heard about that. Their goal now in the early grades is to have 1 teacher for every 18 children. Now, this is the military, the U.S. military. These are schools that are run by the military.

I say to my friend, if our children whose parents are in the military can benefit from smaller class sizes—because the military is so smart, they understand it works—why should we deny our children in the public schools the same opportunity for smaller class sizes?

Does my friend see in this an irony that the majority leader and the Republicans who join us in being very strong supporters of strong defense, in giving the military what they need so there can be a quality of life for their kids, that they would undertake such a program? Yet, we would be gagged. Maybe my friend is right; maybe we will be able to go to the amendment. If we don't go to the amendment, doesn't the Senator see an irony here that the Pentagon will have 18 kids—15 to 18—in a classroom, supported by the Congress, and yet we see this opposition for the other children who happen to not be in military families?

Mr. KENNEDY. The Senator makes a good point. Not that that is always the best practice, but certainly in this case it is. Secondly, for example, child care programs in the military versus non-military programs, are quantitatively better because, very interestingly, the amendment that we adopted for child care for the military was actually the one that came out of our Labor and Human Resources Committee and had protections and guarantees in terms of quality and training for the personnel who are going to work with those children.

When we had it on the floor of the Senate, it was effectively undermined, in terms of those protections, in an attempt to get it passed.

Now they will go on out and ask, "Why are the military ones better?" It is very plain and simple. You can look at the history of the support of those programs here. At the time they called the roll, 94 to 6 we were prepared to give protections, because it was an add-on for the protection of the military—94 to 6. I remember it very clearly, because I offered the amendment.

When Senator DODD, who is a real leader in these children's programs, battled to develop programs for needy working families on this, it was significantly undermined.

The military understands smaller class sizes, as they do child care, and they are moving in that direction because they are able to do so.

A final point I will mention to the Senator on the importance of this, because we heard a great deal yesterday about how can we do this and not give attention to IDEA, is included in the RECORD—I will check the RECORD and, if not, will include it here—an excellent study that was done by "School Business Affairs" on education. In this

review, the study shows the benefits of reduced class size. I will read this:

Research has shown that some elements of schooling are changed positively by using reasonably sized classes in grades K-3.

Table 1 suggests some potentially cost-saving items that can be factored into plans to adjust [to smaller] class sizes.

It talks about reduced retention in grade, improved student behavior, reduced remediation so more students are on a grade level and special services may be more clearly targeted to needy students, and, finally, earlier identification of barriers to learning that may be remedied immediately, offering later savings in special education costs.

I hope, and maybe it is hoping for too much, that we can avoid pitting children against children, but rather to try to move along together. The central issue that we are focused on is smaller class size. We have additional amendments. The Senator from California has one to deal with afterschool programs. Senator HARKIN has one with regard to school construction. Senators REID and BINGAMAN have one with regard to dropouts. Senator DODD also has afterschool programs. There are others—Senator FEINSTEIN and Senator DORGAN have amendments, and my colleague Senator KERRY has one as well.

We are, nonetheless, prepared to reduce the number of amendments we offer and enter into a reasonable time limit so that we can at least make some important progress. I think most families who are watching this would say, "Why aren't they doing business? Why are we watching Senators talk about this. They have, effectively, uncontested documentation of support for the initiatives they are talking about. Why aren't they going ahead?"

And our response is that we can't go ahead because these barriers have been placed in our way.

That is fundamentally wrong. As the good Senator has pointed out, we are not going to let these barriers stand in our way.

I thank the Senator from California for all of her help.

Mr. President, I am told that we will have a number of our colleagues coming over to address these issues. We have the next 15 minutes, and then we will come back to address these issues later in the day, starting at 2:15.

I wanted to point out in our opening comments and statements this morning the importance, again, of reduction of class size.

Let me mention some of the rather interesting results of reduction of class size. The documented research—what parents and teachers have always known intuitively—shows that the smaller classes enhance student achievement.

The most effective overall presentation that was made on this was the excellent presentation by Senator MURRAY who has been a schoolteacher herself, has taught in these classes and can speak eloquently and knowledge-

ably about what it is like to be in a classroom with 30 children versus a classroom of 17 or 18 children. She has been on a school board for a number of years, dealing with educational policy, and she has the vantage point of bringing both of these experiences to this issue.

I have observed Senator MURRAY now for some 6½ years. I do not think any of us have seen a more impassioned, knowledgeable, informed person speak on the subject of class size as Senator MURRAY. I know she will continue to fight for this, and I am absolutely convinced that we will eventually accept the Murray proposal and, by doing so, give the information to the local school districts that the commitments that we made last year for increasing the number of teachers is going to be continued for the next 6 years.

The President has put the funding for that program into his budget. All we need now is the authorization, and the reason we need the authorization now, as Senator MURRAY points out, is because school boards need to know whether they can count on the continued financial support for next year and the year following and on into the future to go out and hire new teachers. The local school boards are wondering whether they ought to take the chance of moving ahead or if it is just going to be a 1-year experience.

That is a very reasonable issue, and school boards all across the country are in contact with us asking for clear guidance. For those who come to the floor and say, "We want to rely on local controls, we want to help and assist those in the local communities," this is the way to do it.

Let's send a very clear message to those at the local school level that this is a program that is going to continue for the next 6 years. You can be sure that we are behind it. That is what the Murray amendment does, and that is why it is so timely and so important that we put that on the Ed-Flex legislation.

Mr. President, let's just look at some of the examples of the studies on smaller classrooms. Let's take this Project STAR that studied 7,000 students in 80 schools in Tennessee. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up studies showed that the gains lasted through at least eighth grade, and the gains were larger for minority students.

In Wisconsin, the Student Guarantee in Education Program is helping to reduce class size in grades K through 3 in low-income communities. The study found students in the smaller classes have significantly greater improvements in reading, math, and language tests than students in larger classes.

In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 produced a 44-percent increase in reading scores and an 18-percent increase in math scores. Mr.

President, this is what is happening out there in school districts. I don't know how much more information we need. School district after school district that has moved towards smaller class size is finding these extraordinary results. We are being denied now the opportunity to say, "Look, we notice these results. We hear what you are saying. It does make an important difference. We have the resources at this time to move ahead in a national effort to try to get the smaller classrooms." That is what this debate is about, and we are denied the opportunity to do so.

Listen to this. As I mentioned, in Flint, MI, over the last 3 years the smaller class in K through 3 produced a 44-percent increase in reading scores, and an 18-percent increase in the math scores.

Before we get into the expanded reading program we passed at the end of the last year—not that that in and of itself is going to solve all of the problems—what we have done in the last 3 years is encouraged the universities which have Work-Study Programs to ensure that many of the young people who are attending our colleges all across the country are going to move towards working and tutoring students as part of their Work-Study.

I am proud that Massachusetts has better than half of its colleges doing so.

I urge our colleagues in this body to meet with the presidents of universities in their states and encourage the presidents of the universities to get their universities and their schools involved in that reading program. Massachusetts and California are the two top States. Sixty percent of our colleges are doing it. We are committed to trying to get it up to 100 percent. There is no reason that kind of assistance cannot go to these students with the Work-Study Programs so that reading can be held to a higher standard.

But getting back to the subject, that is the importance of grades K through 3, we have extraordinary academic achievements in reading, which is the key to all knowledge, and math, and they are due in large part to a reduction in class size.

I have other examples, and I will make sure there is time remaining to speak to the Senate about those. But I can tell you that we have instance after instance after instance where the smaller class size has resulted in dramatic and significant and important academic achievement and academic progress for students. And it is a national tragedy that we are not embarked on a program to help local communities and States to embark on such a program. Some can do it locally, and they are doing it. We commend them. The States are doing it. But we ought to have a partnership to do what we know can make a significant improvement in children's academic performance and success, and we are being closed out of the opportunity to do that here today. We have \$11 billion

out there which can make a direct difference, and we are being denied the opportunity to do so. That is fundamentally wrong.

I yield to the Senator from Illinois what time he might consume.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. Eleven minutes forty-five seconds.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, I rise to speak in morning business and to support the efforts by Senators KENNEDY, MURRAY, and so many others to finally bring to this Senate floor a vote on education.

We have been in session for almost 2 months now. A great deal of that time was spent on the impeachment trial with the promise that when it ended, we would come together and consider issues important to this country. And I think all of us took heart in that promise by the leadership. Yet, when this debate comes to the floor on the first education bill of the 106th Congress in the U.S. Senate, we are finding efforts by the Republican leadership to limit the debate. When Senator KENNEDY comes to the floor with Senator PATTY MURRAY of the State of Washington and asks only for the opportunity for the Senate to vote on several key educational issues, I am sorry to say the Republican leadership has used every procedural device to stop the Senate from voting on education.

What does that say about the 106th Congress and what we hope to achieve? I hope Republican Senators feel, as those do on this side of the aisle, that reducing classroom size gives kids a better chance. My wife and I have taken three kids to school—taken them as they started in kindergarten through the grades. Can you believe for a moment we would have felt encouraged if we walked in and they said, "You have a choice here. There is one classroom with 30 kids and one teacher, another with 18 kids and one teacher. We are going to put your child in the larger classroom with 30 kids. That is OK, isn't it?" You would say, "Wait a minute. My son or my daughter has a better chance with more personal attention."

That is what is behind the proposal for 100,000 new teachers—to reduce classroom size so that more personal attention can be given to each student. There may be some Republicans and maybe even some Democrats who would disagree with that premise and argue that larger classrooms are better for kids. Let them vote that way. Let them cast that vote that way. But to stop us procedurally from even coming to this vote on President Clinton's initiative for 100,000 more teachers does a disservice to the kids and families across America and doesn't speak well of the agenda for the 106th Congress.

Another item being considered, and one I hope we vote on, is the question of making sure we have enough classrooms and that we are going to, in fact, have smaller class sizes. As I travel around my home State of Illinois, superintendents, teachers, and parents said, "Great. Smaller classrooms make a lot of sense. We think our kids have a better chance." But we are going to need more classrooms, obviously.

So one of the proposals that is before us which Senator KENNEDY is pushing for is to have help for the school districts across America to build more buildings. Unfortunately, that, too, has been stopped.

Imagine, if you will, that the Republican leadership does not want us to vote on whether or not to help school districts build more classrooms, modernize classrooms, make certain they have the technology necessary for the 21st century, even to make certain there are safer classrooms for our kids. What possible item on the agenda is more important than education? Yet, as the 106th Congress begins, we got off to a slow start because of the impeachment, and now we have come to a grinding halt on education. If we cannot achieve a bipartisan consensus on the basics of education, it doesn't speak well for the prospects of this Congress. I hope Senator KENNEDY, Senator MURRAY, and many others prevail. They are going to try to ask the Senate to come together on a bipartisan basis and really put their votes where their campaign rhetoric has been—commitment to education.

That is what it is all about. Let me speak for a moment to another issue which has been brought up, and it is a very valid issue.

Many Republicans argue today and in the last week's debate that we should put more Federal money into school districts to help them pay for disabled children. I have been to these schools. I have many times seen one teacher per student. I know it is very expensive education. I know some kids are sent off by school districts to better opportunities in other States. And that, too, can be very expensive. So the Republican majority has suggested we should put more money into special education from the Federal level. I hope it is clear that most Democrats agree with the Republicans on that; and that, if we are going to focus the surplus on education, this is a valid investment. But make no mistake; we have faced this vote before.

Take a look here. On April 23rd of last year when we offered an amendment to the Coverdell bill on the so-called parent and student savings accounts, an amendment which said take the money and put it into special education, only four Republicans joined us in that vote. They said, no; it is more important that we have vouchers for private schools than we take care of disabled children in public schools. So, by a vote of 50 to 4, the Republicans said no; don't put the money in special

education. Now they argue today that it is the most important priority, the highest priority above all.

I sincerely hope we can return to this debate on the floor in an honest and bipartisan fashion.

I don't know why Senator KENNEDY stands here alone on the issue of classroom size. I don't know why Senator MURRAY stands here alone on the issue of increasing the number of classrooms and the safety of our school buildings.

This truly is bipartisan. So many of us who go to the campaign stump and speak about education now have a chance to put our votes where our promises have been.

I sincerely hope that the Republican leadership will think twice about this—that we have an opportunity here to get the 106th Congress off to a positive start. The 105th Congress was a do-nothing Congress. It achieved little or nothing, and the American people in the last election in 1998 made it clear that they rejected that approach. Now we have a chance to do something on education on a bipartisan basis if the Republican majority will stop throwing these procedural roadblocks in our path.

At this point, Mr. President, I reserve the remainder of time in morning business.

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds remaining—under the control of the Senator from Massachusetts. Then the next hour is under the control of the Senator from Tennessee.

Mr. KENNEDY. I yield the remaining time to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I am wondering if there would be an opportunity, after the completion of this period, for an additional 10 minutes in morning business by unanimous consent.

The PRESIDING OFFICER. This period will end at 12:30, which is the time for recess.

Mr. KENNEDY. Could I suggest something to the Senator, if the Presiding Officer will yield. We generally close down at 12:30. The Senator from Tennessee has an hour, and if it fits into the Senator's schedule, I would ask that we do not recess; we postpone the recess from 12:30 to 12:45 to permit the Senator to speak.

Mr. FEINGOLD. I thank the Senator from Massachusetts.

Mr. KENNEDY. If that is agreeable to the Senator.

The PRESIDING OFFICER. The Chair will need someone to fill in for him.

The Senator from Wyoming objects. Objection is heard.

The Senator from Tennessee now has 1 hour.

**EDUCATION FLEXIBILITY
PARTNERSHIP ACT**

Mr. FRIST. Mr. President, over the next 60 minutes we will be addressing our children's education, which is a continuation of the debate that we brought to the floor last week. Although the debate has ranged from the initial presentation of the bill to various amendments, it is the underlying bill that I would like to spend a few moments discussing.

The Ed-Flex bill is a simple bill, a straightforward bill, and a bipartisan bill. It was brought to the Senate floor last week in order to pass it through the Senate, have it pass through the House of Representatives, have it sent to the President of the United States, and signed so that all 50 States would be able to take advantage of a program on which we have a 5-year history, that has been demonstrated to work, that was initially applied in six States, and then another six States. There are 38 States such as Tennessee that do not have access to an Ed-Flex program.

Ed-Flex is a program which basically says that individual schools and school districts and communities would be able to obtain waivers to be able to meet very specific education goals to educate their children, but they can do it in a way that is free of the Washington bureaucratic regulations, the excessive redtape which we hear again and again is shackling the hands of our schools and our teachers who are working so hard to educate our children, to prepare them for a future full of opportunities, to prepare them for that next millennium which we all talk about in such glowing terms. Yet we recognize that in spite of giving the system a lot of money, in spite of progress in structure, we are failing our children. We are not preparing them for that next millennium.

So now is the time to pay attention to what people are telling us, to what parents are telling us, what principals are telling us, what teachers are telling us. We need to respect the needs of the local communities, because each community is different, rather than thinking in this body that we can decide if you put more teachers there, you are going to do better without telling them what the quality of that teacher might be or telling them that you need just another computer, and if we put that computer in your classroom, your students will do better.

No, we should listen to the schools that say let us take those same resources—we know what it takes to educate our children—let us carry out our type of program free of the bureaucracy, free of this administrative burden. And that is what Ed-Flex is all about. This particular bill costs nothing.

We have heard of a number of well-intended programs talked about this

morning and introduced as amendments, really loading down our bill, but they cost \$200 million here, \$500 million here, \$1 billion here, \$6 billion here, \$12 billion over 6 years.

We should have that debate at some point because we know that we are not educating our children nearly as well as we should, and we need to debate resources. And we most appropriately are doing that in the committee structure right now where we are looking at all of the elementary and secondary education programs through the reauthorization process. We have heard repeatedly that we should not just add one more program to the already more than 250 programs with which we have been trying to educate our children. We hear too often: Let's add this program and that will take care of our problems today.

Well, it sounds good and it makes good sound bites and it may even poll well, but it is absurd to think that one program is going to solve our education problems. So let's start with the basics. The Ed-Flex bill includes flexibility at the local level, gets rid of Washington redtape, provides strong accountability provisions built in at the local level, at the State level, and at the Federal level. For instance, performance standards and content standards are built into our Ed-Flex bill, as well as issues at the State level such as corrective action and technical assistance, and accountability is built in at the State level and at the Federal level. In fact, the Secretary of the Department of Education can at any time terminate a waiver.

Ed-Flex means greater local control for education decisions, has no cost to taxpayers, and is supported by all 50 Governors. Just 20 minutes ago I was talking to a Governor, and I basically said here we are, in Washington. We have a bill that is supported by every Governor in the United States of America. If we are allowed—and we are going to try again with the cloture vote today—to bring this bill to the floor for a vote, I bet you it will pass 99 to 1. That is how good the bill is. Yet, because of political posturing, because of polls, because of an agenda that someone else has, some have come to the floor of the Senate and are holding the bill hostage.

When I mentioned the Ed-Flex bill while traveling across Tennessee Saturday and Sunday talking to parents—I was in three high schools—parents basically said, what is going on in Washington, DC? I thought now was the time for nonpartisanship, for coming together, for bipartisanship. I thought you had finished the gridlock that we have seen in Washington. "We expect more out of you, Senator FRIST." And I said, "Yes, I will go back, and I will do my very best." Yet, I come back and again its gridlock.

Our bill very simply means education flexibility. It costs nothing, it has bipartisan support, and provides flexibility and accountability. Everything else

you have heard about over the last few years is a new program, costing billions of dollars—silver bullets. People say, "That's what we need because it sounds good. I go home and I talk to parents. They don't know what education flexibility is all about. But I tell them about adding quantity, adding numbers of teachers, and they listen. Well, that is the whole point. We need to do what is right. We don't need to do just what sounds good because what sounds good doesn't work. For the last 30 years we have done what sounds good, but without any improvement whatsoever.

We need Ed-Flex. We have to forget this gridlock. In the next 45 minutes or so, that will be our discussion.

I see that my distinguished colleague from the great State of Florida has arrived, and I would like to yield 10 minutes to my colleague.

Mr. MACK. I thank the Senator for yielding. I will not use that much time. I thank the Senator for the leadership he has provided on this legislation.

It was really not my intention to speak on this bill because I was under the impression that this bill had great bipartisan support, that we would bring this to the floor after coming out of committee, and it would breeze through the Senate. This is a piece of legislation that is supposedly—supposedly—supported by everybody.

I am pleased to speak in favor of the Ed-Flex bill. Our children will thrive when State and local communities are given the freedom to craft their education plans according to the unique education needs of their children. Local schools do more when Washington bureaucracies do less. That is what this bill does.

We are beginning the second week of consideration of this bill. We have been forced to file three cloture motions on what may be the most popular, most bipartisan legislation we will consider this Congress. I fear this may set the tone for the remainder of the 106th Congress, where consideration of any bill will be filibustered by the Democrats and drive partisanship to new heights.

As I implied a moment ago, I am in some ways confused by what is happening. I do not understand how a bill that supposedly is supported by an overwhelming number of Members on both sides of the aisle has been caught up in this constant and continuous effort to amend the bill.

I think the actions we have seen during this past week, and what we are anticipating through the balance of this week, raise the question about those who have cosponsored the bill and who say they are in support of it. I question whether they truly support the idea of Ed-Flex, which is to allow State and local communities to have more control over how dollars are spent. I think there is a ruse underway here. I think our colleagues on the other side of the aisle want to claim that they support the idea of giving local communities