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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have created us to love You with our minds. Thank You for the ability to think Your thoughts after You. When we commit our thinking to You, You inspire us with greater insight, creative solutions, and innovative answers to our problems. We ask You to flow into our minds with fresh vision just as the tide flows into stagnant backwater with cleansing, refreshing, renewing power. We focus on each of the complexities we must face during the remainder of this week, and we ask You to give us ideas we would never have formulated without You. Bless the Senators today with profound insight and foresight to lead our great Nation. You have called all of them to serve You here at this time. You have granted them intellectual ability. Now guide their thinking so they will conceive Your plans and follow Your guidance. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 280, the education flexibility partnership bill. The leader would like to announce that negotiations are ongoing between the two sides in an effort to complete action on this important legislation. However, until an agreement has been reached, the Senate will continue consideration of the Ed-Flex bill, as outlined in yesterday's unanimous consent agreement.

Pursuant to that order, the time until 1 p.m. will be equally divided for debate on the bill and, at the conclusion of that debate time, the Senate will proceed to two back-to-back roll-call votes. The first vote will be on the motion to invoke cloture on the Kennedy-Murray motion to recommit and, assuming that fails, a second vote will occur on a motion to invoke cloture on the Jeffords-Lott IDEA amendment.

Following those votes, and if an agreement has been reached, all Members will be notified of the remaining schedule for today's session.

I thank my colleagues for their attention, and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the leadership time is reserved.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

The PRESIDING OFFICER. Under the previous order, there will now be an hour for debate to be equally divided between the chairman and the ranking minority member of the Committee on Health, Education, Labor, and Pensions.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will start off with 5 minutes for the Senator from Louisiana and try to get some additional time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me thank the distinguished Senator from Massachusetts for his leadership on this issue. He is trying to communicate, and I think eloquently so, the issue before us. This week we want to do something good, something that is meaningful, something that will help in our education system in this country. We need to spend more than just a few days. It has been a little discourag-

ing, I think, for some of us, on both sides of the aisle, in our evident lack of ability to come to some reasonable agreements about some of these amendments, so they are preventing this good bill from passing.

I am a cosponsor of the Ed-Flex bill, along with Members of the Republican side and other Democrats who are supporting this bill. Why? Because our Governors at home are supporting this bill; our superintendents at home are supporting this bill.

I had the great privilege of cohosting, with my Governor and superintendent of education, and our BESE, which is the Board of Elementary and Secondary Education, just Monday in our State, over 250 education leaders from all over the State, from all of our 64 parishes. They came and expressed their support for the idea that the Federal Government should give the schools, the States and the districts more flexibility so they can combine programs to more efficiently spend the money, as long as the basic regulations of safety, health and civil rights are there. They really want the flexibility. I would like to give it to them, and I know the distinguished Senator from Massachusetts and our leader from Vermont wants to, also.

So, I am hoping we can come to some agreement. If we could offer a few amendments on our side and other amendments could be offered on the Republican side, amendments that are meaningful, then we could get this bill passed with a couple of other things that will work and need to be done.

One of those things is the reduction of class size. I don't believe there is an educator who would disagree. Whether you are from California or Vermont or Louisiana or Illinois, who doesn't know that having smaller classes at those earlier grades—particularly kindergarten, first, second and third grades—is so important?

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I could give this speech pretty well before I was a mom. Now I can give it very well. Frank and I have a 6-year-old who is learning to read this year. With 28 kids in his class, it is a struggle. He has a tutor. We help him at home. But the teacher does not have enough time individually.

We want to be able to send some money down to the States, with very few strings attached, to help our school districts that are really struggling in this area, to give them some additional money to help them hire additional teachers. In doing that, as I was told this Monday—and I want to communicate this to my colleagues—it would be no use to send that money down to help reduce class size if we also do not send a companion amendment down for school construction and modernization. You cannot have a new teacher if you don't have a classroom or you don't have the space for that teacher to teach and to divide those classes into smaller units.

We have a crisis in our country at this moment. That crisis is that 40 percent of our youngsters at the second grade level are not reading at second grade level. Let me repeat that: not 2 percent, not 10 percent, not 25 percent—but 40 percent. Unfortunately, in some places in Louisiana, in some demographic groups, that number is tragically as high as 70 percent.

If this is not something the Federal Government should be concerned about, I don't know what is. I don't know of anything that is more significant than having second graders in this country—the strongest country, militarily, in the world, economically strong, leading the world in many areas—but lagging behind in this simple basic.

Local governments can do some things. The State government most certainly is the big partner. But we need to be a junior partner, and we need to be a reliable junior partner by putting up some money where our mouth is, sending that money down to the States with as few strings attached as possible, and then insisting, in partnership with our locals, on accountability every step of the way.

So, yes, this Ed-Flex bill is important, giving more flexibility to local governments. But if we would do that and not do our class size, our school construction, we would be—I know my time is running short, so let me just conclude—we would be shortchanging students who are already shortchanged by the numbers I have just suggested.

I thank my colleague. Could I have 1 more minute?

Mr. KENNEDY. Yes, I yield 1 more minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. So I think we would be shortchanging these students, our students, our teachers, our parents, if we cannot get this bill straight by giving the flexibility, adding some additional money for class size reduction,

adding some additional bonding capacity for school construction and modernization, so we can begin this next century with a real investment in the things that count, that is in our education system, K through 12 particularly.

The PRESIDING OFFICER. The Senator's additional time has expired.

Ms. LANDRIEU. I thank those who have brought this bill to the floor. Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, we are about to take our third and fourth cloture votes this week, the first on whether we will meet our 7-year commitment to help communities reduce class size and the second on whether we will prematurely end this education debate.

While our Republican friends continue to block action on critical education issues for the sixth day in a row, communities are struggling to make decisions about their school budgets—they need and expect our help.

We have an excellent opportunity to deal with key education issues that have been clear for many months—reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. No bill on the Senate Calendar right now is more important than education.

Nothing is more important on the calendar of local schools than their budgets. Over the next three weeks, schools across the country will be making major decisions on their budgets for the next school year. In many of these communities, the budgets are due by early April. In Memphis, school budgets are due on March 22. In Fayette County, KY, school budgets are due on March 31. In Boston, Savannah, Las Vegas, and Houston, school budgets are due the first week of April. In San Francisco, they are due April 1; Council Bluffs, IA, school budgets are due April 15. In Altoona, PA, school budgets are due in April.

This is why the Murray amendment is so important to consider, so that schools will be able to say, yes, we want to use this money for new schoolteachers, for smaller class size, because we know for the next 6 or 7 years, there will be a continuing commitment and enough resources to be able to do it.

The Senate should keep its promise that schools will be able to hire 100,000 new teachers over the next 7 years to help them reduce class size. Communities can't do it alone. They want the Federal Government to be a strong partner in improving their schools. We can't sit on the sidelines or allow this debate on education to stay in gridlock.

A teacher from Kansas wants action by Uncle Sam. He writes:

Even here in Kansas, many teachers struggle to provide their students with a quality

education because they have so many students to reach. We have waited for years for the State legislature to do something, but they haven't. Now is the time for the Federal Government to step in and help. Your support for this bill will speak loudly to myself and other teachers that you truly believe in public education. Please help reduce class size in our country.

A teacher from Maine writes:

It is becoming more and more necessary to reduce class sizes to address the individual needs of a wider variety of students. . . . Please support the initiative to hire more teachers to reduce class sizes in U.S. public schools.

A parent from North Carolina writes:

I am a parent with 2 children in a public school and one that will enter school soon. . . . I am very well aware of the critical need for additional classroom teachers. Our children, our future, and our Nation depend upon a strong public school system.

Mr. President, last year when we signed onto the first year on reducing class size it was done in a bipartisan way. Listen to what House Majority Leader DICK ARMEY said:

We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the State and local communities use this money, make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this good for America and good for the school children. We were very excited to move forward on that.

That was what the majority leader, DICK ARMEY, said about that agreement—just 5 months ago, Mr. President. That is why we find it so difficult to understand why we can't at least get to the point of consideration on this measure.

Senator SLADE GORTON said about the Class Size Reduction Act:

On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts in the United States, and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. . . . We've made a step in the direction that we like. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

The Murray amendment is a continuation of what was agreed to last year, in which both sides claimed triumph, and there was a movement made towards smaller classrooms. That is what the issue is that we will be voting on at 1.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We should meet our commitment to parents, students and communities, and we should meet it now.

We need to act now, so communities can act effectively for the next 7 years.

Senator DASCHLE has made a reasonable proposal for an up-or-down vote on a limited number of amendments with limited time agreements.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. KENNEDY. I hope his proposal will be accepted and we can move towards a vote on the issue of class size as well as the Republican's proposal on the IDEA.

Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, we have more than 1 million people in our prisons around the country. Let us just round it off and say we have 1 million people in prison. Eight hundred twenty thousand of those prisoners have no high school education; 82 percent of the people in our prisons today are without a high school education. That is why Senator BINGAMAN and I have offered an amendment to create within the Department of Education someone to specialize, to work on, to keep these kids in school.

Every day 3,000 children drop out of school in America. Since we started the debate on this legislation, 15,000 children have dropped out of high school. Every one of those children dropping out of high school are less than they could be. I have heard statements here the last several days saying, well, why do we need to talk about kids dropping out of school? Why don't we talk about the children who are handicapped who need money?

I acknowledge that. The fact of the matter is, we have tried on this side of the aisle to get more funding for special education and have been unable to do so because of not having enough votes on that side of the aisle. It is not an either/or situation. We need to help local school districts with more funding for handicapped children, and I recognize that. I will do that. If we had a vote on that today, I would vote for it.

That does not take away from the fact that we need to do something about high school dropouts. I do not believe, personally, there is a more important problem in education today than kids dropping out of high school, half a million children each year dropping out of high school. I think we should go back and find out where we are.

As the manager on the Democratic side of this legislation, Senator KENNEDY, has said, we are not trying to eat up lots of time. We will agree to half hour amendments on five amendments. That takes 2½ hours, 15 minutes on each side, and vote on them, vote them up or down. The legislation, we feel, is important. If the other side doesn't want to vote for them, have them vote against them. I think it would be a very difficult vote, for example, on the Bingaman-Reid legislation to vote against keeping kids in high school, but that is a privilege.

The majority leader of the U.S. Senate, on February 23, gave a speech to the National Governors' Conference at their annual meeting:

Now when we bring up the education issues to the floor next week, [there will] be some amendments and disagreements. . . . That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary. Let's talk about education.

I respectfully submit to the majority leader that he must have left his remarks with the Governors and didn't bring them to the floor of the Senate, because after a little more than a day of debating Ed-Flex, we in effect have been gagged. It seems around here that we can only vote on amendments the majority wants to vote on; that we have no ability to bring up amendments we feel are important.

The Ed-Flex bill is important legislation. We support that legislation. But we do not support the legislation without having the legislation made better. I am not going to talk about the after-school programs and the new teachers we need and school construction; others can do that and do that well. I am here to talk about the Bingaman-Reid legislation which talks about children dropping out of school.

The Ed-Flex bill would be made a better bill if we said within the Department of Education there would be \$30 million a year—that's all—\$30 million a year out of this multibillion-dollar budget that we would use to work on keeping kids in high school. Think if the bill succeeded to the effect that we could keep in school every day 500 of those 3,000 children—500 kids that would be what they could be. They would have a high school education. They could more easily support their families. They could go on to college and trade school. You cannot do that if you have not graduated from high school. We would only—and I underline "only"—only have 2,500 high school dropouts a day.

Mr. President, I think we need to move forward and have a debate on education. A debate on education allows us to talk about what we want to talk about, and we would improve the Ed-Flex bill.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REID. I ask that we have the ability to vote on keeping kids in school.

Mr. KENNEDY. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. And I thank my colleague from Massachusetts for his leadership on this bill as well.

Mr. President, I would like to congratulate our colleagues, Senators FRIST and WYDEN, for their efforts to provide States and localities with greater opportunities to be innovative in their use of Federal funds.

This bill provides States and localities with the flexibility and freedom from Federal regulations that is often necessary for States to best serve their children and parents in providing top-notch educational services.

As a former Governor, I am particularly sensitive to the argument that too many Federal strings and regulations make Federal assistance seem more like a Federal burden. This legislation, while not a panacea for all of our educational needs, returns flexibility to the States in a way that is effective and helpful, but that still requires States to be accountable for positive results as they provide public education to our Nation's children.

I thank the Senators for their insight and their sensitivity to the concerns of our Nation's Governors, legislatures, and school officials, and I urge my colleagues to support this bill—on final passage—if and when we get there. And I hope we will get to that point as soon as possible if we can reach some agreement on relevant amendments.

Mr. President, I also thank Senators HARKIN, LAUTENBERG, KENNEDY, and many others for the opportunity to talk about an amendment that we still hope we will be able to offer in due course which recognizes a sad reality faced every schoolday by too many children and teachers across the country.

We all say—here in Washington, in every State capital, and in every county, city, and town—that education is important. Indeed, it is critically important. But those words must ring hollow to the millions of children who walk through the doors of their schools to find leaky roofs, crowded classrooms, and woefully inadequate heating and air-conditioning systems. The state of too many of our schools is deplorable.

Mr. President, in spite of the relatively good economic times, many States are experiencing, many local governments are experiencing just the opposite, and they have not been able to meet the school construction and renovation challenges that are facing our Nation.

This is an area where the Federal Government can and we believe should play a pivotal role without interfering with the longstanding preference for local control of education. The Federal Government can be a meaningful partner in contributing to the vital national interest that our students receive a good education in an environment that is conducive to learning.

Mr. President, the General Accounting Office estimates our national school infrastructure repair needs total some \$112 billion. That same GAO study also estimates that we, as a Nation, need \$73 billion to build the new schools that are required to accommodate the rapid growth in our public school enrollments.

In addition to all of the findings in the amendment that we still hope to have an opportunity to be able to vote on, I have similar data from my own State of Virginia which indicates not only tremendous infrastructure needs exist, but our State and local governments simply cannot afford to foot the bill by themselves.

A 1998 report on school infrastructure, requested by the general assembly, found that while localities estimate that school construction investments of \$4.1 billion will be made in the next 5 years, school construction needs in Virginia could exceed \$8.2 billion. Virginia Governor Gilmore and the members of the general assembly approved a school construction repair plan this year which I applaud, but which only meets 3 percent of that unmet burden.

While there is no question that every dollar counts, and helps, I have heard from students, parents, teachers, administrators, school board officials and legislators about the need to complement Virginia school modernization construction efforts.

Earlier this year, the Thomas Jefferson Center for Educational Design at the University of Virginia issued a report which not only echoed the need for more school construction funds, but also detailed the alarmingly unsafe or inadequate condition of many schools in our Commonwealth.

Classes are being held in over 3,000 trailers; 2 out of 3 school districts have held class in auditoriums, cafeterias, storage areas, and book closets; and 3 percent of Virginia school districts had to increase the size of their classes in order to accommodate their growing student population.

While I don't let public opinion polls determine how I vote on issues I believe it is appropriate to note that there is overwhelming public support for Federal help in the area of school construction funding.

In a recent poll conducted by Republican pollster Frank Luntz, 83 percent of Americans surveyed supported significant Federal school construction spending and indicated that it should be a top priority of Congress.

Still, some believe that our nation's infrastructure needs in other areas are just as compelling as our school construction and repair needs.

In a statement made to the Finance Committee last week a Public Finance Specialist with the Congressional Research Service concluded that the "condition of America's school facilities may or may not be worse than the condition of other capital facilities of other State and local public services." This statement would seem to imply, Mr. President, that the Federal Government should not attempt to prioritize infrastructure needs.

Last year, however, Congress approved \$216 billion in road and transit funds.

We were obviously willing to concentrate on transportation needs during our last session.

Why shouldn't we concentrate on school infrastructure needs this session, particularly in light of the 1998 Report Card for America's Infrastructure issued by the American Society of Civil Engineers, which rates our public schools as being in the worst condition among all public infrastructure.

The simple fact Mr. President, is that prioritization is our responsibility.

Many years ago, when faced with enormous transportation needs as well as a large growth in our nation's student population, President Eisenhower proposed a massive national infrastructure project in his 1955 State of the Union Address.

This project resulted in the building of many of the nation's schools in existence today.

Mr. President, Loudoun County in Northern Virginia has determined that, because of the enormous growth of their student population, they need to build 22 new schools.

That figure doesn't even address their repair needs. And just down the road, at Chantilly High School, which I visited last spring with Education Secretary, Dick Riley, students are sharing lockers, attending classes in over a dozen trailers that have poor ventilation, and are so crammed in the hallways when they change classes that school officials were actually considering banning bookbags and backpacks.

Mr. President, I received a compelling letter from the Superintendent of Schools in Carroll County, VA, about that county's school construction needs.

Superintendent Oliver McBride outlined that the average age of the school buildings in Carroll County is 45 years. Carroll County school officials estimate that their school construction needs total \$61 million.

Mr. McBride wrote,

We have been particularly pleased with the interest and response of the members of the Virginia General Assembly and Governor Gilmore who have and are seeking to make additional funds for school construction available to localities in the State. We certainly would encourage the U.S. Congress to become a participant in this effort as well Simply stated, we need your help.

Mr. President, our efforts to help States and localities build and renovate schools in no way jeopardizes their autonomy with respect to education. It merely acknowledges the need for the Federal Government to complement the efforts of many States and localities that are now wrestling with the question of how to repair and equip old schools, and how to build new schools.

Mr. President, it is our children who pay the price if we fail to acknowledge that Federal school construction funding is both imminently appropriate and critically important.

And if my colleagues want to debate how we allocate school construction money, whether we target any funds to specific districts, how we avoid creating too many Federal strings, or how we can make it easy for States to take advantage of this type of funding mechanism, I am more than willing to do that.

But the point is we need to engage in that discussion. And we need to begin now.

Our children, their parents, and our States need our help.

I urge my colleagues to support this sense-of-the-Senate amendment if we are permitted to offer it.

Let's at least send the right message to this Nation: that we see the leaking roofs, that we see the cracked walls, that we see all the trailers—and that we are willing to help.

Mr. President, I yield the floor and thank again my colleague from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. I say to Senator KENNEDY, thank you very much not only for yielding to me, but also for your great leadership on this important issue of education.

I want to just bring us up to date on where we are, at least where I think we are. At 1 o'clock we are going to have a vote to basically allow us to take up the issue of the 100,000 new teachers in the classroom that Senator MURRAY has worked so hard on, and Senator KENNEDY and others. Certainly, the President puts this as a priority in his budget. Where we are now is, if we do not vote to do that, this bill is effectively shut down. Ed-Flex alone—and it is a good bill—turns its back on all the other education needs my colleagues have discussed.

The Senator from Vermont keeps offering an amendment on IDEA to fund it; and he is right, and I am ready to vote for that. Why does he block my chance to vote on afterschool? Why does he block my chance to vote on 100,000 teachers? Why does he block my chance to vote on dropouts? I will support him in his desire to fund IDEA. He is right on that point, but he is wrong to go along with the strategy which blocks us from voting on issues of such importance to America's families.

I want to share a couple of charts in my remaining few minutes with everyone. Here you see children involved in afterschool activities. We want a chance to offer our afterschool amendment which would open up afterschool to a million children. Look at the look on the faces of these children. They are engaged, they are learning, they are occupied, and they are happy.

Another picture. Look at these children. They are not getting into trouble. They are engaging with a mentor and obviously, from the look on their faces, are very involved in this learning game.

What happens if we do not have these afterschool programs? You do not have to be a genius to know that kids get in trouble after school. Look at this chart. At 3 o'clock, juvenile crime spikes and it does not go down until late in the evening and it starts to go down at 6 when parents come home from work. We know that children need to be kept busy. That is why we have the support of law enforcement for our afterschool programs.

Let me show you the law enforcement who has supported afterschool

programs since we began this effort. Senator DODD has worked hard on this; Senator KENNEDY. Again, I do not want to sound like I am the only one that is pushing this. We have many, many Senators on our side of the aisle—and we hope some on the other, although it has not been tested yet—who support this.

Here are the law enforcement that have written to us: National Association of Police Athletic Leagues, Fight Crime, Invest in Kids, National Sheriffs Association, Major Cities Police Chiefs, Police Executive Research Forum, National District Attorneys Association, California District Attorneys Association, Illinois Association of Chiefs of Police, Texas Police Chiefs Association, Arizona Sheriffs and Prosecutors Association, Maine Chiefs and Sheriffs Association, Rhode Island Police Chiefs Association.

That is an example of law enforcement that supports afterschool programs.

We just got a letter from the Police Athletic League in which they talk about the importance of adding an amendment such as the Boxer amendment which, in essence, says that law enforcement participation in afterschool programs is important. We mention law enforcement in our bill over and over again.

A quote from the PAL letter:

After-school youth development programs like those proposed in your amendment have been shown to cut juvenile crime immediately, sometimes by 40-75 percent.

That is a quote from a letter to me.

I say to my colleagues on the other side of the aisle who often talk about law and order and the importance of going after criminals—and I share their concern—this is one thing we can do to stop crime after school.

I close with this statistic: 92 percent of the American people favor afterschool programs. Let's do it.

Thank you.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

First, I want to discuss very briefly the Boxer amendment. Back in 1993, I offered—and it was endorsed in 1994, when we were reauthorizing the Elementary and Secondary Education Act—the basic amendment that Senator BOXER is talking about. We called it the 21st Century Schools at the time, though it was only minutely funded.

This past year, the President decided that was a good program. He put \$200 million into the program and I deeply appreciate this acknowledgment that it was a good program. Thus, we are talking about something which I agree with and that Congress did back in 1994. The time to review it, however, is when we're reviewing the Elementary and Secondary Education Act, which has already begun with hearings and will continue.

So the concept is one that is acknowledged by everyone as being im-

portant. The need for remedial education has increased dramatically, and the way that can be addressed is through afterschool programs. When we get to this issue later in the year, at the proper time, I will be endorsing the concept and welcoming amendments from either side to make the initiative more consistent with the current needs.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Mr. President, I believe it appropriate to step back one or two steps from the debate over educational flexibility legislation and the 100,000 teachers proposal which is in front of us and look at the general philosophy of Federal education and the profound differences between the two sides.

Perhaps the best place in which to determine the attitude of the Clinton administration and its supporters here in Congress with respect to the Federal role in education is the budget of the United States submitted by the President approximately 1 month ago.

For a number of years, there has been one relatively modest program of unrestricted aid to school districts across the United States of America. It is called title VI, for innovative program strategies, the least rule-infested, the least bureaucracy-influenced of all of the forms of Federal aid to education. For the present year, 1999, it amounts to \$375 million, a very modest amount of Federal aid to education.

In the budget of the President of the United States for the year 2000, it has zero dollars. It is simply wiped out. In its place are nine new specific Federal programs, many of which have been discussed by Democratic Members of this Senate, totaling almost \$250 million, every one of which is aimed at a precise goal, every one of which says we in Washington, DC, know which school districts across the United States know better than do the parents, teachers, and school board members in those individual communities, and we are going to give you money with strings and rules attached.

Now, there is another Federal program which gives money to certain school districts that they can use for any educational purpose. It is called impact aid, and it goes to school districts which encompass Federal military reservations or other large Federal presences or in which there are many students who come from such grounds where property taxes are not collected as the basic support for public schools. The money that comes to those school districts can be spent in the way those school districts deem most effective for the education of their kids.

Impact aid in this budget from the President is cut by \$128 million—just slightly less than the \$200 million earmarked almost solely for new teachers

that is the subject of the debate right here right now. In other words, let's stop allowing these school districts to determine their own educational priorities and we will tell them what their priorities are here.

Interestingly enough, the total of each of these disfavored programs is almost identical to the amount of money in the new, more categorical aid programs that the President has come up with.

Dwarfing that, Mr. President, is the lack of support for special education for IDEA. The President disguises that lack of support by roughly the same number of dollars nominally for the year 2000 as he has for the year 1999. But almost \$2 billion of that is the funding that will not go to the schools until October 1 of the year 2000. In other words, it won't be charged against any deficit in the general fund in the year 2000 itself, it will be forwarded to the year 2001. It will be a bill for the people of the United States to pay, a hidden bill.

Now, that is balanced off by several billion worth of school construction bonds, the full cost of which to the Federal Government is only \$150 million in the year 2000 but will be billions by the time we are all finished.

Finally, there are a number of present programs—all categorical programs—in the budget which are increased about \$750 million, but the pattern is overwhelming. This administration will cut or eliminate those programs in which the school districts have plenary authority to make choices in which teachers, parents, principals, and school board members set educational priorities. In every case—including the teachers amendments we are talking about here—the judgment by this administration and by those who support it is a very simple one: Local school boards, even State authorities, don't know how to spend their education money and we have to tell them how to do it.

So this particular debate over one or two of these particular new programs—always aimed at valid goals, of course—really is a disguise for the statement that more and more control should be transferred from local school boards, from local entities, and even from the States, to the Department of Education and Washington, DC, and to all of the great educational experts here in the U.S. Senate who know how to run all 17,000 school districts in the United States as a whole.

The Senator from Vermont has a perfect alternative, it seems to me, to this proposition. That is, at the very least, let school districts determine whether they want to spend the money on this narrow teachers program or whether they want to cover the obligations we have already undertaken in the Disability Education Program, the special needs students, where just 2 years ago we passed, and the President signed, a bill stating that we would support 40 percent of the cost of that special education. We are at about 9 percent right

now. And when you take out the phony \$1.9 billion, which won't even be charged against the 2000 budget, it will drop to about 6 percent. Why? In order to come up with all of these fine-sounding new programs in which the Federal Government tells each school district exactly how it should operate.

The choice, Mr. President, is a dramatic choice. The choice is whether or not we will follow the course of this administration and reduce substantially the amount of money we allow school districts to determine the goals for themselves, or tell them more and more what they should do for themselves.

Mr. President, that simply is not the right direction in which to go, and the increasing categorization of schools should be reversed. We should at least give the flexibility the Senator from Vermont has asked for in the spending of new money—money above and beyond the amount of money that we are devoting to education at the present time. I commend his arguments to my colleagues and hope we will act accordingly.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first, let me review for a little bit where we are. As the Senator from Washington pointed out, we have on the floor, an alternative to what would be provided in the Murray amendment. Schools would be able to have some flexibility on the expenditure of money that intended for schools, if they want, to add more teachers—the new teachers are in the President's new 100,000 teachers program.

First, I will point out some of the problems with the President's program as it is presently drafted. The guidelines have just come out on it, and they still don't seem to cure this problem. I was on a national press hookup this morning, and at least two States who were on that hookup—Wyoming and North Dakota—have already reached the goal of 18 children per classroom. They would not, under the current guidelines, be able to use the money for what they want to use it, professional development. Vermont is in that same category. The 100,000 new teachers program would affect states differently, and some states would not benefit at all from. Those are just two problems with it.

That is why we have the option I suggested, which is in amendment form. We will have a chance to vote on it. It would say that you would have the option of using these funds—which will be substantial; in many cases, \$1.2 billion is involved—toward reaching the commitment we made back in 1975 and 1976, to provide 40 percent of the funding for special education. We are down to less than 10 percent at this point.

The chart behind me shows that very well. The orange in that chart is what

we should be paying to the schools across the Nation for special education assistance, and we are not. In addition to that, a recent Supreme Court decision has said that schools must not only take care of the educational aspects, but they must also take care of the medical aspects of a child who needs medical assistance in the schoolhouse. That is going to add hundreds of millions of dollars more in special education costs, I would guess, in the years ahead, and probably even this year.

To refresh people's memory, the agreement on the \$1.2 billion, 100,000 teacher proposal happened in the wee hours of final passage of the bill, and I was not present. If I had been present, I certainly would have fought at that time what they did in the language of it. What we are trying to do is make sure the communities would have the option of using that money to defer some of their cost of special education, and then have other funds freed up to provide the kinds of changes or money expenditures they need.

The amendment proposed by Senator LOTT yesterday offers what I have been talking about. I believe it would be a good middle ground between those of us who are urging that we live up to our promises with respect to IDEA funding, and those who think we should undertake a massive new effort to hire teachers for local schools. The Lott amendment essentially permits local school officials to decide whether they need more money to educate children with disabilities, or whether they need to hire additional teachers. From what I am hearing from Vermont teachers, IDEA funding is the first, second, and third issue raised with me about education when I visit the State.

We are fortunate in Vermont to have already achieved the small class sizes the President is trying to promote with his teacher hiring program. Reducing class size further is not a priority at this time. Meeting the needs of children with disabilities is. This is what is hampering our local schools from doing the things they need to do. We would like very much to see the flexibility include such things—which are a priority—as the ability of our teachers to be given additional training so they can perform better in the classroom.

I realize that some localities in other areas may hold a different view. They could use their portion of \$1.2 billion to hire teachers. The point is that it should be their choice, not ours. In listening to the debate over the past several days, one might get the impression that hiring more teachers is the silver bullet. Clearly, that is not the case. What is missing in the discussion is the quality of the teacher in the classroom. I think it is common sense that the most important aspect of teaching is to have a teacher that is a good teacher. The classroom size can go down to 10, but if the teacher is a lousy teacher, you are not going to have much quality education. On the other hand, if you

have a qualified teacher, whether the class size is 18 or 20 or 23, you will have quality education. The size is not going to make much difference. When I was growing up, our average class size was about 30, and I had good teachers. The biggest problem is making sure that we have professionally qualified teachers.

In the last Congress, during the process of the reauthorization of the Higher Education Act, there was a great deal of concern about the quality of our teachers and the effectiveness of the various programs that existed to address these concerns. We thought that the programs that had never been utilized, or were not effective, could be changed to take care of what is the primary need of the Nation. This need is the need for fully qualified teachers—not only qualified in teaching, but in knowing what the standards are that have to be met. They must know how we can move kids into a situation where they have the math standards essential to perform in the international markets, and where the young people graduate from high school ready for jobs that pay \$10, \$15 an hour. We don't have that kind of thing in most areas of the country.

In hearings on that subject, I believe every member of our committee expressed grave concerns that the quality of teaching was not at the levels to ensure that our students meet educational goals. As part of the higher education bill, we included an entire title devoted to teacher quality. And because we were dealing with higher education, we focused largely on the training of future teachers. I believe we developed a very positive and comprehensive approach for dealing with that issue.

Another issue along those lines that we have to look at, is what we can do in the higher education areas to make sure the colleges and the universities that have teacher colleges understand the changes that are necessary to ensure that when they graduate people from the education departments, they are qualified teachers.

I have examined many, many of the programs for teacher scholarships that are in existence and have found that they are missing a lot of important information for young people who are graduating. These graduates will be our teachers for the next century, and they really don't have the kind of education they should have to graduate and be a good teacher, a professional teacher, one who is qualified to go into the classroom. We have a lot to do in that regard. The money would be much better spent there, than it would be spent on classroom size. The place to do that, however, is in the context of the elementary and secondary education authorization, not piecemeal as we are doing now on the Senate floor.

Until we get a better handle on the teacher quality issue, we are making a big mistake by sending local officials out to look for more teachers. Where are they going to come from? Are they

going to be good teachers? And, are they going to have a classroom? If you have 100,000 new teachers, where are they going to teach? That is a question that has not been answered. If you suddenly reduce the class sizes, you have to have someplace to put the students who are pushed out of the existing classrooms. You have to have classrooms to put them in.

On Monday, it was suggested that the first question a parent asks of his or her child is, Who was in your class? I would suggest that the first question is, Who is teaching your class? If a locality has a plentiful supply of unemployed quality teachers and lacks only the funds to hire them, that locality will find the Class Size Reduction Program to be beneficial. If that is not the case, those funds will be put to much better use by supporting existing efforts to educate special education students.

If, in the context of the ESEA reauthorization, we determine that helping to hire teachers is an important component of the overall approach to supporting teaching, then we can do that. I hope, if we do that, that we proceed in a thoughtful way to work through the real needs of schools and students. The 100,000 teacher program does not now adequately address the differences in needs of local schools around the country. Some schools may need more professionals while others need more professional development. I would say it is much more of the latter than the former.

In the meantime, let's take Senator LOTT's suggestion to allow schools to choose how they spend these funds made available for fiscal year 1999, the \$1.2 billion. It is not too late to make this option available. Guidance on teacher hiring programs has been available for less than a week, and funds will not be provided until July.

Mr. President, let me again go over the basic problem we have here.

First, we had a wonderful bipartisan relationship last year. It really makes me sad to think that has broken down on the first education bill we have taken up this year. Last year we passed 10 good, sound, education bills out of my committee. They are now in operation, and we are looking toward improvement, even though we still have the appropriations fight to go through this year. But, we worked in a way, last year, that benefited all of us. We shared our ideas and worked them out in the committee.

This year, this Ed-Flex bill was voted out of committee 10-to-1. The Democrats chose not to be present when it was voted out, and that is fine, because there didn't seem to be any conflict in it. It was basically the same bill we had voted out of committee 17 to 1 last year. So I thought, fine, that is all right; they have other things to do.

But now this has turned into what is basically, I think, a political demonstration project to get political advantage by proposing various amend-

ments to this bill. These amendments should be taken care of not on the Senate floor right now, but through the normal committee process, during the reauthorization of the Elementary and Secondary Education Act, which we are already in the process of holding hearings on. We must examine each one of the programs that have been addressed. They should not be placed on this Ed-Flex bill and bypass the committee process.

Certainly we have to worry about the issue after school programs. That is an incredibly important issue. The proposal in the amendment of the Senator from California, is a program that I put into the 1994 reauthorization of ESEA. Perhaps the program needs to be modified—although it is a pretty good program right now—to take care of the changing demands upon our educational system. However, that should be done during the reauthorization of ESEA, and there shouldn't be much controversy over it. The President has already endorsed it and has added funds to it, making it a substantially better program as far as funding goes. And through the reauthorization of ESEA, we will just improve it to make sure it is better as far as handling our young people. The others are also all worth taking a look at.

I certainly agree that we have to end "social promotion." That is a term that has just recently come into use. Let me explain a little bit about where that term came from.

Literacy studies have shown that 51 percent of the young people we graduate from our high schools are functionally illiterate. That is a disaster. You ask any businessman. A potential employee says, "Why don't you want to look at my diploma?" The businessman says, "It doesn't mean anything. I don't even know if you can do ordinary math or reading." So that is the social promotion that we have to end. We have to make sure that every child who graduates from high school meets certain standards or they don't get a diploma. That makes common sense.

There are other amendments being offered which also ought to be considered, but they ought to be considered in the normal committee process, not just for purposes of politics, or whatever else.

I am, though, encouraged to learn from the leadership that we have, apparently come to an agreement, which will be expressed in the not-too-distant future. This will give us the opportunity to get on with the educational situation by passing the basic bill, the Ed-Flex bill. And we may agree on some amendments to be offered, and we will vote on those.

So I am hopeful that before the afternoon is finished we will have the opportunity to move forward on this bill, and then get back to discussing education in the committee room, within the context of the ESEA reauthorization, where we should be, instead of on the Senate floor.

Mr. President, I am now going to read a message from the leader, if that is all right.

For the information of all Senators, negotiations are ongoing, and we are very close to an agreement with respect to the overall Education-Flexibility bill. Having said that, the agreement would be vitiated on the scheduled cloture vote. But that agreement has not been fully cleared by all interested parties. Therefore, I ask unanimous consent, on behalf of the leader, that the pending vote scheduled to occur at 1 p.m. be postponed until 1:30 p.m.

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

Mr. JEFFORDS. Mr. President, I then will continue to go forward and hope that maybe we are coming to an end. It's not that I don't like being on the Senate floor continuously day after day, starting in the morning and ending at night, but there are other things on my own schedule that sometimes suffer. Hopefully, we can reach agreement. Again, the status of our educational system is what we are talking about here generally. Hopefully, with this agreement, we will get back to an orderly process to examine the needs of this Nation.

Let me reflect again, as I have before, upon the status of education in this country and why we are concerned about it.

Back in 1983, under the Reagan administration, Secretary Bell at that time did an examination of our educational system and compared it with our international competitors. He took a look at where we stood with respect to our young people graduating from high school, and also those graduating from skilled training schools, and determined that we were way, way behind our international competitors—the Asian and European communities. In fact, the commission that was set up to do the examination was so disturbed that they issued this proclamation. To paraphrase, they said, if a foreign nation had imposed upon us the educational system that we had at that time we would have declared it an act of war. Well, we still have that education system. You would think that a tremendous change would have occurred, but it hasn't.

I am on the goals panel, and we meet once a year to determine whether or not our schools have improved.

Most recently, we took a look at the situation last year to see what had happened to improve our educational prowess and standards relative to the rest of the world. What we determined was there has been no measurable improvement since 1983. That was 15 years ago. We have not improved. That cannot continue, and that is why we are here today and will be working on this as we move forward.

As shocking as that revelation was, we found that the only data we had to measure whether there had been improvement was 1994 data. We do not

even have a system which will provide us with current data to show us whether we have any improvement or not. That is a terrible situation. We cannot even measure our performance to determine whether or not we have had any improvement.

Hopefully, as we move forward, that situation will be taken care of in the Elementary and Secondary Education Act. A primary focus of what I will be doing this year, in order to address the situation, is to thoroughly review the Department of Education. Mr. President, \$15 billion is spent on elementary and secondary education, and it seems to me that one of the primary focuses of the Department of Education should be to find out whether we are improving. Does this program or that program work or not? Are the young people are influenced by this or not? Yet, with \$15 billion, we have not been able to determine whether or not anything is happening.

We have important changes to make in the Department of Education. We have to take a look at where our priorities are and take a look at where the \$260 million is spent on research. I am frustrated as chairman of the committee to think at this point in time that we are spending all this money and we do not know whether the programs we have been using work or not. If we can't find out with \$260 million whether our educational system is improving, we better take a good look at our research programs. That is one thing we will be looking at on the Elementary and Secondary Education Act.

It is certainly going to be an interesting year, and I am hopeful that in the next 25 minutes we will find that there has been an agreement that will allow us to go forward in an orderly process.

Now, back to our educational system and the problems we have with it. To refresh the memories of Members as to what this means to our future, we have had terrible problems with finding young people with the skills necessary for this Nation to compete in the world.

In fact, we are so short that we have somewhere around 500,000 jobs out there available that are not being filled. Actually, that is down somewhat, I should say. We made a significantly downward push. But why? How? By changing the immigration laws to bring in more people from foreign nations who have the skills to come in and help our businesses compete.

That is not the way it should be happening. We should not be looking toward amending immigration laws to supply our businesses with the skilled workers they need to meet the demands of the present-day jobs. This is another area that is of deep concern to me.

Several years ago, we set up a skills panel to establish standards to measure whether we were meeting the goals of our industry. I do not know how long ago that was, but it has been many

years. We have yet to establish even one standard. Obviously, we have a long way to go if we are going to meet the needs of our businesses.

The first thing we have to do—and I know the President endorses this also—is make sure that every student who graduates from high school is functionally literate and not functionally illiterate, as the studies show, and that is a big charge.

We do have some things that are good news, though. Although, unfortunately, there is usually bad news connected with that good news. The good news is, we have all sorts of technology which has been developed over the years with various programs. The bad news is that these programs started to become available in the midseventies, and we are not yet in a position to determine how they could be better utilized in our school systems.

You can also utilize software in your home computer where you can learn simple elementary math, algebra, and calculus by yourself if you want to. All of these things have been available for over 20 years, but they are not readily available, nor are they in any way coordinated in their use in our school systems.

My own kids have caught up on matters by having it available to them individually. However, there is no coordination nor evaluation connected to the utilization of that technology in assisting young people who are having a difficult time or want to go ahead of their class in understanding calculus or other high standards of math, there is no coordination nor evaluation.

I was at a conference recently in Florida where the technology people came in, and I was able to talk with them. There are wonderful programs out there, but there is no evaluation system, not even in the industry itself, to determine what works and what does not work. We have all of these wonderful programs—AT&T has a good one and many companies do—and they are available, but there is no assessment of them. There is no evaluation of whether, one, an individual benefits from it; or, two, whether it can be used on a broad basis or how to fit it into the classroom to make sure the young people will be able to take advantage of this technology.

That is another thing we have to look at with the ESEA reauthorization: First, how can we set up a situation where we can evaluate these programs? And second, how can we make sure that, in the afterschool area, we have programs available that will allow our young people to catch up and move ahead?

I see the sponsor of the bill is present on the Senate floor. I congratulate him for the introduction of this bill and the hard work he has put into it. He has helped move it forward. I am sure he shares with me the glimmer of hope which will burst forth with a resolution to this problem.

I yield to the Senator from Tennessee such time as he may need.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, first, I commend the manager of the bill for an outstanding job. It has been now several days that we have been on a bill that to me is a very exciting bill, because we know, based on how it has been used in 12 States, that it is an effective bill, a bill that works, a bill that helps our children learn, a bill that unties the hands of our teachers and our school boards and our local schools.

It is a bill that costs not one single cent. How many bills go through here that really don't cost the taxpayer anything? Yet, the money we spend today is spent more efficiently, more effectively, with more local input, with the education of our children being the goal and demonstrated results which, if I have time, I will review some of those results that we know today.

Let me, as background, refer to a chart that is so confusing. I do not want my colleagues in the room to even try to look at the details of this chart, but let me tell you what the chart is. Basically, I asked the General Accounting Office, which is an objective body that comes in and helps us evaluate existing programs, how well are we doing in terms of spending education dollars and resources today and how is it organized.

I have a 15-year-old, a 13-year-old and an 11-year-old. If you take a child, a 13-year-old, we know the objective is to educate them, prepare them for a job, to have a fulfilling life, to prepare them for the next millennium. What are the programs we are putting forth since we are failing them—and let me make that point clear, we are failing our children today, when we compare ourselves to countries all over the world. We are failing them. What are we doing? We have to do better.

If we take what we are doing today for, say, young children, look around the outside, the outside. The target here says "young children." This says "at-risk and delinquent youth." This says "teachers."

For young children, how many programs do we have focusing on young children today? And the answer is: Department of Justice has two programs, the Department of Labor has seven programs; ACTION has one program; the State Justice Institute, a program; the Corporation for National Community Service, six; the General Services Administration has a program; the Department of Agriculture, coming all the way down, has six programs. Again, the point of this—whether you are looking at at-risk and delinquent youth or teachers or young children—is that we have numerous programs, overlapping programs that are really all well intentioned, many of which start in this body as another good program just like many of the nongermane amendments to my underlying Ed-Flex bill. What is happening is we have another few blocks, another few programs

to add to this chart, and that is really not what we need today. What we need today is to have better organization, at least initially, and then have the debate about where resources should come in, how these resources should be spent; how we can coordinate, not duplicate, not have overlap.

I say that because my simple bill is a bill that basically says let's give our local schools and schoolteachers and school districts a little more flexibility to innovate, to be creative, to take into account what they know are the needs of their school. It might be one-on-one teaching. It might be smaller class size, though let me just say I was on the phone this morning with three Governors: "Class size is good, but the ratio in my State already is 18 to 1," said one of the Governors. Another said, "The class size in my State is 19 to 1 right now. We have already solved the class size problem. Our real challenge is to have one-on-one tutoring for grades 1, 2 and 3 so they can at least learn how to read early on. Give us that flexibility to meet the same stated goals; that is, educating maybe a group of economically disadvantaged children—educating them but taking into consideration what my teachers say, what my parents say, what my principals say, what my school district says, and don't you, up in Washington, tell me how to use those resources because that is not what I need."

The point is, you can use them for what you want as long as you meet the stated goal in statute, what we have set out to use that money for.

Real quickly, what do we have today? I am from Tennessee. Tennessee is not in yellow on this map. The States that are in yellow are those States that have Ed-Flex today, a demonstration program started in 1994 with 6 States, 2 years later another 6 States added so we have 12 States. We have data from these States. I will cite some of the data from Texas because they have had longstanding experience with it with very good data. I will show you some of that data. But the Senator from Massachusetts, who is on the floor, feels very passionately about adding more programs—and that debate has to take place and should take place, but just not on this bill. It is currently taking place in the Health, Education, Labor and Pensions Committee as we speak. There are hearings ongoing, looking into all elementary and secondary education where we are looking at all of the resources. We are looking at that overlap that is there. We are looking at objectives and goals. All that is ongoing.

What we are saying is, yes, all of these amendments are important to look at, but let's concentrate on this single Ed-Flex bill, get it to the American people, to their benefit, today. My Ed-Flex bill simply takes what is existing in these 12 States and expands it to all 50 States, paying that respect to that local school, that local school district, those parents and those teachers.

The Democratic Governors' Association—it has to be confusing to the American people because we have a bill that is supported by every Governor in the United States of America. It is supported by the population at large, hugely supported by the population. There are Democratic cosponsors in this very body. It is a bipartisan bill. RON WYDEN of Oregon is my cosponsor and we are out front fighting for this bill in a clean state, yet we have this filibuster that is going on, where we have cloture votes, procedural votes that say we are going to stop this bill. I am offended for that in part because of my children, and in part because I feel I am responsible to the American people to make sure the younger generation is educated well compared to school districts in a State or compared to around the country or compared globally, where we are failing today. That is our obligation.

It has to be confusing because we have this body filibustering a bill that has broad support, that the President of the United States just a year ago recommended. A week ago he said pass that bill. Secretary Riley of the Department of Education says it is right on target, it is a superb bill—he has endorsed that bill. That is what is difficult and must be confusing.

Let me show you what the Democratic Governors' Association said in a letter to us on February 22:

Democratic Governors strongly support this effort to vest state officials with more control over the coordination of Federal and state regulatory and statutory authority in exchange for requiring more local school accountability.

I think that is an important point because you have the issue of flexibility, of innovation, of creativity. But we have to have tough accountability built in. Why? Because when you give anybody flexibility and give them a little more leeway to meet those stated goals, you want to make sure that they are held accountable for meeting those goals and if they are not, taking that flexibility away. That accountability is built in very strongly.

The Democratic Governors—and remember that is where the filibuster is coming from, it is on the Democratic side—but the Democratic Governors tell us "Most important, S. 280"—and that is this bill, the Ed-Flex bill, the bill we are debating today—"maintains careful balance needed between flexibility and accountability."

That balance was carefully crafted. I think that is why the bill has so much support; 17 to 1 out of the committee. It is rare for a bill to come out of a committee discussion, again, bipartisan, 17 to 1 this past year.

S. 280 is common-sense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.

I guess this prompt enactment is what we are trying to achieve, what we are working to achieve. Right now we have not been successful in working to-

ward that prompt enactment. As I said earlier, I believe the House will pass this bill today. And, again, if we can pass this bill sometime this week we can have it on the desk of the President to the benefit of all Americans and not just people in those 12 States.

The National Governors' Association—again, I spent a lot of time with the Governors. People say, Why, as a Federal official, are you working with the Governors? The answer is straightforward: Because the Governors traditionally have been the people responsible for looking at education and education programs. Right now, in terms of overall money, about 7 or 8 percent of the education dollars spent across the State of Tennessee come from the Federal Government, and it is the Governors that typically oversee education and have a long experience with it.

Just very quickly, on what the Governors have said—I won't go through this. This is a letter of endorsement: "Expansion of the Ed-Flex demonstration program to all qualified states and territories." Just one sentence:

Ed-Flex has helped states focus on improving student performance by more closely aligning state and Federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

I think that is the overall point. We are all working together, both sides are working together in a bipartisan way to improve education. It is bicameral—the House and the Senate have bills that are moving forward. It is State and it is Federal and local all working together for this particular bill.

Mr. WYDEN. Will the Senator yield for a question?

Mr. FRIST. I will be happy to.

Mr. WYDEN. I appreciate the Senator yielding. It has been a great pleasure for me to have a chance to work with him, on a bipartisan basis, for this legislation, and I feel it will be very helpful if he can just take a minute and outline the breadth of support for this legislation. Because, certainly, when we began this discussion, I don't think most Americans could have told you anything about Ed-Flex. We joked most people would think this was the instructor at the Y, the new aerobics instructor.

But the fact is that just a few miles from this Senate Chamber, a school is using Ed-Flex and the existing dollars to cut class size in half. That is going on today using existing dollars. Not spending one penny more of Federal funds, we are seeing a school close to the United States Capitol cut class size in half.

If you listened to this debate—and I happen to be for the hiring of the additional teachers—you would get the impression that the only way you could cut class size in America was to spend more Federal money.

I happen to think we do need to spend some additional dollars, which is why I support the Kennedy and the Murray amendments. I also share the

view of the Senator from Tennessee that we can cut class size now, using existing dollars.

I think it would be very helpful, given the fact that we are so close now to the agreement—I really commend the minority leader, Senator DASCHLE, and the majority leader, Senator LOTT, because they have gotten us right to the brink of having an agreement so we can go forward with this legislation—if my friend and colleague could just outline for the Senate the breadth of support for this legislation. I appreciate him yielding to me for this time.

Mr. KENNEDY. Mr. President, if the Senator would yield, we have a half-hour debate on this from 1 to 1:30. We have now used up 20 minutes. I want to make some brief comments. Obviously, I want the Senator to conclude. We did not divide that time officially, but I hope at least we will have some part of that half hour to make our points, too.

Mr. FRIST. Mr. President, if I could just finish in 1 minute, 2 minutes.

Mr. KENNEDY. The Senator is very generous, if we get 5 or 6 minutes at the end, that would be fine.

Mr. FRIST. Mr. President, let me make it clear, when I came to the floor there was nobody from the other side here, so that is one of the reasons I wanted to go ahead and use this opportunity to lay out where we are today.

Let me take one more minute or so, because this accountability/flexibility is very important. The broad support that my colleague and, really, cosponsor of the bill, Senator WYDEN, has referred to is this broad support that we feel when we go back to our town meetings and we talk to people. The broad support starts at the level of those parents, people in the schools, the teachers, the educational establishment, who have said—and I have shown this on the board—this is a step in the right direction, up through the Governors and their strong bipartisan support. The difference in how we get there is, I think, where the debate is. That is what I am hopeful we can reach, working together with some sort of agreement.

I again want to thank my colleague, Senator WYDEN, because this bill came out of us working together in a task force, listening to the American people as we go forward.

Let me just close and basically show again, without going into the details, that we have some demonstrated results from Ed-Flex and how beneficial it can be. That is why we feel so passionately about getting this bill through.

This is from Texas statewide results. The categories: African American students did twice as well when they were in an Ed-Flex program. Hispanic students in Texas did twice as well in an Ed-Flex program. The economically disadvantaged students improved 7 percent versus 16 percent, again, in an Ed-Flex program.

This essence of accountability and flexibility is part of this bill. I plead

with my colleagues to pull back this inordinate number, excessive number, of nongermane amendments so we can pass this bill.

I yield the floor.

Senator KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are in the process of trying to work through some kind of arrangement where we can address a reasonable number of amendments, on both sides. I do not want to characterize how close we are to it, but we are moving towards a vote at 1:30. It is really a question of whether the leadership and the other Members are inclined to do so.

On the one hand, I find it quite objectionable to have to get into a situation where those in the minority are going to have to go hat in hand to the majority and say: Look, we are going to be limited to these number of amendments in order to get our amendments considered. The rules of the Senate permit us to offer amendments until there is a determination by 60 Members of this body to terminate or close off debate. Then there is also an opportunity for follow-on amendments, if they are germane.

We are in a situation, nonetheless, where there are some negotiations being worked out and being addressed. We are inviting Members on both sides to give their reactions on it. It is a process which is done here in this body, and we will see what the outcome is.

Barring that, we will be moving towards the vote on cloture on the Murray amendment, which we have talked about during these past days. It is a very simple amendment. It is a continued authorization for the next 6 years on class size for the earliest grades, K through 3. We had, as I mentioned earlier in the day, made an agreement which had broad bipartisan support. I read into the RECORD the very strong support for that measure when we worked it out just a few months ago, when the Republican majority leader, DICK ARMEY, said:

We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. . . . We were very excited to move forward on that.

This is the Republican majority leader in the House of Representatives. We also have included statements where the Republican chairman of the House committee, Mr. GOODLING, stated similar kinds of expressions of favorable consideration.

Now we are faced without the opportunity to consider this amendment. That is basically unacceptable, Mr. President—particularly when communities across this country have to submit their budgets, which includes the hiring of teachers for this coming September, in only a few weeks. If schools want to take advantage of this year's teachers and the follow-on teachers, they have to be able to make a judg-

ment. Schools, communities and school boards are all inquiring about this funding—the school boards in particular. They are in such strong support of this funding—the school board associations, the parents associations, the principals associations, the teachers associations. They want a degree of certainty—what rules do they have to play by. That is why this legislation is so important.

The GAO report states that when they asked local directors and principals and superintendents of schools what were the three things that they wanted most, they said: First, additional funding—no surprise. Secondly, they said, tell us about additional programs that can benefit the children. Thirdly, we want information on how to run the school. That is in the GAO report, not, "No. 1, we just want the Ed-Flex."

We are for Ed-Flex. I want to see accountability, and we have made some progress. The House is dealing with that issue this afternoon—they took some language and, I think, made some important progress in terms of accountability. The fact is, Mr. President, that the No. 1 issue on school boards all across this country is plain and simple: Are we going to move ahead and give the kind of continued authorization for this legislation so we can get smaller class size for the next 3 years, or aren't we?

At 1:30, we have the chance to vote on that issue here in the U.S. Senate. We can vote in favor of cloture, which effectively ties that particular provision into the legislation—it can still be modified, if the amendments are germane. Then we take the next step to go to the conference. That is what is really before us and why this vote is of particular importance and significance.

I see 1:30 has arrived—my friend and colleague from Tennessee is on his feet. We will either vote, which I am glad to do, or accede to the majority leader, if he has a request.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. We are close. Mr. President, we are very, very close. That makes me feel good, if we can come to an agreement. But in light of those negotiations, with respect to the Ed-Flex bill, and the fact that we are as close as we are, I ask unanimous consent that the cloture vote scheduled to occur at 1:30 be postponed until 2 p.m. today.

Mr. KENNEDY. Reserving the right to object, and I do not intend to, could we have the time divided to both sides?

Mr. FRIST. And the time divided as part of the unanimous consent request.

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

Mr. KENNEDY. I see other Senators. We had several who wanted to speak.

Mr. FRIST. I will defer.

Mr. KENNEDY. If you want to proceed first, I will check with my colleagues.

Mr. FRIST. I yield such time as is necessary to my colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

I thank my colleagues, Senator FRIST and Senator JEFFORDS, and others, for the important work they have done on this piece of legislation. I think this is a marvelous piece of legislation.

In my time in the Senate, which has not been long, I cannot recall seeing a piece of legislation that has been supported by all 50 Governors. All 50 of them are supporting Ed-Flex. It seems like, to me, it is one of those provisions in bills that comes forward where people say, "This is the right time, right place, right idea. Let's do it."

It is time we should move forward with this bill. It passed in committee 10-0. It passed last year out of committee 17-1. This ought to be something on which we could agree.

I would just like to make a couple of points. My State is an Ed-Flex State. Kansas is an Ed-Flex State. We have had a number of school districts that have asked for and received the authority and the flexibility. This started down the same path that welfare reform did early on, when you finally had some States saying, "Look, the situation has gotten bad enough. You have so many Federal strings and redtape on it that we can do a better job here if you'll just give us a little breathing room. Just let us have a little bit of help here, not telling us what to do and letting us decide."

That is what started welfare reform; you had some States starting to do that and asking for little provisions: "Let us take this into our own hands and we'll do a better job." And you know what? They did do a better job. They did do a better job, and they were the laboratory of the experimentation of democracy in saying, "Well, let's try it different here; different there."

And what has ended up taking place? We have in my State welfare reform today where you have had a reduction in welfare recipients of 50 percent over the past 4 years—a 50-percent decline. And the people off welfare are saying, "Thank goodness I'm working," and "I feel better about myself." And I feel better about this program. This has worked. We are seeking to replicate that in education by saying, "Let the flowers bloom in the States across the Nation."

The principle behind Ed-Flex is simple. You have heard about it. It allows local schools to implement creative programs that are custom tailored to the needs of their kids, enables State education agencies to waive State requirements, along with Federal mandates, so that local schools can innovate effectively.

Listen to what we are doing in Kansas about these Ed-Flex programs that we have in our State. We have had several States where we have had a num-

ber of waiver requests. I think we have 43 waivers in my State that have been requested.

One school district received a waiver in order to more better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the special needs of the children of our soldiers who are serving at Fort Leavenworth. Emporia used an Ed-Flex waiver to implement new literacy programs and an intensive summer school program.

Do those sound like good innovative ideas that are particular for a local school district meeting its needs? It certainly does. And that is what Ed-Flex is about; and that is what it is providing in my State.

Take that and replicate that across the Nation to the 46 million schoolchildren in 87,000 public schools across this country. And does anyone really think—does anyone really think—that a one-size-fits-all approach would work with such incredible diverse needs, circumstances, situations across the country? Communities need the flexibility to address their unique needs, and given that opportunity they will educate the children better. They will do a better job than the one-size-fits-all mandates out of Washington.

I am surprised and dismayed that some people are filibustering this bill and saying: Well, we're not going to let it move forward on such a tried and true concept that is being tried and worked in so many States, that is supported by all 50 Governors, that provides for localized decision making on such an important decision as to how do we educate our children?

We have examples in this thing that should be working, and we should allow this to take place. Unfortunately, some people are trying to kill this bill with amendments that, of all things, actually add—actually add—Federal mandates—which the whole point of the bill is to reduce Federal mandates, and a number of people are trying to add Federal mandates.

Think about that. When the purpose of this is to allow schools flexibility in how they run their programs and spend their money, most of these amendments do exactly the opposite. They mandate that the schools spend a certain amount of money in a certain way no matter what their situation or their need. It just does not make sense.

What is even stranger is that these amendments would require additional Federal spending on new mandates while ignoring the commitments we already made to children with special needs through programs like the IDEA. The way I see it, we should fulfill the promises we have made to disabled children before we create new entitlements.

There are many reasons why we need Ed-Flex. I think it can create that innovative environment that can let our schools be as good as our children. Cur-

rently, our system is failing our children. What we need to do is get these obstructions of Federal regulations out of the way. We need to stop holding up the passage of these worthy initiatives and start doing the right thing by the American people and by our children.

Let this bill move. Let it move forward so that we can give that innovative atmosphere, and we can have a system worthy of the children of America.

Mr. President, I yield back the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to review 7% of the Federal budget goes to educational programs—the role of the Federal Government is exceedingly limited.

So let's think for a moment what this is all about. This is a rifle shot program, Title I primarily. You have the Eisenhower Program, which is the teaching of math and science and the technology. Those together are maybe, \$700 million nationwide, but that is a targeted program to the neediest children.

Now, 90 percent of the waivers today go out of the formula providing the targeted help and assistance to the neediest children. That is why there is some caution about what is being included in the Ed-Flex. There have been attempts by my colleagues—Senator WELLSTONE and Senator REID—and myself to make sure that we are going to get flexibility at the local community level to serve the neediest children, but not to do what we did 25 years ago and build swimming pools and buy football equipment—because the local people know best about how to spend the money. That is what happened 25 years ago, Mr. President. Many of us are not prepared to say we are going to recognize that as a matter of national policy.

The most underserved children in this country need to be a part of our whole process in the education system. And they need additional kinds of help and assistance in terms of math, reading and other programs. We are going to have a limited amount of resources spread nationwide—2 to 3 cents out of every dollar locally—but it is going to go to the neediest children.

It is important to understand what the debate is about. We want some flexibility in that local community if they are going to use these resources and use it more creatively to help and assist those children. That is where Ed-Flex makes some difference. But if you look where the waivers have been, they have not been, with all respect to my colleague from Oregon, creating smaller class size. That is not where the GAO report has been.

It is moving past the formula from 50 percent to 43 percent. Under certain circumstances they have received the funds before and want to try and still carry forth the substance of the legislation because it is getting the most of

it, in terms of the neediest children for schoolwide programs.

With all respect, that is what this debate is about. It is not a big sack of dough we are sending out there. The local community needs the additional resources and they can raise it or the States can. This is where the Targeted Resources Program developed some 35 years ago.

I might say that the most important analysis of the effectiveness of this program has been in the last 2 weeks where we have the report on Title I which shows that there is measurable student improvement and advancement, with a series of recommendations. Part of the recommendations are what? The smaller class size, after-school programs.

We come back to a situation where we are being denied that opportunity to vote. We welcome the chance to see this move ahead. As I have mentioned and pointed out in a lead editorial today—we want a situation like we have in Texas where they have a described measurable goal; they measured the results of their investment against those goals, and they made progress on it. That is a very substantial and significant kind of improvement over what we are talking about here today. I kind of wonder why we are not going that way—I would like to see us go that way. However, that issue has been defeated in an earlier Wellstone amendment. We think there is still enough justification to provide support for this proposal.

Let's not confuse this legislation, Ed-Flex, with doing something about smaller class size. We are talking about \$11.4 billion—\$11.4 billion additional dollars—in local communities for smaller class size. There is not a nickel in this bill for smaller class size, not a nickel. So if we are concerned about smaller class size, the effort that we ought to be making here today should be in support of the Murray amendment. That is the one Senator MURRAY has advanced to the Senate, spoken to the Senate, pleaded with the Senate. She has been our leader on this issue. Hopefully, we can make some progress on this issue.

I know time is moving along. I want to certainly cooperate with the leaders, but at some time we will have to have some evaluation.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. I say to my friend from Massachusetts, I heard our friend from Kansas saying we were trying to kill the Ed-Flex bill. Would you have a comment on the statement that we are trying to kill the Ed-Flex bill?

Mr. KENNEDY. Senator, I support this legislation, as the author of the initial Ed-Flex legislation with Senator Hatfield, who deserves the major credit on this concept, when he came and spoke to the members of the Education Committee and we took that on Title I and also on the Goals 2000.

But we also want to deal with smaller class size, and the Republican lead-

er, DICK ARMEY, said only five months ago, "We are very pleased to receive the President's request for more teachers, especially since he offered to provide a way for them. We are very excited to go forward with that." And Chairman GOODLING made similar statements.

We are now put in this situation where we are told that we cannot consider that, we have to just go ahead with Ed-Flex—we can't consider what the Republicans agreed to in a bipartisan way. I have listened to those who say let's put partisanship aside. We would like to put partisanship aside—we would like to follow on with what DICK ARMEY and Chairman GOODLING said. They supported this proposal.

It was bipartisan in October. Why was it bipartisan in October and it is now partisan in March?

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. Is it also true that one of the movers of the underlying bill has been the Senator from Oregon, Senator WYDEN? Hasn't he been one that has been speaking out all across the country in the State of Oregon on the importance of Ed-Flex?

I say to the Senator from Massachusetts, does it appear, based on that alone, when one of the prime movers of the Ed-Flex bill is a Democratic Senator from the State of Oregon, that we are trying to kill the bill?

Mr. KENNEDY. Certainly not. One of our colleagues that we respect and admire most and has had a distinguished career not only in the Senate, but in the House of Representatives, and been long committed to education—we certainly commend him for his constancy in terms of education reform.

Mr. REID. I also say to the Senator from Massachusetts in the form of a question, isn't it true that each one of these amendments we have asked to have a hearing on, that we are being gagged on, isn't it true we would agree to a very, very short time limit of one-half hour on each amendment; isn't that true?

Mr. KENNEDY. The Senator is correct. Senator DASCHLE indicated that he would be willing to propose, and has proposed to the majority leader, a one-half-hour time limit on the various amendments. Now we are in our fifth day without having the opportunity to act on an amendment.

This bill could have been history with votes on these various measures, but we are effectively denied that because the majority does not want to have their Members vote on a particular educational issue—that is a new concept.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 4 minutes 15 seconds.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. REID. Is it not true that the Senator has been to the State of Nevada on many occasions?

Mr. KENNEDY. Yes.

Mr. REID. Isn't it true that the State of Nevada is the fastest growing State in the Union and Las Vegas is the fastest growing city in the Union?

Mr. KENNEDY. The Senator knows that well.

Mr. REID. This year, in a relatively small community of Las Vegas, we had to hire in one school district alone 2,000 new teachers.

Now, we are talking about nationwide, as I understand this very important legislation that the Senator from Washington has pushed that we would hire over the years 100,000 new teachers to help places like Las Vegas, Los Angeles, Salt Lake City.

Mr. KENNEDY. If the Senator will yield. The Las Vegas school board has to have their budget finalized by the first week in April. They are eligible for close to \$4 million. That school board is meeting, I am sure, and looking at this debate in the Senate wondering whether they ought to move ahead and accept that \$4 million in additional funds for the next year and the following year in order to provide those teachers in those new schools.

The Senator from Nevada is being denied the opportunity to at least give assurances to his constituency as to whether the Senate will go on record on this.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I will.

Mr. REID. Does the Senator think it rings hollow in the ears of the governing body of the Clark County school trustees that we will be able to debate these issues "some later time" with the budget facing them within a few days? That doesn't ring very clear in their ears—that we will debate this issue some other time.

Mr. KENNEDY. The Senator is correct. I hope we will do everything to certainly ensure that we will have a continuing opportunity during the session to consider education amendments. The fact is after this particular proposal we will move towards the Appropriations Committee or the Elementary and Secondary Education Act—and there is no guarantee we will see that.

So to those parents, those teachers, those school boards, this debate is the essential time for what will happen to that school board in Las Vegas, and that is in terms of class size. That is what we are battling. That is what this vote will be about.

Mr. President, I withhold whatever time remains.

Mr. FRIST. How much time does this side have?

The PRESIDING OFFICER. Eight minutes 49 seconds.

Mr. FRIST. Has their time expired?

The PRESIDING OFFICER. They have 1 minute 17 seconds.

Mr. FRIST. Hopefully, in a few minutes we will have word on some sort of final agreement as we move forward. I know we are making progress in terms of the negotiations. I hope we can advance this bill through the Senate. It is

very disappointing that we have all of the politics above and before an excellent, superb policy that has good evidence behind it.

I want to respond to my colleague who talked about the waivers and the potential for abuse and money channeled to other populations. We have to make it clear that this is not a block grant. This isn't money that can be used for any purpose whatsoever. The great thing about this bill is the money that is being directed—that 7 percent of Federal dollars—still goes to the stated purpose, with the stated accountability guaranteed by the bill.

This whole hypothetical that these States with waivers can take this money and rechannel it away from targeted goals is really absurd. If we look at the history, this isn't hypothetical policy. We can look back and see what the 12 States have done, including the great Commonwealth of Massachusetts. These waivers have not been abused. Regarding these States who have put the waivers forward, the GAO came back and told us in November 1998:

The Department of Education officials told us they believe the 12 current Ed-Flex States have used their waiver authority carefully and judiciously.

That is one of the rare pieces of legislation where we have a track record, and we can go back and even strengthen it, which is what we did in accountability. In the field of accountability, across the board, with great care, we built in accountability at the local level, the State level, and the Federal level. This tier approach on this chart—at the bottom is the local level—outlines what we put into this bill to guarantee that the waivers are not abused in any way, and those goals are achieved at the State level and at the Federal level. I know we just have a few minutes.

I yield 2 minutes to my colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank the sponsor of this bill. I am pleased to be an original cosponsor.

Mr. President, let's get on with the task before us. The Educational Flexibility Partnership Act is a straightforward bill. It is a bipartisan proposal. It has been endorsed by the Governors of all 50 States. It will make a positive difference in the lives of students throughout this Nation. It will give to every State the flexibility that 12 States have had for the past 5 years—flexibility that will allow our States and our local schools to pursue innovative efforts to improve K-through-12 education. We should invoke cloture and take this important step toward improving our schools.

In support of the need for this legislation, let me cite one example from my home State of Maine. Maine is one of the 38 States that are currently not eligible for Ed-Flex waivers. When Maine examined its educational system

several years ago, the State found out that its schools had made significant progress in improving the achievement of Maine's students in K through 8. But in Maine, as in most of America, student achievement in secondary schools lagged far behind. Maine's schools simply were not sustaining the progress of the early years all the way until graduation. To the Maine commissioner of education, to local school boards, and to teachers and parents throughout the State, the need for change was clear. Maine needed to focus its efforts on improving secondary education; therefore, the commissioner of education applied to the Federal Secretary of Education for waivers from Federal requirements in order to use Federal education funding to address the true needs facing our State.

Unfortunately, Mr. President, the Federal Department of Education did not share the conclusions of Maine's local educators; it resisted Maine's request for a waiver.

Eventually, the waivers were indeed granted, but only after a lengthy battle between Maine and the Washington education bureaucracy. Time, effort, resources, and money were needlessly wasted. This should not have occurred. Passing the Education Flexibility Partnership Act will prevent other States from enduring the same frustration and delay that Maine experienced. It will allow us to use education dollars to address real needs and not the priorities set in Washington, DC.

I thank the Chair and the sponsor of the bill.

Mr. LOTT. Mr. President, I see one of the cosponsors of the legislation here. Since we will have a vote momentarily, I wanted to make a statement and then propound a unanimous consent request that will help facilitate passage of this bill.

My colleagues, can't we even do education flexibility—this bipartisan bill that everybody is for? I don't direct this at the Democratic leader; he is working with me and we are trying to find a reasonable solution. But it seems to escape us. I just think it is a legitimate question. Why can't we find a way to agree to education flexibility, to give this opportunity to States other than the 12 that already have it and do what is best for education at the local level? That is why I brought it up, because I thought it was broadly supported and we could do it quickly.

If we can't get an agreement, we will keep working on it, debating it. But it is going to affect the rest of our schedule. It is our intent when we complete the education bill to go to missile defense, and then, if there is time, to do the supplemental, keeping in mind that the week after next, the whole week would be spent on the budget resolution. So I am concerned about our ability to come to an agreement. I thought we had a legitimate one worked out, and I want to propound that request, hoping that maybe it can still be agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2 o'clock today be vitiated and that the cloture vote scheduled for Thursday be vitiated.

I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and Senator LOTT be recognized to offer an amendment relative to the Individuals with Disabilities Education Act/choice and the amendments immediately be laid aside.

I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that Senator LOTT, or his designee, have a chance to offer an amendment relative to the special education amendment, and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside.

I further ask that I or my designee be allowed to offer another amendment relative to special education, IDEA, and that it be laid aside, and that Senator BOXER be recognized to offer an amendment relative to afterschool programs and that it be laid aside.

I further ask that I or my designee be allowed to offer another amendment dealing with special education and that it be laid aside for a Feinstein amendment relative to social promotion, and that there be 5 hours equally divided in the usual form for debate on the eight first-degree amendments, and no additional amendments or motions be in order to S. 280, other than the motions to table.

I emphasize that we are saying, basically, we have amendments by Senators KENNEDY, BINGAMAN, BOXER, FEINSTEIN, with amendments on this side of the aisle to match each one of those, and that we would have debate only, limited to 5 hours of debate, and so we would have an opportunity to debate and vote on those issues.

Then I ask that at the conclusion of yielding back of that time, the Senate proceed to vote on or in relation to the eight pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes and all others after that be limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following those votes, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

So, we could have these issues all debated, eight amendments, then go to final passage, and we could complete it at a reasonable time tomorrow and move on to the next issue.

I think this is a very fair approach. So I ask unanimous consent it be agreed to.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER (Mr. GREGG). The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for making the offer that he has. He and I have been in discussions throughout the morning trying to find a way with which to resolve this impasse. I appreciate very much his willingness to have the up-or-down votes that we now have wanted for some time.

We have 20 amendments that Senators want to offer. For the life of me, I don't understand. We had over 20 amendments offered, voted on, considered, and disposed of on the military bill a couple of weeks ago, and we resolved that bill within 3 or 4 days. We could have easily done that by now.

I have offered to the majority leader the agreement that he has just articulated, with one minor change. We keep the time. We go to the time certain that the majority leader suggested in his unanimous consent request. But we would also accommodate four other amendments: Two offered by Senator WELLSTONE, an amendment offered by the Senator from Rhode Island, and the amendment offered by the Senator from North Dakota—all related to Ed-Flex, directly related to Ed-Flex, with the exception of Senator DORGAN's report card amendment. Those four amendments would not require any additional time beyond the 5 hours; that is, we divide up the time allotted to us in whatever amount is required for each amendment. But we would accommodate at least those three Senators who have waited patiently now for over a week to offer their amendments.

So I hope the majority leader can modify his request with that simple outstanding caveat, that one additional change: No additional time, one additional change to accommodate three Senators who have waited patiently and who want to resolve this matter. I hope the majority leader will modify his request in that regard, and I ask unanimous consent to that effect.

Mr. LOTT. Mr. President, I would object to that modification.

I would say that then we would have 14 additional amendments, but crammed into 5 hours on this non-controversial bill that is broadly supported on both sides. I don't think that is an adequate solution.

We can go forward with a cloture vote, and we can continue to have debate, and we can continue to work to come to conclusion on this in a way that everybody is comfortable with.

I understand Senators want to offer amendments. There are Senators who want to offer amendments on this side. I understand there are Members who want to offer amendments who want a direct vote. There are other Members who would like to second-degree them. So we have made a very complicated process out of a broadly supported, simple bill that would help education.

I would object to that modification at this time.

But we will continue to work to see if we can come up with something later.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. In light of the objection, the Senate will conduct two back-to-back votes on cloture motions relative to this bill.

I regret that there are objections. The agreement is exactly what the ranking member and the whip had indicated they would support a few days ago. But we can continue to work on this, and hopefully we can get an agreement where we can complete it tomorrow so we can go to the other issue. Until we complete this bill, everybody else will have to wait.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate continued with the consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Bingaman amendment No. 35 (to amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified amendment No. 37 (to amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) amendment No. 40 (to the language in the bill proposed to be stricken by amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Jeffords amendment No. 55 (to amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) amendment No. 56, to reduce class size.

Lott (for Jeffords) amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) amendment No. 59 (to amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the

pending cloture motion, which the clerk will report.

The bill 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, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280.

Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy-Daschle motion to recommit S. 280, a bill to provide for Ed-Flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

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

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—44

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

NAYS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 44, nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.