

or any agent of the United States Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. Quite simply, our amendment told the executive branch to stop twisting arms of African countries that are using legal means to improve access to HIV/AIDS pharmaceuticals for their people.

The Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, allows for compulsory licensing in cases of national emergency. Approximately 13 million African lives have been lost since the onset of the crisis. According to the Rockefeller Foundation's recent report, "on statistics alone, young people from the most affected countries in Africa are more likely than not to perish of AIDS." Consider that: more likely than not to perish. If these do not constitute emergency conditions, then I don't know what does.

This was a very modest amendment to begin with, but the final version of the amendment discussed by the conferees was a true compromise. It was not as strong as I would have liked it to be. But it did push our policy closer to the right thing. I want to take this opportunity to thank Senator FEINSTEIN, Senator MOYNIHAN, Senator ROTH, and their staffs for working so hard on this amendment. Senator FEINSTEIN was a tireless advocate on this issue, and I have no doubt that she will continue to fight, as will I, for the right thing when it comes to access to HIV/AIDS pharmaceuticals. And Senator ROTH, in particular, made it a priority to hammer out this issue, and I thank him for that.

But despite these efforts, despite the concessions that Senator FEINSTEIN and I made, despite the fact that this is the right thing to do, the Feinstein-Feingold amendment was stripped in conference. The opposition to our amendment is baffling. How do the conferees who killed this provision justify pressuring these countries, where in some cases life expectancies have dropped by more than 15 years, not to use all legal means at their disposal to care for their citizens? Without broader access to these drugs in Africa, more people will suffer, more people will die—that is a simple fact.

As I said on this floor not long ago, I cannot imagine that ordinary Americans are urging their representatives to oppose the Feinstein-Feingold amendment. I cannot imagine that anyone would try to prevail upon my colleagues to oppose this measure—except perhaps for pharmaceutical companies. The pharmaceutical industry does not fear losing customers in Africa, because they know that Africans simply cannot afford their prices. But they do fear that taking this modest step in this time of crisis could somehow, in some ill-defined scenario in the future, cut into their bottom line. This

is the same pharmaceutical and medical supplies industry that gave more than \$4 million in PAC money contributions and more than \$6.5 million in soft money contributions in 1997 and 1998.

How could this irresponsible and callous decision to strip the Feinstein-Feingold amendment from the conference have been made? I have some idea. Some may have bowed to the pressure of the pharmaceutical industry. And some members just don't get it.

In particular, some of the public comments about this issue made over the weekend by a leading Member of this body demonstrated such a misunderstanding of the problem that they cannot go unanswered.

Over the weekend, some troubling remarks were made about the administration's recognition that HIV/AIDS, an infectious disease that currently affects 34 million people worldwide, is a security issue.

First, a leader of this body disputed the fact that AIDS is a security issue. He is wrong. Anyone who believes that a dramatic drop in population, a massive reversal in economic growth, a societal disruption of unprecedented proportions, an entire generation of orphans growing up on the streets—anyone who believes that those things are not destabilizing is terribly misguided. Anyone who does not understand that the U.S. will be profoundly affected by the terrible consequences of AIDS in the developing world had better think again.

But it didn't stop there. It went further. It was suggested that the administration is using the issue cynically to appeal to "certain groups" who were not identified.

Is it pandering to "certain groups" to stand up and say that a disease that infects more than 15,000 young people each day is an issue of grave concern? Is it political posturing to get serious about the massive destabilization that can occur when the most productive segment of a society is wiped out by disease? Is it only some mysterious narrow constituency that is concerned about the prospect of millions of orphans growing up on the streets, without any guidance or education? After witnessing the shocking violence that resulted, in large part, from the masterful manipulation of disenfranchised youth in West Africa over the last decade, I think we all have to take this threat seriously, and acknowledge that the threat is fueled each day by the withering scourge of AIDS that today is galloping through so much of the developing world.

Let me just paint a portrait of the region most affected by AIDS—sub-Saharan Africa. As the ranking member of the Subcommittee on Africa, I have always felt very strongly about the issue of AIDS in Africa. I have raised it in meetings with African heads of state. I applauded the U.N. Security Council's decision to address the crisis earlier

this year. I support the administration's call to increase the resources directed at the crisis, and I am glad that the U.S. is finally getting serious about this threat.

Thirteen million Africans have been killed by AIDS since the onset of the crisis, and according to World Bank President James Wolfensohn, the disease has left 10 million orphaned African children in its wake.

In Botswana, Namibia, Zambia, and Zimbabwe, 25 percent of the people between the ages of 15 and 19 are HIV positive.

By 2010, sub-Saharan Africa will have 71 million fewer people than it would have had if there had been no AIDS epidemic. That is why we must acknowledge that the AIDS epidemic is becoming a crucial part of the context for all that happens in Africa and for all of our policy decisions about Africa.

Until this week this Senate has been moving in the right direction on these issues. I have been pleased to work with many of my colleagues in a bipartisan effort to raise the profile of the epidemic and to work toward a comprehensive package aimed at addressing this crisis. It disturbs me a great deal to think that Members of this body have somehow failed to hear us, or perhaps refused to listen.

This is not a partisan issue. It is deadly serious. I plead with all of my colleagues to look again at the AIDS epidemic in Africa and to consider its global implications.

Those implications are fast becoming strategic and economic realities that will kill millions and drag down all of our efforts on international development and the promotion of freedom and stability around the world. We need to get our heads out of the sand right now, resist the impulse to gain partisan advantage, and join together to seek solutions to the AIDS crisis before we reap global disaster.

U.S. policy on access to HIV/AIDS drugs will come up again in this body. All of the complex issues relating to this crisis—prevention strategies, care for orphans, mother to child transmission—none of these issues is going away. And while this Congress fails to do the right thing, while some fail to grasp the magnitude of the epidemic and its consequences, AIDS will continue to take its terrible toll on families and communities, on economies, and on stability around the world.

I yield the floor.

#### EDUCATIONAL OPPORTUNITIES ACT—Resumed

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

The Senator from Georgia.

Mr. COVERDELL. Mr. President, as I understand it, our leader, or his designee, has balancing time to that which is used on the other side. I believe Senator SESSIONS' name was even evoked, that he would utilize some portion of that. How much time does the leader have?

The PRESIDING OFFICER. The leader has 32 minutes.

Mr. COVERDELL. Mr. President, I yield from the leader's time to the Senator from Alabama 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. SESSIONS. Mr. President, I am excited and pleased about the direction this Senate is attempting to go in reforming Federal involvement and participation in education today.

I have been traveling my State since January. I have been in 15 different schools. I have been impressed with what the teachers and principals are trying to do. There are a lot of good things happening in a lot of schools all over America. But I hear more and more frustration from those people who are dealing with our children in our classrooms, who know our children's names, who are answerable to our people in our communities to run education. They are very frustrated that what we are doing in Washington complicates their lives, makes them more difficult, and frustrates their ability to actually teach children.

I know some of my friends on the other side of the aisle so frequently use the word "accountability." They say "we need accountability—accountability." I have been listening to that. Not too long ago it finally dawned on me—I have been in this body for just over 3 years, on the Education Committee just over 1 year—what they define as accountability. They define accountability as a Federal program that mandates precisely how the money is spent.

That is not accountability. Accountability is, when money is coming from the Federal Government, the State government, the city government, and the county government: Is learning occurring? Are children learning? We need to determine in America if children are learning. In some schools they are and in other schools they are not, or there is so little learning as to be, in effect, a waste of our money. To pour more money, even with targeted rules from the Federal Government, into a school system in Alabama, Texas, Pennsylvania, or New York is not the way to improve learning. That is not accountability.

We need to ask ourselves, after 35 years of this basic Elementary and Secondary Education Act—and it is a primary Federal act; there are some 700 programs for education. ESEA is the biggest. We have been growing it for 35 years. It is now up to 1,000 pages of rules and regulations and paperwork that fall on our teachers and principals.

I have been talking intensely to those people. They do not believe it is necessary. They believe many of the things we are doing complicate their lives, make it more difficult for them to teach, and frustrate them. In fact, we are, as many people know, losing a lot of good teachers. Discipline prob-

lems, paperwork problems, lack of appreciation for the work they are doing, no difference between a great teacher who works at night, does his homework, meets with students after school, prepares carefully written tests—there is no difference in what they get paid from a teacher who has no interest in their work, just comes to class, presides over it, does not do a lesson plan, gives weak or almost insignificant tests, and does not worry about whether the children are learning or not.

I was in Selma, AL, last Friday, visiting the Selma City School System. Selma has 45,000 people. They created a sixth grade school. They call it the Discovery School. The teachers and principals got together and developed a program on how to improve learning for the city of Selma. All the sixth grades were there. Every student has to be involved in an artistic endeavor. I saw their ballet performance. I saw their tap dance performance. They have music, art, and other forms of artistic endeavor. They believe, as national statistics show, that music and art can enhance learning in other courses. That is their decision, and they have teachers who are committed to it and excited about it. They were very proud of the performance of those kids.

I went into a class called sports math. Sports is big in Alabama and in a lot of States. Kids are interested in sports. When one talks about batting average, that includes people's weight, height—all these factors. This is a good way to take children's natural interest in an event such as sports and convert that to a learning process of math. It is an extra class they can do.

I met a teacher who had gone to Russia with our NASA program. She taught a special class on space, and they were excited about that.

They had some great teachers there. I met the mother of Doc Robinson. Doc Robinson—of course, sports fans might know him—is the senior graduating guard from Auburn University, one of the top teams in the country this year. He will probably go in the first, second, or third round of the NBA draft. His mother teaches in Selma. She is a wonderful lady and excited about education in that school.

What is it that makes us think we can develop some plan for teaching sixth graders in Selma, AL, better than those people? That is a question we need to ask ourselves. What is it that makes us think we can mandate more effectively than they can? They care about their children. They are their own children. Doc Robinson graduated from that Selma school system, just as other children did.

That is an important factor for us to consider. I know there has been a lot of thought about how we are going to handle other issues people think are important. One of the issues that has been talked about a lot is class size. They say class size is the most important thing. Numbers do not show that

to be the most important thing. They do not show that. There is a lot of debate about that. Maybe it is extremely important under certain circumstances. It may not be so important in other circumstances.

Maybe the Selma school system would rather create this new Discovery School and work on funding it for the next 2 or 3 years, get it straightened out, and then add a new teacher to reduce class size the third year down the road. I am not prepared to say what it is.

Why do we not think we ought to trust the people who elected us to run the school system? They elected the school system. There is a lot that has been said about this.

There has been a study by Michigan Professor Linda Lim who did comparative studies of U.S. and Asian schools and found that class sizes of 50—and we are down around 20 or fewer now—50 plus in places such as Taiwan have not kept those schools from performing better than ours. The basics of Professor Lim's findings are that nothing—not spending per student, not class size, not computer access—makes the critical difference in the end. Rather, motivation is what matters. We need parental involvement, plus teachers who want to teach and are skilled and children who are prepared to learn. They must all work together to achieve results.

We talk a lot in our State about improving textbooks. I think we ought to improve textbooks. I am very concerned about the quality of our textbooks. A year or so ago, Senator ROBERT BYRD delivered one of the most impressive speeches I ever heard on education. He called the modern textbooks "touchy-feely twaddle."

Regardless, what difference does it make if we have a \$500 textbook for every child in the classroom and those students will not read it? That is what I ask students when I talk with them. Alabama has a tough graduation exam. If a student does not meet this exam, they will not get their diploma. It is considered to be the toughest exam in America. The children are worried about it. A substantial number may not pass.

When I talked with these students, they expressed their concerns to me, to which I enjoyed listening. I asked them: Do you come to school in the morning, and do you get a good night's rest? Do you pay attention in class? Do you do the homework your teacher assigns? Do you read your lesson at night? Oh, you don't? Do you know students who do not do that? And they all agreed that they do. I said: Why do you think you should get a diploma from high school if you do not at least put in your part?

What we are finding, and what a lot of experts believe, is that a teacher who can motivate a child is more important than whether he is teaching 18 people or 25 people. That is a key factor.

There is a study by the University of Rochester economist Eric Hanushek. He studied 277 separate published studies on the effect of teacher-pupil ratios and class-size averages on student achievement.

We ought to get a pretty good result from this. They published this all over America. He found this: That only 15 percent of those studies suggested there is a statistically significant improvement in achievement as a result of smaller classes; 72 percent of the studies found no effect at all. That is surprising to me. I would not have thought that. But that is what he found. And he found that 13 percent found reducing class size had a negative impact on achieving. That was reported in the Education Week, a journal of professional educators.

The Department of Education, under President Clinton, reports that although American students lag behind other students in international testing, American classrooms have an average size of 23 students. That is very few students compared with the averages of 49 in South Korea, 44 in Taiwan, and 36 in Japan.

I am not saying we ought to increase our class sizes. I think having a small class size is fine. But for this Congress to mandate to professional educators, Governors, State superintendents, county superintendents, and principals all over America that we are going to give you money only for reducing class size is not wise. I am telling you, America, that is not a good thing for us to require, to mandate. In a particular community, that may not be the most important thing. There are some real numbers that question that policy.

Washington, DC, this city of which we are a part, has an average class size below the national average. Yet it ranks near the bottom in academic achievement. Furthermore, we should not forget that class size in American schools dropped from 30 in 1961 to 23 in 1998 without any improvement in standardized test scores.

So I would suggest maybe having superior teachers and motivating schools are the things we need to be looking for. That is not going to come from some Senator in Washington or the President of the United States but from actual teachers in classrooms who know our children's names, who care about them as human beings.

Indeed, in 1988, the U.S. Department of Education concluded that reducing class size would be expensive and probably "a waste of money and effort." I do not know if it is a waste of effort. I just say this. It may not be the most important part of our budget dollar.

We are trying to do that in Alabama. We are working hard to reduce class sizes. We are actually getting down within this national goal range already. But it does come at great cost.

What if you have 18 classrooms in a school, and they are averaging 25 students per classroom, and you want to

bring it down to 20 students per class or 18 students per class? How many more classrooms do you have to build? How many more teachers do you have to hire? How much more air-conditioning and structure and upkeep is required? I am just saying, we do not know enough to mandate that. That is all.

I know the polling numbers look good. You go out and ask the American people: What would you like to do about schools? You give them a bunch of choices, one being: Reduce class size. They say: Yes, I would like to reduce class size.

Before I looked at these numbers, I would have thought there would be a much greater correlation between smaller class size and learning in a classroom than there apparently is shown by all the statistical data.

I am just saying, we do not need to be reacting to polling data. We do not need to run a poll and ask what is the No. 1 idea somebody might have to improve education, and then do only that, after looking at the numbers and finding out that might not be the best approach.

Of course, teacher quality is something about which Senator MACK and others have been talking. How can we nurture that? I taught 1 year in a sixth grade class in the public schools of Alabama. My wife taught a number of years. Our kids have gone through schools in the State and had a good experience. My two daughters graduated from a major public high school in the city of Mobile. We have been to the PTA meetings at Murphy High School. We named our dog Murphy. We loved our high school and participated in it. My daughters were editors of *The Annual*. They also attended other schools in the city. We were involved in that.

We want to see the quality of education improve, but it is not always what somebody might say in response to a polling question.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. SESSIONS. I ask unanimous consent to speak for 2 additional minutes.

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

Mr. SESSIONS. Mr. President, with regard to the quality of teachers, that is where we need to focus. Senator MACK has offered this amendment as a breakthrough to try to have some merit pay. I am telling you, I have taught. My wife has taught. We have been active in schools. Everybody who knows anything about education, who has had children in school, knows that some teachers give so much more and are so much more valuable than others who have maybe lost their enthusiasm or just do not have the capability. That is quite clear.

To say to those exceptional teachers, who are being sought by high-tech computer companies and chemical firms, that we cannot pay them any more money, that they have to receive the exact same pay as somebody who

does not perform as well, is not good policy, not if we care about learning.

But if we care about bureaucracy, if we care about the educational establishment in Washington—if we care about that—if that is who is jerking our chain, then we do not give more pay to people who do better, then we do not give more pay to people who give their heart and soul to it, as I know they do.

I have been a member of a supper club in the city of Mobile for a long time, over 25 years. Three of those people are full-time career teachers. I know how hard they work. I know how concerned they are for their children. Some teachers are just not that way.

So why is that proposal so threatening? It would not be mandated. It would allow a certain amount of this money to be used for special merit pay. What is wrong with allowing a school system to do that? I think that is an important matter. I am delighted that amendment has been offered. It will be adopted and become law. We need to do that.

According to a Fordham Foundation study called "Better Teachers: Better Schools," we know that if students have teachers who have college degrees and have been specifically certified to teach math, those students score significantly higher on standardized tests than if the teacher did not have those credentials.

Why shouldn't we pay more? Do you know what we do for the military? We are finding we need pilots, so we give them special bonuses to reenlist. We find we need special skills in certain computer areas, so we are allowing the military to pay more money for that.

How are we going to keep math teachers who are in such demand in the private sector today, if they are exceptionally well trained and capable? How can we deny them any additional pay when we need them so desperately in the schools?

I think we ought to look at that and improve on that.

The Fordham study also points out that approaches focusing on inputs, courses taken, time requirements met, time spent, and activities engaged in, rather than on outputs, student achievement, how they are learning, and what their scores are on tests, are counterproductive.

Do you see what that is saying? That is saying we should not put our money just on going through the motions of education. We should not invest our money in that. What we need to do is identify the kind of education in which learning occurs, where students are improving in their knowledge and support that—output, not input, issues.

So if our bill were to pass and become Federal law, we would begin to focus on the outputs of academic achievement by poor students because ESEA is primarily focused on the poor, low-income schools and low-income students instead of focusing on inputs.

The Teacher Empowerment Act—and Senator GREGG will speak about that—

is so important in that regard. I will mention one more point, and I see the Senator from Oklahoma is prepared to speak.

Let me mention this. I have been in, as I said, 15 schools, and I am familiar with public schools in this country. I will tell you, one of the most significant problems we face is the ability of teachers to discipline children. They have been denied that by lawyers—Federal rules and regulations—and it is disrupting the classrooms and making it difficult to teach.

I have a stack of probably 40 letters here, some of which would break your heart, from teachers who tell me stories. I intend to read some of them before the debate is over, perhaps a lot of them. I want people to hear what is happening in schools in America today. You may say it is the teacher's fault. What we will find out is that a lot of the reasons they can't maintain discipline in school is because of Federal law, what we do here under the Disability Act. We were supposed to fund 40 percent of the cost of that when the law was mandated; we were supposed to pay 40 percent. The truth is that the Federal Government now is paying 11 percent of the cost. Yet it is a full mandate on our schools in America.

Schools have met the challenge. They are doing what we tell them to do, at a great cost. We had the superintendent of a school system in Vermont testify at an education hearing that 20 percent of his school system costs—20 percent at least—was focused on disability students. We have gone beyond what we meant by that.

Originally, our goal was to make sure that children who were deaf, blind, or in a wheelchair would be allowed to participate fully, mainstreaming them in the classrooms in America. I certainly support that.

What has happened now is under the Federal regulation, children declared disabled are not allowed to be disciplined, and the children are learning this; they know it. It is really a problem, which these letters will show.

Unfortunately, it has now been twisted beyond its original intent. Teachers and principals are faced with regulations and laws that must be utilized before a disruptive or even violent child may be removed from a classroom—even for a short period. We should not continue these kinds of rules and regulations that keep schools from dealing with disruptive, aggressive, violent, gun-toting students.

I have continually received complaints about the problem in every school I go to. They say it is the No. 1 problem with the Federal Government. My friend, David Whetstone, in Baldwin County—and I have known Dave for a long time from when I was a former U.S. Attorney and State attorney general. He came to Washington personally to talk to me about this story. We discussed a case which received national attention in both Time Magazine and on "60 Minutes," in

which a student was described as the "meanest kid in Alabama."

My friend, Dave Whetstone, told me of the circumstances in which this violent, disruptive young man was kept in the classroom under these Federal laws. I want to tell you what happened to this young man and see if you don't understand why teachers and principals are concerned about what we do here.

The school had to assign an aide to this young man because he was declared emotionally conflicting. That is a disability, apparently. He had to stay with him all day long throughout the school day. The aide would get on the schoolbus with him in the morning, sit with him in class all day, and go home on the schoolbus at the end of the day because of his disruptive behavior. The aide had to be paid by the school board, of course, and the taxpayers of the community. Can you imagine what it was like being a teacher in that situation? The student used curse words in class on a regular basis and to the principal on a regular basis and was continuously disruptive. But our Federal law said, basically, he had to stay in the classroom.

Eventually, the young man was going home one afternoon on the schoolbus and reportedly attacked the bus driver. When the aide tried to restrain him, he attacked the aide.

My friend, the prosecutor, brought a creative legal action against the student to try to stop it. He was shocked to find out that was a law in the public schools of America. He found that there were at least six other students in that one school system with the same type problems.

I have received letters from experienced educators all over the State of Alabama expressing their concern about this Federal regulation.

Let me mention a few other experiences. None of these come from the same school. This is a quote from a letter:

We have a student who is classified emotionally conflicted, learning disabled, and who has Attention Deficit Disorder. While this student has been enrolled, students, teachers and staff have been verbally threatened with physical harm. Fits of anger, fighting, and outbursts of verbal abuse have been commonplace. Parents and students have expressed concern over the safety of their children due to the behavior of the young man. Teachers have also become extremely apprehensive toward the presence of the student due to his explosive behavior. His misbehavior has escalated to the point that the instructional process of the entire school has been jeopardized.

Another one:

I have taught for 25 years. I plan to continue teaching, but the problems with discipline are getting out of hand. We are not allowed to discipline certain students. Any student labeled as "special needs" must be accommodated, not disciplined. A student recently brought a gun to my school. He made threats to students and teachers, which he claimed were jokes. I was one of the teachers.

The teacher was threatened with a gun.

This student has been disruptive and beligerent since I first encountered him in the ninth grade. Now he is a senior. After bringing a gun to school, he was given another "second chance." He should have been expelled. What was his handicap? He has had problems with mathematics. While this may be an extreme situation, it is not isolated. Teachers are told to handle discipline in the classroom. The Government has taken most of the teachers' rights away, our hands are tied.

Talk to teachers. Many special education teachers have told me that the discipline proceedings are going to drive them out of the profession. I believe it will be a tragedy if we lose proven, dedicated teachers because of shortcomings of a Federal law that is not fulfilling its purpose.

That is not the purpose of the Disabilities Act—to keep violent, disruptive kids in the classroom when they are disrupting the teacher's ability to teach and learning isn't occurring. This is not restricted to any State; it is all over the country. That is why in the past, Senators ASHCROFT, FRIST, GORTON, and others have worked hard to end this problem. We must continue to do so.

Mr. President, I know others would like to speak at this time. There is so much that we need to talk about. I would like to, and will, share in a few minutes, perhaps, a letter from a young teacher in an elementary school class who talks about the day she walked out of that classroom, walked through the parking lot, got in her car, never to return—because of this kind of stuff. It is happening. We need to put an end to it, and we can do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me address something that the Senator from Alabama was talking about. He gave so many good, concrete examples of the discipline problem we have in our public school system. It is a very real thing. I appreciate him bringing this up and the fact that we know why we are having this, with all the mandates and requirements.

I want to tell you a story. You talk about the discipline problems. I want to give a concrete example of how one ended up in doing a great disservice to the children of Oklahoma and other places.

I have kind of a unique situation at home. I have a wife and two daughters, all three of whom teach or have taught. My wife taught back in the fifties, when we were first married. As our four children were growing up, I remember so well the youngest one—I call her the runt of my litter—Katie, always wanted to be a schoolteacher just like her mom, and her mom's discipline was accelerated math.

So Katie was in school. She got her degree and got her master's in math education. She is really an accomplished teacher, because she loves the kids. She was active in Young Life because she liked to be around troubled

kids and help them with their problems. When someone is a dedicated person like that, that means they are a much better educator.

To make a very long story short, little Katie had wanted to teach the same thing her mother did. When she finally got all of her degrees, she came to the school where her mother taught and where Katie and her brothers and sisters all went to school. After she got the job, it wasn't only that she got a job in the same school as her mother, but she taught the same course in the same school in the same classroom that her mother had taught in 30 years before. She was rejoicing. It had just been a few years before that that she had gone through that school.

She taught there for 4 years, and she came to me one day literally in tears. She said, "Daddy, I feel like a traitor because I have to leave to go to another school district." I said, "Why? This is where your mother taught. This is where you went to school. Our whole family went to school there. It is a tradition." She said, "I teach math, and the kids are so disruptive and not listening. There is no discipline. When you send them to the principal's office, the principal says, 'Our hands are tied. We can't do anything about it.'" So it continues. Consequently, these kids are not getting an education.

This is in the fourth week of the beginning of the school term. She said, "I told the kids, 'If you do not get the basics right now at the beginning of the school term, you are going to fail the class.' They all shrugged their shoulders in unison, and said, 'We don't care.'" And the parents didn't care. There is no way that the school was going to discipline those children.

Katie quit. She went to a private school. She is now involved in teaching and is an accomplished teacher. The public school system lost. I am a prejudiced daddy. I admit that. But they lost one who is considered by the parents and fellow teachers and certainly students as one of the best math teachers that taught, including my wife, in that school. It is all for one reason: There is no discipline.

That is what local emphasis is all about. I think we can untie the hands of the local school districts and let them do it. On the bill we are considering today, I would like to go further with vouchers in getting into more choice. But this is certainly a good personal first step.

I would like to mention one other thing before the Senator from Alabama leaves the room because I want to make one comment about a program that works and one that we are going to try to change and get fully implemented. That is called impact aid.

I know the Senator from Alabama is interested in this because Alabama would qualify for \$12 million of impact aid. Last year they got \$2.4 million. They are at 20 percent of where they should be.

Impact aid is a Federal program that really works. By and large, it is not

something that is giving something to somebody. It says to go the Federal Government, you have come in here with your military installations, with your Indian reservations, or any other Federal type of program, and because of that those lands on which you are working are off the tax rolls. So there is no property tax coming in. Yet while you are doing that you have brought in with you a large number of children. Those children have to be educated in our educational system. Yet there is no funding there to offset the cost of not being able to collect revenues from those lands that are on various installations. This as one of the rare programs we can talk about that is not just something good for students, but it is an obligation that we have to these students. Oklahoma, I might add, is in a very similar situation.

What we are proposing in a letter that we encourage people to sign, and which the Senator from Alabama has already signed, is that we need to phase in full funding for impact aid. Over a 4-year period of time, we start with 6 percent. Then we move on up until we have 100 percent.

This is a program that I think of as a moral responsibility to keep our word with local school districts because when we don't do that the amount of money they have to spend to educate that child is taken away from other programs such as computers and teacher-pupil ratios. This is something I think is an obligation and something that we should strive for. Hopefully, we can get the language in here.

I don't care if it ends up being an entitlement, as much as I hate to say that. This is a responsibility that we have.

Mr. SESSIONS. Mr. President, as the Senator knows and as I understand, the Government said it desires to fully fund this. It is not meeting the commitment that it made. Is that correct?

Mr. INHOFE. That is correct.

Mr. SESSIONS. In terms of the overall education budget, it is small in cost. But for those schools impacted, it is a very big deal for them.

I thank the Senator for his leadership. I think this is an important issue.

Mr. INHOFE. It is a big deal, because in my State of Oklahoma there are five major military installations. I hear from people all the time in Lawton, OK, and Fort Sill. Of course, we have a very large number of children who are being educated in the public school system, but there is no money coming from the tax base. This is a Government installation.

The local districts sometimes have ideas that are better than those ideas emanating from Washington. I will share one personal experience. I can remember many years ago when I was in the State legislature; I made it a practice to always come back to Tulsa from where we met when the kids had some kind of a function, a school play or something. I remember coming in one time and seeing my oldest son, Jimmy.

At that time he was in the fourth grade. He was beaming. He said, "Dad, guess what?" He said, "You know I am in the fourth grade." I said, "Yes. I know that, son." He said, "Guess what. In reading I am in the fifth grade." I said, "How in the world did that work?" He said, "It is a brand new, something that has never been tried before. But they are taking me at the level where I am because I am better than the rest of the fourth graders. So I am in the fifth grade."

I thought back to when I was in grade school. I went to a little country schoolhouse where they had a wood-burning stove in the middle of the room. There were eight rows of seats and eight grades. I was in the first row because I was in the first grade. My brother was in the second row because he was in the second grade. My sister was in the eighth row because she was in the eighth grade. We had one school teacher. I think back now and wonder if he was really the giant that I remember.

When you needed discipline, as the Senator from Alabama was talking about—at that time they had a great big board. If you messed up, you were disciplined the right way. Anyway, when they would teach the classes, they would line you up. I would go with the first graders. In spelling, for example, when you missed a spelling word, you had to go up there and get a swat on the rear with this great big paddle. I have to tell you that I was a very good speller. I was in the third row. That taught me a lesson.

So I thought about that program that Jimmy talked about. This probably happened 30 years before then. It was a brandnew and innovative program. Programs that emanate from the Federal Government are not always the right ones.

We need to unshackle the hands of the teachers, the parents, and the local school districts to give them greater flexibility and greater opportunity to do a better job of teaching our children.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, from our side we have had a good discussion of the Abraham amendment. We had a brief discussion, but I think a good exchange, on the second-degree amendment with regard to the best way to provide incentives that will have a direct result in enhancing academic achievement and accomplishment for students. We are under the strong impression, based upon the best experience and the record to date, that is the best way to go.

Of course, as we all know, the 93 cents out of every dollar spent locally is within the domain of the State. If the Governors want to go ahead with a program outlined by the Senator from Michigan, they will still be able to do it. While the legislation represents a small percentage of the dollars that will be expended, at least on our side, we feel very strongly we want included in the legislation, programs that are tried, true, and tested and have had a sound record of performance. That is expressed by our second-degree amendment.

We are prepared to move toward the consideration of the Murray amendment that dealt with the class size. I think it is appropriate following this discussion on teachers. As I mentioned earlier today, of the \$2 billion from S. 2, the Republican teacher proposal, \$1.3 billion of that comes from the class size program which they effectively eliminated. Mr. President, \$300 million is from the Eisenhower math and science program which is in existence now, which I think is a pretty good program. They are ending that program. They are only adding some \$300 million to do all of the things they talked about in terms of enhancement of academic achievement for teachers and teacher support. This is in contrast to the amount we are proposing on the Democrat side, \$3.75 billion, that we have outlined in the debate and discussion yesterday.

We hoped we would be able to go ahead with the Murray class amendment. We are prepared after that to move to the Lieberman proposal. There aren't any real surprises in the Lieberman proposal. Senator LIEBERMAN and others have outlined that in considerable detail. The language has been passed over to the other side. We wanted to go on giving the Senate the option to be able to consider the alternatives in S. 2 just on the teacher programs, both the recruitment and mentoring, and the academic enhancement and achievement for teachers. We wanted also to have a good debate on the proposal of Senator HARKIN on modernization of our schools. We wanted to debate the after-school programs. We wanted to debate the excellent proposal of Senator MIKULSKI on the digital divide. We wanted to debate our strong accountability proposal of Senator BINGAMAN.

There are no real mysteries about where we are. I imagine we will get an opportunity to talk about safety and security in schools. There is very little surprise about the programs and our amendments.

We understand we want to go back and forth, but we are quite prepared to move ahead. We have been virtually free of any quorum calls since this legislation was laid down. That is rare. On Monday, we had seven speakers from our side, seven speakers from the other side. We went until almost quarter to 7, starting debate at 1 o'clock, and free from any quorum calls. That was true

Tuesday evening and yesterday as well and has been true up until now. We are getting close to 2 o'clock. We are not in tomorrow. On this side we are prepared to get into debates and discussions on these items. They are at the heart of education reform. They have been demonstrably effective in helping and assisting the schoolchildren of this country.

I listened to my colleagues before 1 o'clock talking about all of the challenges we are facing educating children in underserved areas—all of which is true. What I didn't hear is how they believe they felt their bill would solve it. That is the question. Everyone can come to the floor and talk about the challenges we are facing with children in underserved areas. We all understand that. But when I hear time after time, speech after speech, we have a problem out there and we have to do something about it, I think it is beginning to sound empty.

Generally speaking, we identify a problem and we try to identify the solution to the problem. That is not being done here. The reason it is not being done is because the Republican proposal is basically a blank check, a block grant to the Governors.

When we find out we don't have well-qualified teachers, what is the answer? Blank check to the Governor. We have trouble and difficulty in overcrowded classrooms and we have dilapidated schools. What is the answer? Blank check to the Governor. We have new technologies that are coming down the pipe, and we want to make sure we will have a balance, that we are not going to get into a digital divide using technologies that will separate the haves and the have-nots in our schools. What is their answer? Give it to the Governor.

We have tried that before and we have not gotten very satisfactory answers. We have not gotten satisfactory answers in the time from 1965 from 1970 when we had block grants. We found how the money was diverted for football uniforms and band uniforms and swimming pools, for a wide range of different kinds of activities that were distant and remote and unrelated to children who had very important needs.

We had the other side, with all due respect, that took the position, as we started off in the 1990s, that the best answer in solving these problems is to close down the Department of Education. That was their position: We do not want any Federal participation. We do not want any partnership. Close it down. That was their position in the early 1990s. That, and the rescission of funding that had been appropriated and signed into law by the President of the United States during that time.

I, for one, as I have said a number of times on the floor, I think most parents would agree, that at every single meeting the President of the United States has with his Cabinet, there is going to be someone there who is going

to say to the President: What about education for the children of this country? When they are going to be meeting at the Cabinet table and deciding priorities in the expenditure of our \$1.8 trillion, you want someone there who says: What about education, Mr. President?

The Republicans do not want that voice in the room because they do not want any Federal participation on that. That has been their historic position.

Now we have the time to have this debate. As others reminded us, we do not do it every year. We do it every 5 or every 6 years. We are having this debate now, just after the turn of the century. What is their answer? Instead of no more Department of Education, instead of cutting back even more in terms of the education budget, they say let's give it all to the States. Let's give it all to the States and let them make a judgment about it, virtually free from much accountability. All States have to do to get the money is to have an application and general outline of what the State intends to do to enhance educational quality. Then there is a long list of things that can be included in that effort. But also included are the words "for any educational purpose." Who decides that? The Governor decides that.

This is their "Uses of Funds Under the Agreement."—Funds that may be available to a State under this part shall be used for educational purposes.

Every Governor can just make a decision that this is for educational purposes and then they are not accountable until after 5 years. Then there has to be a finding by the Secretary of Education that they have not made substantial progress in the area of education.

So their position is: Blank check, block grant, give it to the States, let the Governors do whatever they do. That in spite of the extraordinary record of the efforts of serious Governors, Republicans and Democrats alike, in the period of the 1980s and the 1990s, who said what we have a responsibility for is for the underserved schools in our States. There were eloquent calls for action by the Governors themselves. The National Governors' Conference, time in and time out, we found were asking for it, going back to 1986.

Governors Alexander and Clinton and Keene and Riley, urging they give greater focus and attention to underperforming schools and districts, and that States take over the academically bankrupt districts. Those were speeches being made in 1986. I am glad to hear they are being made by our Republican friends now.

Then, in 1987, 9 States had authority to take over, annex educationally deficient schools—only 9 out of 50. The call went out again in 1990, and again in 1998. The National Governors' Association policy: Support the State focus on schools, reiterating the position first

taken in 1988 in the National Governors' policy:

The States should have the responsibility for enforcing accountability and including clear penalties in cases of sustained failure to improve student performance.

Now we find there are 20 States that provide assistance to low-performing schools; 18 States apply some type of schoolwide sanction out of those 20. Now we have 20 States. It will take another 50 years, if we were going to get all the States to do what 20 States are doing now. But that is not good enough. Our Republican friends say give the money to the States, in spite of the facts. You have the record about what the deficiency has been at the gubernatorial level.

There are some notable exceptions, Republicans and Democrats alike. We are glad to recognize it. We pointed some of those out during the debate. But that has been the record. They have not measured up, done the job; they have not taken that responsibility.

We are not prepared, with the scarce resources here, to try to turn that over to the Governors one more time and expect they are going to do the job. No. We are going to insist that there will be incentives and disincentives for performance. That is what we do.

As I mentioned, whether you are talking about dedicating resources to turning around schools—in our particular program we have the resources to be able to do that. We make sure we are going to allocate scarce funds that each year are going to be set aside that can be utilized and will be effective in turning around failing schools. The schools are going to have to show annual gains for student performance.

We are at the point where we are going to insist there will be a report card that is given to every parent in this country about how their child's school is doing, every year. I think parents would like to know how their child's school is doing. We are guaranteeing that.

We asked our good friends on the other side how their bill is going to solve the issue of accountability. They cannot do it. We have been challenging them since the beginning of the debate. They cannot do it. We can. We are glad to go through these various provisions we have outlined about the assurance of real accountability of failing schools. If they fail, there are real consequences. After a period of time they are closed down. There is a whole new leadership for those schools if they are going to be reopened. Otherwise there is support for the children to go to other schools.

We also have a strong commitment to try to reach out to those children who are so often left out and left behind. We are talking about the homeless children. We have over a million homeless children in this country. We have over 700,000 children who are migrant children, who travel through this

Nation at the various harvest times. There is a similar number of immigrant children who eventually are going to be American citizens. It is in our interest that they get educated. It is in our interest that they get educated, not cast aside.

Now, what does this Republican bill do? What it does is eliminate all those kinds of protections which have been out there now, guaranteeing those needy students are going to have their interests addressed. It sends the money back to the States, which prior to 1987 had not given those populations their attention.

I see the majority leader on the floor. If he wishes to address the Senate, I will be glad to withhold.

Mr. LOTT. I will be glad to wait until the Senator completes his remarks. I was going to try to bring the Chamber up to date on our hope of how to proceed. Senator DASCHLE is here.

Mr. KENNEDY. I will withhold.

Mr. LOTT. We are not ready to do that at this moment because we have to be sure everybody accedes, and so I will be glad to withhold.

Mr. KENNEDY. At any time the majority leader wants to propound the consent request, I will be glad to yield.

I wanted to read the 1987 report. In March of 1987, the Center for Law and Education sent a questionnaire regarding State practices and policies for homeless students to the chief State offices in the 50 States and the District of Columbia, and received 23 responses. The majority of the respondents, however, had no statewide data, so out of the 50, you got 23, and out of the 23, the majority had no statewide data on the number of homeless children within their jurisdiction, or whether these children were able to obtain an education.

The majority of States had no uniform plan for ensuring homeless students received an education—the poorest of the poor. Can those who want to give this money directly to the States tell us about programs that had been developed by the States prior to 1987? I have searched. I have looked. I cannot find them. Why? Because they were not a priority because they did not vote. Children do not vote, and the parents did not vote. We know the reasons, and that has been true with migrant and immigrant students as well.

As for the homeless children, we made marginal increases in the enhancement of those programs annually during the appropriations process, but we maintain our commitment. I wish we could be out here in a bipartisan way trying to find ways to strengthen these programs, to help those kids, to find out how we can be more effective. But oh, no, do my colleagues know what we are going to do? We are going to take those three programs, which is millions of dollars, and instead of continuing to target the homeless and neediest children, we are going to send that money to the Governors, to the State capitals to let them decide

whether they want to be bothered by this.

The record is very clear: They have not historically, and there is little indication that they will today. If one looks over what is being allocated at the State level versus what the Federal Government is doing with programs in these areas, one will find they are begrudging support for these programs. There are certain exceptions, and we are always glad for that.

We enable students in failing schools to transfer to higher-quality schools. We say you cannot use more than 10 percent of the title I money for transportation. We let the local communities make the judgment of what they will do. Under the Republican bill, there is absolutely no cap. They can use the whole title I program for transportation.

On accountability, we find there continues to be a deficiency.

I will take a couple of minutes to go through the merit pay issue again and our particular proposal. Since we knew this was coming up, we tried to find out what different States have done and what has been successful.

We were reminded by the Senator from Georgia about a merit pay program that Secretary Riley instituted. It cost the State of South Carolina \$100 million, and it was abandoned. I am sure my friend from Georgia does not realize it was abandoned. Probably those last words or last couple of sentences were missing in his presentation. They have switched to more of a school-based program.

In looking over the use of merit pay incentives for teachers across the country, one of the most successful has been in Dallas, TX. In 1991-1992, they implemented one of the most sophisticated accountability systems in the Nation. The centerpiece of it was that all staff in schools which increased student achievement received monetary awards. A 1996 study found when the scores were evaluated against the comparable school districts, the Dallas program had a very positive impact on test results. That is our amendment—schoolwide, with regard to that aspect.

In North Carolina, a State in which great progress has been made in education—I do not know why, but when we find out that some things work, as in the State of North Carolina, we do not try to share that with other parts of the country. We have tried to do that in this legislation.

North Carolina, in 1997, implemented its incentive program for whole school merit programs, and the legislature recently budgeted \$75 million for the awards. More schools met their performance goals than expected. The second year required \$125 million rather than scale back the level of the award. The legislature increased the budget to increase this successful program. It is working. We have no problem with our friend from Michigan on this type of merit pay program, but let's get it correct.

Mr. DODD. Mr. President, will my colleague yield?

Mr. KENNEDY. Yes.

Mr. DODD. First, I commend Senator KENNEDY for his comments. The alternative of rewarding schools as opposed to individual teachers is a very sound way of approaching this—the team environment, the team effort.

I find it somewhat ironic that the authors of S. 2 want to have the Federal Government stop dictating to the States and communities how the 7 cents on the dollar the Federal government provides for education is going to be used, yet in this amendment they have offered, they ask that this body to decide what certification or merit pay will be provided for teachers across the country. What works best is a decision that ought to be left to the States or the local communities. For the Senate to go on record to decide what will work best in the 50 States is in direct contradiction to the arguments I hear being made in support of the underlying bill, and that is: We do not know what we are doing here; we ought to leave this up to the local governments. Now we are going to decide, apparently, that teachers ought to get a pay increase rather than leaving that decision to the local level. It seems they have it backwards. Those decisions are best left at the local level.

As the Senator from Massachusetts has accurately pointed out, in State after State where it has been tried—it is not as if it has not been tried—it has not worked very well.

Instead of disregarding what is occurring at the local level, why not give them the chance in this area to decide what works best instead of trying to micromanage the pay or compensation of teachers based on some test that, as the Senator from Massachusetts said, would pit one against the other.

As he pointed out, there was an effort in Fairfax County, VA, to try this scheme. Maybe the Senator from Massachusetts can tell me again what was the experience in Fairfax, VA. They tried merit pay as a way to improve student performance, and what were the results of that experiment?

Mr. KENNEDY. The Senator is quite correct. They dropped that after a very short period of time because it was so ineffective in the outcomes for the students.

Mr. DODD. When they dealt with teacher merit pay for the whole school in New Haven—I gather it was New Haven, California, not New Haven, Connecticut—

Mr. KENNEDY. That is correct.

Mr. DODD. What was the experience there? Did the entire school benefit?

Mr. KENNEDY. There was a dramatic outcome in one of the poorest communities in California where they had schoolwide summer programs and they took all of the teachers—500 teachers—and gave bonuses to the whole school as the academic achievement went up. They also supported teachers if they wanted to obtain professional develop-

ment or work towards advanced degrees. Finally, they gave encouragement for recertification, which is a very rigorous program of examination by senior teachers and review of the skills and talents of these teachers. But most of all, they gave support for the classes and the schools that were increasing academic achievement. It went from one of the poorest schools, in terms of academic achievement, to one of the best in California in a period of 7 years.

Mr. DODD. Lastly, I ask my colleague, does he know of any example, in his tenure in the Senate, where we have ever required merit pay for physicians, attorneys, architects, or any other profession you can think of? Has the Senate of the United States ever gone on record and said that as a condition of receiving Federal support, such as for health care plans or for legal issues, that we, as a matter of Federal policy, would require, in those professions, that they be required to be certified midcareer?

Mr. KENNEDY. Quickly, my answer would be no. Secondly, I think that—perhaps the Senator would agree with me—if we are going to give some extra pay, perhaps those teachers who are working in these combat conditions in underserved areas, whether they are rural or urban areas, might seem to be ones who could be deserving of it. That could be a decision that is made by the State.

But what I want to mention to the Senator, is that the States can do what the Senator from Michigan is proposing today, out of their 93 cents.

Mr. DODD. Correct.

Mr. KENNEDY. I have challenged the proponents of this to give us one State that is doing an effective merit pay for individual teachers program. We have not heard one. It would be nice if they said, oh, we have 15 States doing it and these are the results of it in academic achievement. They cannot give us one example.

Mr. DODD. If my colleague would yield, we have a number of former Governors here, some of whom support this amendment. I wonder if when they were Governors they supported this.

I see the majority leader on the floor. The minority leader and I certainly yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I thank the Senator from Connecticut for allowing us to proceed with what I think is a fair agreement on how to proceed for the remainder of the afternoon.

We have had good debate this week on both sides of the aisle. There is a difference of opinion. When we get our unanimous consent agreement, or when we get it propounded and hopefully get an agreement, I do want to comment on some of the things I have heard over the past hour during debate and on the pending Abraham-Mack amendment.

But I think, first, it is important we get an understanding and agreement on

how to proceed. Basically, the consent we would like to propound would be that the pending second-degree amendment be laid aside, and that Senator MURRAY be recognized to offer her amendment relative to class size, with no second-degree amendments in order, that we would ask consent for the votes to occur at 5 p.m. on the pending amendments, and the time between now and that hour be equally divided, and the votes would occur on or in relation to the amendments in the order they would be offered or have been offered. That sequence, of course, is the Kennedy second-degree amendment, the Abraham-Mack amendment, as amended, if amended, and then the Murray amendment.

Then we would ask consent that the next amendments in the sequence be basically in the following order: Lieberman, as an alternative; Gregg, with regard to Teachers' Bill of Rights; and McCain, regarding sports gambling.

We will see if we can get an agreement on that. If we cannot, then we will modify it in a way we hope we can get an agreement.

That is basically how we would like to proceed this afternoon. I think it is a fair way to proceed. We will be able to have another 2½ hours, hopefully, of good debate. Then we can have some votes.

Then we will have things lined up for debate on Monday. I hope that we can get in several hours of debate on the amendments that would be pending at that point—the Lieberman amendment, the Gregg Teachers' Bill of Rights, and other education-related issues about which Senators may want to talk. Then we would move toward votes on Tuesday and/or Wednesday and Thursday, if necessary. That is basically the outline of how we would like to proceed.

As soon as I hear further from Senator DASCHLE, we will propound that UC.

Mr. President, I ask unanimous consent, then, that the pending second-degree amendment be laid aside and that Senator MURRAY be recognized to offer her amendment relative to class size, and no second-degree amendments be in order. I further ask consent that votes occur at 5 p.m., with the time between now and then to be equally divided, and that the votes occur on or in relation to the amendments in the order in which they were offered, with no second-degree amendments in order.

The voting sequence is as follows: Kennedy, second-degree amendment; Abraham amendment, as amended, if amended; and then the Murray amendment.

I further ask consent that following these votes, the next amendments in the sequence be the following, in the following order, with no second-degree amendments in order prior to a vote on or in relation to the amendments. They are as follows: The Lieberman amendment, which is an alternative; the



Gregg amendment, dealing with Teachers' Bill of Rights; and the McCain sports-related gambling issue.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. Mr. President, Senator MCCAIN and I have discussed this matter. I understand he will be here momentarily. But I indicated to him that there might be an objection. We have now heard an objection. Therefore, I modify my consent to reflect the next two amendments be limited to the Lieberman and Gregg amendments as outlined above.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like to ask the Senator from Missouri to withhold his objection, and in order for one other Senator to arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. LOTT. Mr. President, I would like to say again, if I didn't say it sufficiently a moment ago, that I appreciate Senator MCCAIN's cooperation in agreeing for us to proceed even without an amendment he had hoped to get in the next sequence. But there was objection to that. He has agreed for us to proceed without an objection.

The same thing is true with Senator ASHCROFT. He has had a chance to review the situation. And our colleagues on both sides of the aisle have had an opportunity to look at the substance of the amendment. There are a number of Senators who have amendments they want to have considered. We hope as we go forward they will be in the lineup at some point.

For now, we are just trying to get the rest of the afternoon agreed to and debate amendments that we will also be debating on Monday. Then we will take it from there.

Mr. President, let me propound the unanimous consent request again and see if we can get it cleared at this point.

I ask unanimous consent that the pending second-degree amendment be laid aside, that Senator MURRAY be recognized to offer her amendment relative to class size, and that no second-degree amendments be in order.

I further ask unanimous consent that votes occur at 5 p.m. with the time between now and then to be equally di-

vided, and the votes occur on or in relation to the amendments in the order in which they were offered, with no second-degree amendments in order.

The voting sequence is as follows:

Kennedy second-degree amendment;

Abraham amendment, as amended, if amended;

Then the Murray amendment.

I further ask unanimous consent that following those votes the next amendments in the sequence be the following, in the following order, with no second-degree amendments in order prior to a vote on or in relation to the amendments and the second-degree amendments must be relevant to the first degree they propose to amend. They are as follows:

Lieberman, which is an alternative;

Gregg, Teachers' Bill of Rights.

I believe that would be the request.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, provided it is all right with the distinguished Senator from Washington State, would the leader be willing to amend that so I would be allowed to proceed for 5 minutes just prior to the distinguished Senator from Washington State on an entirely unrelated matter not requiring a vote or an amendment?

Mr. LOTT. I am not sure exactly when that would come.

Mr. President, we always try to accommodate Senators on both sides. But let me just say I would like to amend the request beyond what we have already asked to the effect that I be recognized to speak for 5 minutes to be followed by 5 minutes by Senator LEAHY. I had been waiting to try to respond to some of the things that had been said on the debate before we reached this point. If I could just get 5 minutes followed by Senator LEAHY, then we would go on with the regular order, if that is all right with Senator DASCHLE.

Mr. DASCHLE. Mr. President, I will not ask for time. As the majority leader has indicated, this does not in any way reflect what we have attempted to do beyond this agreement. We have some amendments on either side. Senator DODD has a very important after-school amendment that will come shortly after this lineup.

We also have Senator BINGAMAN, dealing with accountability; Senator HARKIN on construction; Senator MIKULSKI on digital divide; and Senator DODD's amendment will likely come up after this agreement. I know there are Senators on the other side who will be in the mix as well. No one should think this limits their ability to be heard and to offer their amendments.

I appreciate very much the cooperation of everybody.

I will not object.

Mr. REID. Mr. President, reserving the right to object, I want to say I objected to the McCain amendment not because of the content of his amendment, per se. He wants to bring up the NCAA college amendment at some sub-

sequent time. That is his privilege. That is part of the Senate business.

One of the things I have tried to do, following the direction of the minority leader in consultation with the majority leader, is to keep this debate on this education bill on education. We worked very hard on our side to keep other matters off this bill—Patients' Bill of Rights, prescription drugs, minimum wage, and all kinds of other things. I don't want Senator MCCAIN or anyone supporting Senator MCCAIN's amendment to think I am doing this simply because it deals with the NCAA. It is because we are trying to move this education bill along. At some subsequent time on this bill or at some other time, if he offers that, I will be prepared to do whatever is necessary to put my views forward. But I just want the RECORD to reflect that it is not because of the content of this amendment. It is just an attempt to move education matters along with this bill.

I withdraw any objection I have.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

Mr. LOTT. Thank you, Mr. President. I thank Senator DASCHLE, Senator REID, Senator KENNEDY, Senator JEFFORDS, Senator ASHCROFT, and Senator MCCAIN for their cooperation.

Mr. REID. Will the leader yield for a second? I want to make sure the RECORD reflects that I withdraw my objection as to this unanimous consent and not the other ones propounded regarding Senator MCCAIN.

Mr. LOTT. Mr. President, along the lines of what Senator REID just said, both sides have been working to try to keep our amendments and our debate on the underlying bill, the Elementary and Secondary Education Act. This is a very important bill. Of course, its title is Educational Opportunities Act.

There is a lot that needs to be said. There is a lot that needs to be done to make sure our education and elementary and secondary schools are improved, that it is quality education, that it is safe and drug free.

We don't have to be out looking for amendments involving China, agriculture, or higher education, guns, prescription drugs, tax cuts, or anything of that nature, all of which may be or may not be meritorious. We have plenty to do and plenty we need to think about to improve, hopefully, elementary and secondary education.

I agree to an extent with what Senator REID was saying. I appreciate his cooperation and that of Senator MCCAIN, who agreed to go along with this request.

Let me respond in the broader sense to some of the things that have been said on this bill this afternoon. I have listened to the discussion by Senators. I think it is very important to note once and for all that this is education opportunity—not for 1965, not for 1985 or 1987, because I have heard that date used in some of the debate earlier, and

not even for 1995. This is about education in the new millennium. This is about how we improve the quality of education and how we improve the learning of our children for the remainder of this century.

We know there are many indicators that show our children's education is not safe, that it is not drug free, that it is not improving in many areas. In fact, many test scores are static or declining.

We have to do something different. We are not debating 1956, we are not debating what happened in 1985, and we certainly are not debating what happened in the early 1990s.

It has been alleged that all Republicans want to do is eliminate the Department of Education. Let me just make the RECORD clear why there are many of my colleagues who do not agree with me on this.

I am the son of a schoolteacher. I worked for a university, and I am not for, nor have I ever been for, eliminating that Department. I stood in the House of Representatives and voted for its creation. The majority leader and the Republican leader in the Senate certainly do not have that position. Let's not talk about the past. It is prolog. There have been good efforts. Some of them helped. Some of them didn't work.

It is time we think a little differently. Education is in this box because there are certain groups in this country that say this is the way it is going to be, this is the way it has been, failed or succeeded, and it is going to stay.

I don't agree with that. We have to start using some innovative concepts. We have to have more flexibility. We must have more accountability. We must have results. It has to be child centered, as we have been saying.

Some people say we must have mandates from Washington, DC; We know best in Washington, DC, in the Senate and the bureaucrats at the Department of Education, many well-intentioned and good people.

I don't accept that. I have faith in the parents at the local level. I have faith in the teachers and the administrators, yes, in the State governments. So it happens that more Governors right now are Republican than Democrat, but in the past the reverse has been true and test scores were not any better then. We have to try to find some solutions.

By the way, many of the good solutions in America for creating jobs, improving education, charter schools, improving health care, are happening in the States because we have given them a little more flexibility from the Washington level. My own State of Mississippi, poor though it is, just voted 2 weeks ago, and the Governor signed into law, a 5-year teacher pay increase to bring Mississippi up to the southeastern average. That is monumental legislation. It is a big financial commitment from a small, poor State. But

they are doing the job. They are trying to make some progress with teacher pay raises. I know certainly they deserve it.

It is time for a change in education. We have to do better. Our scores as parents and leaders are not what they should be for improving education. If you want the status quo, go ahead and vote for title I, title II, all the programs as they are. Leave them as they are. I don't believe they are working the way they can; we don't give enough discretion as to how best to use them at the local level. If our districts and States are using them for pools, Heaven forbid, we should make sure that does not happen.

We have thoughtful ideas and I think this Abraham-Mack amendment is a good amendment. First of all, this amendment is optional. Shouldn't we encourage good teachers? Shouldn't we have merit pay for the really good teachers? Shouldn't we encourage them? The alternative is, if the overall school does good and improves, give all teachers a pay raise. That means that the worst of the worst get the pay raise along with everybody else, in spite of the job that he or she has done. That is not the solution.

It is not a mandate. Again, it is a choice for the States and the local education agencies to pursue quality teaching, a very important component in learning. It is optional.

Let me reframe the debate a little bit. I think there is fundamental disagreement. However, I think the American people agree with the approach we are taking, an approach of more flexibility, more choice at the State and local levels, accountability, encouraging quality teachers so that they won't leave teaching as my mother did after 19 years. She didn't get rewarded when she did a good job or spent extra time. She couldn't make a decent wage in that job.

I believe we have a good package. I commend the work. Let's continue to have debate on the amendments. I certainly hope the Kennedy amendment is defeated and the Abraham-Mack amendment is passed.

I yield the floor.

THE PRESIDING OFFICER (Mr. L. CHAFEE). WHO YIELDS TIME? THE SENATOR FROM WASHINGTON.

Mrs. MURRAY. Mr. President, for my clarification, I understand my amendment is in order and the time between now and 5 o'clock is equally divided, is that correct?

THE PRESIDING OFFICER. That is correct.

AMENDMENT NO. 3122

(Purpose: To provide for class reduction programs)

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

THE PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3122.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. MURRAY. Mr. President, classrooms across America are less crowded today than they were a year ago, because this Congress made a commitment to hiring new teachers to reduce classroom overcrowding.

The progress has been overwhelming. Today, 1.7 million students are in less crowded classrooms—where they can learn the basics in a disciplined environment.

That is the type of progress we should continue. Unfortunately, this Republican bill abandons our commitment to helping students learn in less crowded classrooms.

At a time when we should be ensuring that every student can benefit from an uncrowded classroom, this Republican bill makes no guarantee that smaller classes will become a reality.

That is why I am on the floor today—to make sure that no student is stuck in an overcrowded classroom in grades 1-3.

I am offering an amendment which would authorize the class size reduction program in the Elementary and Secondary Education Act.

As a former teacher, I can tell you, it really makes a difference if you have 18 kids in a classroom instead of 35—parents know it, teachers know it, and students know it. By working together over the past 2 years, we have been able to bring real results to students.

With the first year of class size reduction funding, we have been able to hire 29,000 teachers across the country. Approximately 1.7 million students across the country are learning in classrooms that are less crowded than they were the year before. The average class size has been reduced by more than five students in the grades where these funds have been concentrated.

Forty-two percent of the teachers hired are teaching first grade. In these schools, the average class size fell from approximately 23 to 17 students, 23 percent of the teachers are in 2nd grade, and 24 percent are in third grade. In both of these grades, the average class size, where these funds were used, dropped from 23 to 18 students. In addition, districts are using approximately 8 percent of this money to support professional development so we can have teachers of the highest quality.

Let me take a moment to share a list of some of the benefits of class size reduction. Class size reduction produces better student achievement, something every Senator has been out here to say they support. It brings about fewer discipline problems. When there are fewer kids in your classroom you can maintain discipline; there is more individual attention, better parent-teacher communication—an essential to a

child's education—and dramatic results for poor and minority students.

Those are some of the ways smaller classes help students reach their potential. Those are the results we should be giving all students in the early grades. But today, there are still too many students in overcrowded classrooms.

Today, the average classroom in grades 1-3 has 22 students in it, students who are fighting for the time and attention of just one teacher, students who might not get their questions answered because their classmates are creating disruptions, students who aren't learning the basics.

Those students would be helped dramatically if we gave them a less crowded classroom with a fully-qualified, caring teacher.

Go out into your local school districts and talk to any teachers, and I believe they will tell you classes are overcrowded. It is not easy for local school districts to hire teachers on their own.

Believe me—I served on a local school board. This is one area where the Federal partnership really makes a dramatic difference for students.

I understand, as a former school board member, the pressure the school boards and others involved with the budget face in allocating scarce resources.

The pressure on how to spend these funds are immense, and in most district budgets, there is not money to reduce class size.

The Federal funds for the purpose of reducing class size are incredibly important for supplementing district budget to address the class size.

Let me share an example of how one of the districts in my State is using these funds. The Tacoma School District in Washington State received a class size reduction grant of a little over \$1 million, and the district started a program called "Great Start." That's one of the best things about this program. School districts can use this money to meet the unique challenges their students face. We know that not every school district is the same. We know that some schools need more help hiring teachers, and others need more help training teachers. That is why this program that we created 2 years ago is flexible.

So the educators in Tacoma decided they would focus the money on first grade. And, they decided that—in addition to reducing over-crowded classrooms—they were going to make sure that those new teachers had the best strategies for helping students. They set clear goals. For example, they set the goal that every student be able to read and write by the spring of their first grade year. They hired an additional 20 fully-qualified new teachers. And the difference has been dramatic.

Today, as a result of this program, those classrooms have an average of just 16 students. Those students are now better able to learn the basics with fewer discipline problems.

I am proud to say I have visited schools in Tacoma. I have seen the great strides those dedicated educators are making. But do not take my word for it. Listen to what one of the teachers wrote to me.

I received this letter from Rachel Lovejoy, a first grade teacher at Whit-tier Elementary School in Tacoma.

She writes:

I knew first graders could make great gains, and this year they are.

Rachel is the type of teacher who goes out and visits every child's home in August before the school year begins. She meets their family and learns about that student's unique needs and challenges.

As Rachel told me:

With 16 families, I can fit the visits into my room preparation with greater ease. What a great start to building that family atmosphere in my class.

Rachel tells me that because she has fewer students in each class she is better able to keep track of how each student is progressing.

Rachel also says there are fewer discipline problems in her classroom today:

It is much easier to build a familial, caring community in the classroom with fewer children.

Rachel knows what makes a difference in the classroom, and she has a message for all of us about reducing class size:

The research is there. Accept no excuses. Gives us lower class size and training, and let us do what we do best . . . teach.

That is what we should be doing and that is what the amendment I am offering today does. It shows teachers like Rachel that we will stand with them and help them create effective classrooms.

I was fortunate to receive a letter from Lori Wegner—the parent of one of the students in Rachel Lovejoy's classroom. She writes:

With 16 children, Rachel is able to interact with each child on an individual basis throughout each day. Rachel is able to go above and beyond the basic requirements for testing the students' achievements and focus on each child's development in a way that is appropriate to the individual child.

Lori closes her letter to me by saying:

Please give our teachers the opportunity to facilitate the development of each individual student to their fullest potential during these critical years of learning.

Not only do the parents and teachers in my community tell me it works, but national research proves smaller class size helps students learn the basics in a disciplined environment.

A study conducted in Tennessee in 1989, known as the STAR Study, compared the performance of students in grades K-3 in small and regular-sized classes. This important study found that students in small classes—those with 13 to 17 students—significantly outperformed other students in math and reading. The STAR study found that students benefitted from smaller

classes at all grade levels and across all geographic areas.

The study found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education.

I repeat, students who are in smaller class sizes in first, second, and third grade have higher graduation rates, higher grade point averages, and are more inclined to go on to higher education. Isn't that what all of us want?

According to research conducted by Princeton University economist, Dr. Alan Kruger, students who attended small classes were more likely to take ACT or SAT college entrance exams, and that was particularly true for African American students.

According to Dr. Kruger:

Attendance in small classes appears to have cut the black-white gap in the probability of taking a college-entrance exam by more than half.

Three other researchers at two different institutions of higher education found that STAR students who attended small classes in grades K-3 were between 6 and 13 months ahead of their regular class peers in math, reading, and science in each of grades 4, 6, and 8.

In yet another part of the country, a different class-size reduction study reached similar conclusions. The Wisconsin SAGE Study—Student Achievement Guarantee in Education—findings from 1996 thru 1999 consistently proved that smaller classes result in significantly greater student achievement.

Class-size reduction programs in the SAGE study resulted in increased attention to individual students. This produced three main benefits:

No. 1, fewer discipline problems and more instruction,

No. 2, more knowledge of students, and No. 3, more teacher enthusiasm for teaching.

The Wisconsin study also found that in smaller classes, teachers were able to identify the learning problems of individual students more quickly.

As one teacher participant in the SAGE class-size reduction study said:

If a child is having problems, you can see it right away. You can take care of it then. It works a lot better for the children.

Parents of children in smaller classes notice the difference as well. The mother of a child who moved from a class of 23 students to a class of 15 students discovered that—she wrote this to me:

The smaller class makes it possible for the teacher to get to know the kids a lot faster, so they can assess their strengths and weaknesses right away and start working from those points right away.

Discipline problems were also greatly reduced in smaller classes. One teacher said:

In a class of thirty students, you're always redirecting, redirecting—spending most of your time redirecting and disciplining kids where you're not getting as much instructional time in.

Those are not my words, they are hers.

By contrast, another teacher said:

Having 15 [students], I'm so close to them. Generally, I don't have to say a thing; I just look at them and they shape up and get back to work . . . So I don't spend a lot of time with discipline anymore.

The empirical support for smaller class size is compelling. Smaller classes in SAGE schools produced high levels of classroom efficiency; a positive classroom atmosphere; expansive learning opportunities; and enthusiasm and achievement among both students and teachers. The SAGE study concluded that the main effect of smaller class size was greater student success in school.

Today we have the opportunity to authorize the class-size reduction program in this bill and ensure we do not abandon our school districts in their efforts to reduce class size, which have been so successful.

It is our opportunity to make a commitment to improving America's public schools.

I am offering this class-size reduction amendment to give Members of the Senate the opportunity to show parents, teachers and students that we understand that it's important to reduce the class size.

My class size amendment will continue the progress we have made over the past 2 years in dedicating funding to class-size reduction. It will bring us to a total of more than 43,000 fully qualified teachers nationwide.

Here are the specifics of my amendment:

This amendment would use \$1.75 billion to reduce class size, particularly in the early grades, grades 1 through 3, using fully qualified teachers to improve educational achievement for regular and special needs children.

It targets the money where it is needed within states.

Within States, 99 percent of the funds will be disbursed directly to local school districts on a formula which is 80 percent need-based, and 20 percent enrollment-based.

Small school districts that alone may not generate enough Federal funding to pay for a starting teacher's salary may combine funds with other dollars to pay the salary of a full or part-time teacher or use the funds on professional development related to class size.

This amendment ensures local decision-making.

Each school district board makes all decisions about hiring and training new teachers. They decide what their needs are. They decide how many teachers they want to hire. They decide which classrooms to focus their efforts on. They decide what goals they want those students to reach. It is local decision making.

This amendment promotes teacher quality.

Up to 25 percent of the funds may be used to test new teachers, or to provide

professional development to new and current teachers of regular and special needs children.

The program ensures that all teachers are fully qualified.

School districts hire State certified teachers so students learn from fully trained professionals.

This amendment is flexible.

Any school district that has already reduced class size in the early grades to 18 or fewer children may use funds to further reduce class sizes in the early grades; reduce class size in kindergarten or other grades; or carry out activities to improve teacher quality, including professional development.

The flexibility for these funds is seen throughout my State.

In Washington, the North Thurston school district is using all of their funds to hire teachers to reduce class size. At the same time, the Pomeroy school district, which is a rural district in eastern Washington, was able to use 100% of their funds to improve teacher quality through professional development. The Seattle school district even used a portion of their funding to recruit new teachers.

The Class-Size Program is simple and efficient. School districts fill out a one-page form, which is available online. Here is a copy of the one-page form from my State.

This is a copy. We hear from the other side about bureaucracy and paperwork. This is an example of how targeted Federal funding for a program really works. This is a one-page form. School districts fill it out, and they get the money. It is at their request. They do not have to ask for the money, but if they do, they fill out a one-page form and the money is available to them.

Teachers have told me, by the way, they have never seen money move so quickly from Congress to the classroom as they have seen with these class-size reduction funds.

Linda McGeachy in the Vancouver school district, recently commented, "The language is very clear, applying was very easy, and there funds really work to support classroom teachers."

Finally, this amendment ensures accountability. In addition, the language clarifies that the funds are supplementary, and cannot replace current spending on teachers or teacher salaries. Accountability is assured by requiring school districts to send a "report card" in understandable language to their local community—including information about how achievement has improved as a result of reducing class size.

Before I close, I just want to make one final point. This class size program was a great idea when we passed it 2 years ago, and I was especially pleased that we had the support of so many of my colleagues from the other side of the aisle.

In fact, I have a press release from the Republican Policy Committee which was put out on October 20, 1998. It listed class size as one of the accom-

plishments the Republican Party had at that time. It says, "Teacher quality initiative cleared by the President," and it lists class-size reduction funding as one of the major accomplishments during the 105th Congress. So this was a bipartisan proposal.

Throughout the last 2 years, we have worked together to make sure the language works for everyone involved.

We have seen the results come in. Mr. President, 1.7 million students have benefited from this policy. That really is why I find it so surprising that in this underlying Republican bill we back away from that commitment that 2 years ago we were touting as the way to go and as an accomplishment for both sides.

I am offering this amendment today to give both the Democrats and the Republicans an opportunity to show that they care about the students in America's classrooms and to keep that commitment we made 2 years ago.

Parents, teachers, and students across America want students to be in classes that are not crowded. Working together over the past 2 years, we have been able to help 1.7 million students learn the basics with fewer discipline problems. The results are in. Smaller classes are making a positive difference. The research proves it. Parents, teachers, and students have seen the results. We should be committed to continuing that effort and not abandoning it in the underlying bill.

That is why I am offering this amendment today, to make sure we continue the progress in reducing class size. Our children deserve the best. America deserves the best. This amendment gives it to them. I urge my colleagues to support it.

Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, I think my colleague from Ohio is going to go next.

I am only going to take 5 minutes. I ask unanimous consent that I follow the Senator from Ohio.

Mrs. MURRAY. I am happy to yield the time to the Senator from Minnesota after the Senator from Ohio speaks.

Mr. WELLSTONE. I ask the Senator from Ohio, how long does he intend to speak? However long is fine with me.

Mr. VOINOVICH. I am sorry, I can't hear the Senator.

Mr. WELLSTONE. I ask my colleague how long he may be speaking on the floor. It is fine with me however much time he uses.

Mr. VOINOVICH. I think I will probably be finished in 10 minutes.

Mr. WELLSTONE. I thank my colleague.

Mr. JEFFORDS. Mr. President, I am not sure what happened in that last colloquy.

The PRESIDING OFFICER. Simply, the Senator from Washington said she would yield to the Senator from Minnesota after the comments by the Senator from Ohio.

Mr. JEFFORDS. However, that time would be from the minority's time? I believe we are allocated time.

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. Half the time to one side, half the time to the other side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, in the last couple of days I have had an opportunity to preside over the Senate. I feel compelled to make some overall comments about what I have heard and the difference between the Republican approach and the Democratic approach on this education reauthorization bill.

First of all, I think it is important everyone understand that the Federal Government only provides about 7 percent of the money for education in the United States of America. Sometimes when I listen to my colleagues, I think they think they are members of the "School Board of America" and do not understand that the overwhelming majority of contributions for education come from State and local government.

I have also listened to Senators depicting the Republican approach as a "revolution" that will change the way the Federal Government is going to be dealing with our schools. In fact, it was depicted by one Member of the Senate as giving "a blank check to the States to conduct business as usual."

I want to let you know that the States are not conducting "business as usual." As the former chairman of the National Governors' Association, I worked with my colleagues—Democrats and Republicans—to reform education in this country. I think it would be wonderful if the Members of the Senate would really become familiar with what is going on throughout this country as State and local government change the way they deliver education and recognize the improvements that have been made.

The Republican approach that has been titled as "revolutionary" is the Straight A's Program. So that everyone understands, it basically says: Straight A's, of which I am a cosponsor, builds on Ed-Flex and allows up to 15 States to enter into a 5-year agreement with the Secretary of Education where the State can consolidate their formula grant programs, including title I, and use them for the educational priorities set by the State. In return for this flexibility, States will be held accountable for academic results. States that reduce the achievement gap will receive additional funds.

In effect, this is a waiver, given by the Department of Education, to 15 States that want it, for 5 years, to use education money differently from what is provided in the current categorical programs.

Now, another issue is title I portability. It applies to 10 States plus 20 school districts. The States and districts will apply if their education communities desire it. No district will be required by the Federal Government to have this portability. In other words, these are voluntary programs where States would come to the Department of Education and say: We would like to use this money differently from how it is now allocated under the categorical titles.

This is not what I would refer to as "revolutionary." This sounds to me like the waiver program we had many years ago where the States could go to the Department of Health and Human Services and say: We want a waiver to do welfare a little differently in our State.

What I am hearing on the floor of the Senate is "block grants are awful." I will tell you something. As a former mayor, I fought for the CDBG Program, Community Development Block Grant Program, which is one of the most successful block grants in the United States of America.

I hear some of my colleagues on the other side of the aisle say some of the same things I heard when I was Governor and I was down here with six or seven other Governors to reform the welfare system. I heard "it's going to be a race to the bottom. The Governors do not care. The local government doesn't care. We in Washington, we in the Senate, care more about the people than the Governors and the local government officials."

I would like to remind this body that on October 4, 1998, the President of the United States said:

This great new experiment that we launched 2 years ago has already shown remarkable signs of success. Two years ago, we said welfare reform would spark a race to independence, not a race to the bottom. And this prediction is coming true.

Many Members of this Senate said it would be a race to the bottom, that this was not the right thing to do.

Again, on December 4, 1999, the President said:

Seven years ago, I asked the American people to join me in ending welfare as we know it. In 1996, with bipartisan support, we passed a landmark welfare reform bill. Today, I am pleased to announce we have cut the rolls by more than half. Fewer Americans are on welfare today than at any other time since 1969. We are moving more than a million people a year from the welfare rolls to payrolls, 1.3 million in 1998.

He goes on to say what a great program it is.

How did it come about? It came about because we gave the people closest to the problem the opportunity to use money in a different way. We ended the entitlement, and we had a block grant for the States and said: You use the money the best way you can to make a difference in the lives of our welfare recipients.

That is fundamentally what we are asking for in our approach to education reform. We want to try something different.

We have had Title I for years and in the title I schools, we are not getting the job done. That is one of the reasons we passed Ed-Flex early this year. We want to build on that, give the schools the flexibility to use those dollars in the way they can make the most difference for our boys and girls.

I have heard: "Build new schools, hire more teachers." We are building more schools. We are providing more teachers on the local level. I heard about "a digital divide." In almost every State in the Union, the States have put fiber optics out to the schools, and put computers in the schools that the States have paid for. In my State, we have wired classrooms for voice, video, and data.

Parents ought to know how their child's school is doing. Most States have report cards now, so people can compare their kids' performance in their school versus another school down the block.

Let's take the National Board of Professional Teaching Standards. We are talking about rewarding teachers. I am a former member of the National Board of Professional Teaching Standards. In our State, people who apply and receive their certificate from the National Board of Professional Teaching Standards receive another \$3,000 a year from the State of Ohio to recognize their extra professional competence. In the State of North Carolina, Governor Jim Hunt gives them \$5,000.

We've talked about all kinds of new things Members of this Senate would like to see happening at the local level. I am saying most of it is happening on the local level. We talk about building new schools. Let me say that once you get started with building new schools, it is a never ending process.

The American public ought to understand that the backdrop of what we are doing here is shown on this chart. We are paying 13 percent of each federal dollar on interest; we are paying 16 percent on national defense; nondiscretionary is 18 percent; mandatory spending is 53 percent.

We have some real problems in this country. We have to take care of Social Security and Medicare. We have a problem with readiness in our Defense Department. And we have people saying: Let's get into new programs. Let's get into areas that are not the responsibility of the Federal Government. I am saying that the States have more of a capacity to deal with it. I went through the numbers. The National Governors' Association says there isn't one State in debt like we are—not one. Most of them have surpluses. If you talk about capacity to get the job done, they have more capacity to get it done than we have.

It is hard for me to believe that when you are in debt this much, when you are paying out 13 cents in interest on every dollar, you are saying we are going to get involved in some programs that fundamentally are the State's responsibility, and where the States have

more capacity to deal with the problems. So what I am saying today is that we must change our approach to education. All we are saying is give the States an opportunity to apply for a waiver, to use the money differently than what is in the categorical programs. They can use it for teachers. In my State, we have reduced class size in urban districts down to 15 students per class, and we have done a lot of the things in the states that we are talking about here. Let's just fund IDEA and make the money available so States can do that on their own.

We need to understand we have a role to play in education, but fundamentally it is a State and local responsibility. Our job is to become a better partner to the State and local governments, give them the flexibility to get the job done and then hold them accountable. That is what this is all about. I think that should be the debate. I hope that maybe by the time we get through with this bill, we can come together on a bipartisan basis and do something so we walk out of here and say to the American people that we have done something this year in education.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 7 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will try to respond to the comments of my colleague from Ohio because I like it better when we go back and forth. He is a Senator I certainly respect.

I have two points. I want to get back to Senator MURRAY's point. On the whole general question of the Federal role, let me say to my colleague from Ohio that it is absolutely true that much of K through 12 is at the State level, no question about it. But going back to the history of the Elementary and Secondary Education Act—and I have said this three or four times—there is a reason why we have certain streams of money and targeting of programs, especially toward the most vulnerable children, because whereas the Senator from Ohio—and I have no doubt about the Senator's commitment to children, but the fact is, in too many parts of the country the verdict was very harsh at the State and local level. We decided, look, as a national community—and we reflected that—we are going to make sure we make a commitment to the poorest and most vulnerable children. I don't want to see us abandon that commitment. That is what this debate is about.

On welfare, with all due respect to the President—and my colleagues quoted the President—we have reduced the rolls by half. Anybody can do that. You just tell people they are off. The question is whether or not we met the goal of the bill, which was to move families from welfare to economic self-sufficiency. Guess what. Just about every single study I know of—and maybe you know of another one—has

pointed out that in the vast majority of cases these mothers barely make above minimum wage, and many families have no health care coverage.

Families U.S.A. pointed out that we have 675,000 citizens who don't receive any health care coverage any longer because of the welfare reform bill. We had a study from Harvard-Berkeley that in all too many cases—they looked at a million children—because of this welfare bill, children were getting dangerous to inadequate, at best, child care. These are small children. Guess what. We have not made sure that there is good child care. We haven't made sure these families have health care coverage, and the States are sitting on \$7 billion. Some States are supplanting that and using it to replace existing State programs and using that money for tax cuts. So we have some reasons to be concerned about how poor children will fare without some kind of Federal Government national commitment to them. That is my first point.

My second point has to do with this amendment. I thank Senator MURRAY from Washington for introducing this amendment. She pointed it out—and I will say it again—that across the country this year—and we did this in a bipartisan way—1.7 million first through third graders now attend classes with an average of 18 students because we were able to provide funding for 29,000 new teachers; 519 of them are in my State of Minnesota.

Now, the President's request for 2001 will bring Minnesota over \$23 million more. I will say this again. I can give many examples. I will forget all the statistics. My daughter, Marcia, is a Spanish teacher. Hey, I am a Jewish father, so I think she is the greatest teacher in the country; and she is a darn good teacher from what I hear. She told me what it was like when she had 40 students. She teaches at the high school level.

Every time I am in a school, which is every 2 weeks in Minnesota, I talk to the students about education. They always talk about good teachers and about respecting teachers. They think teachers are disrespected. We talked about that this morning. They also talk about smaller class sizes. I tell you, it makes all the sense in the world. Talk to people in our States. They know it. With a smaller class size, they know that a teacher can give students the individual attention they need.

When you ask students: Who are the teachers you like, they say: They are not just the teachers who teach us the formal material; they are the teachers who get to know us; they are the teachers who relate to us; they are the teachers who we can come and talk to; they are the teachers who can give us special help; they are the teachers who can give us special attention; they are the teachers who know something about what we hope for in our lives.

Do you want to know something? There are a lot of young people who cry

out for that kind of teacher and cry out for that kind of education. Do you want to know something else? One of the best ways we can get there is through smaller class sizes.

Yes, we have said through this amendment, as Democrats who represent people in our States, but I think it should be a bipartisan amendment. We believe it should be a decisive priority for the Senate to say that we are going to make a commitment—most of the funding is at the State level, but with the money we have and what we do to support school districts and to support principals and parents and teachers and students, let's make the best use of the money, and that is exactly what this amendment does.

I think this is a great amendment. I think it should receive 99 to 100 votes. Before it is all over, for all I know, it will.

I yield the floor.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I have listened with great interest to the debate over the days and the hours of this week. It has been particularly interesting to me to listen to my colleagues on the other side of the aisle who have, in glowing terms, defended the status quo and have spoken in very rosy descriptions of the status of American education.

I will not recite once again all the very gloomy statistics and the very real statistics and the very undeniable reality of where we stand in American education and how we compare internationally with our competing young people around the world.

I believe one statement from the Vice President of the United States, AL GORE. His plans for education basically say enough about the status of American education. Vice President Gore, in unveiling his education plans, said:

I am proposing a major national investment to bring revolutionary improvements to our schools. I am proposing a national revolution in education.

Now, the question I ask is, If you have to propose a "revolution" in education, does that not imply that there is a problem? If the status quo is as good as the Democratic side has said during the debate this week, then why is it necessary to say we are going to have a revolution in education?

The reality is that it is not good. The picture is not good, and that "a nation in crisis," as it was called a few years ago, is still the truth when you look at American education, and a defense of the status quo is not satisfactory. The American people deserve more and deserve better.

Now, what we have from time to time are fads in education. We have the fad of the day or the fad of the year. That is what we are facing right now with the whole idea of class size reduction. Let me clarify. I think class size reduction is a wonderful thing. I think if teachers have fewer papers to grade and smaller classes, they have a lot of

advantages. My sister is a fourth grade teacher. I know she would love fewer students at times in that classroom. But I want to challenge the basic premise of what the Senator from Washington laid out before us in this amendment. I don't question her sentiment, her goals, her objectives, or her sincerity. But I think the research that is out there is far less conclusive than what we have been led to believe.

Class-size reduction is not the magic elixir that its proponents would like us to believe. The fact is pupil-teacher ratios have been shrinking for half a century in this country.

In 1955, pupil-teacher ratios in public elementary and secondary schools were: Elementary, 30.2; secondary, 20.9 to 1 respectively.

In 1998, they were 18.9 in elementary, and 14.6 in secondary.

That is a dramatic drop in the size of classes in this country.

Yet the fact is test scores went down for many years, and have leveled over to some extent. But they have leveled off at an absolutely unacceptable level.

Eric Hanushek of the University of Rochester has been one of the outstanding scholars in looking at the effects of class-size reduction. He concluded—and I think we should conclude that:

A wave of enthusiasm for reducing class size is sweeping across the country. This move appears misguided. Existing evidence indicates that achievement for the typical student will be unaffected by instituting the types of class size reductions that have been recently proposed or undertaken. The most noticeable feature of policies to reduce overall class sizes will be a dramatic increase in the costs of schooling, an increase unaccompanied by achievement gains.

That is the sad reality.

Between 1950 and 1995, pupil-teacher ratios fell by a dramatic 35 percent.

We are trying to cure a problem with this amendment. That is being cured already in the States.

We have seen a dramatic 35-percent decrease. While we don't have all of the information for the last 50 years that we would like to have on student achievement, we have enough to conclude that the performance has been at best stagnant.

According to the National Assessment of Education Progress, our 17-year-olds are performing roughly the same in 1996 as they did in 1970. While we have seen this dramatic drop in class size, we continue to see a stagnant student performance.

The article "The Elixir of Class Size" concludes:

There's no credible evidence that across-the-board reductions in class size boost pupil achievement. On this central point, the conventional wisdom is simply wrong.

Look at the Asian nations today that trounce us on international assessments. Those Asian countries have, on average, vastly larger classes with many times 40 and 50 youngsters per teacher. Yet in every evaluation, they are leading us on international comparisons of scores.

If lowering class size were the elixir that its proponents claim, we would be seeing a dramatic increase. We would be seeing an improvement in these academic scores.

If this were health care, and if this were a new tonic being brought before the Food and Drug Administration, I assure you additional experiments would be warranted; additional experiments would be required. But no scientist would say that efficacy has been proven. It simply has not.

There is a simple reason why smaller classes rarely learn more than big classes. Their teachers don't really do anything much different. The same lessons, textbooks, and instructional methods are typically employed, whether the class size is in the teens or whether the class size is 25. It is just that the teacher has fewer papers to grade and fewer parents with whom to confer, but getting any real achievement bounce from class shrinking hinges on teachers who know their stuff and use proven methods of instruction.

Of course, knowledgeable and highly effective teachers would also fare well with classes of 30 or 35. Jaime Escalante, renowned worldwide as the "best teacher in America," packs his classroom every year with 30-plus "disadvantaged" teenagers and consistently produces scholars who pass the tough advanced placement calculus exam. But such teaching is not the norm in U.S. schools, and adding more teachers to the rolls won't cause it to be.

Much of the current enthusiasm for reduction in class size is supported by references to the experimental program in the State of Tennessee that Senator MURRAY made reference to in her comments. The common reference to this program, Project STAR, is an assertion that the positive results there justify a variety of overall reductions in class size.

By the way, this report is cited so frequently because there are so few studies on the academic impacts of smaller classes.

The study is conceptually simple, even if some questions about its actual implementation remain. Students in the STAR experiment were randomly assigned to small classes of 13 to 17 students, or large classes of 21 to 25 students with or without aides. They were kept in these small or large classes from kindergarten through third grade. Their achievement was measured at the end of each year.

If smaller classes were valuable in each grade, the achievement gap would widen. But that was not the fact in the STAR study. In fact, the gap remains essentially unchanged through the sixth grade.

While there may be some evidence that in kindergarten the smaller class sizes improved academic performance, as you go through grades 2, 3, 4, 5, or 6, the gap between the advantaged and disadvantaged students did not narrow. It remained the same.

Apart from all of that, I think we should be concerned about the Murray amendment because of the unintended consequences. I know what Senator MURRAY wants to accomplish. She wants to see improved schooling. She wants to see improved academic performance. She believes smaller classes will inevitably result in that, and that her amendment will achieve that.

So often is the case as we pass amendments for legislation in the Senate that they end up being consequences that we never imagined.

I want to share with you four of them which I believe will occur if the Murray amendment is adopted.

Teachers will leave the worst schools in the State to fill the newly created affluent slots.

That is what happened in many States where they have implemented these kind of programs.

There will be the unintended consequence of exacerbating the problem of less-qualified teachers being hired.

In California, Governor Wilson shrank California's primary classes. What happened was the veteran teachers fled the inner-city schools in droves lured by the higher paid, cushier working conditions of suburban systems that suddenly had openings. This exodus forced city schools to hire less qualified teachers, threatening the one ingredient that researchers agree is the most important to good education—teacher quality. In fact, in California they sacrificed teacher quality in hiring more teachers, and the schools that were hurt the most were those with disadvantaged students.

The West Education Policy Brief is the regional education lab for Arizona, California, Nevada, and Utah. This is what they said about class-size reduction. This is funded by the U.S. Department of Education.

A fundamental condition for the success of the Class Size Reduction is good teaching. Class size reduction can exacerbate teaching shortages and lead to the hiring of unqualified teachers. In California, for example, since the implementation of the state's class size reduction program, the percentage of teachers without full credentials has jumped from 1% to over 12%, while the proportion of teachers with three or fewer years of experience rose by 9% and the proportion of teachers who had the least education, a bachelor's or no degree, increased by nearly 6% statewide.

Those are unintended consequence.

A second unintended consequence is driving us, if we adopt such an amendment, toward nationalizing education.

I didn't want to interrupt Senator MURRAY when she was making her presentation. But what I wanted to ask is, What does she anticipate happening when this authorization expires?

I am not sure whether it is 5 years or 7 years. Originally it was a 7-year proposal. At some point the authorization ended. Does the Senator anticipate the Federal Government will reauthorize and make this a permanent entitlement that the Federal Government will be funding teachers at the local level?

Or does Senator MURRAY anticipate that the States, the local governments, and the local school districts will be required to pick up the tab for the teachers hired during this 7-year authorization? It is one or the other. We will continue to fund them or they have to pick up the tab.

We had an experiment in the COPS Program, which has done a lot of good, by the way. When we funded the 100,000 policemen on the street, we funded it from Washington, DC. The State police and local law enforcement were calling me saying the money had run out on the COPS Program, the Government had to fund it again. We can't pay for the policemen we hired under the COPS Program.

My friends, that is exactly what will happen on the Federal teaching program. When the authorization ends, when the spending ends, somebody has to pick up the tab or we will exacerbate the condition we have now in the schools. I think this is an unintended consequence and a very serious consequence.

I have a serious problem with the idea of handing this over to the U.S. Department of Education. I see Senator KENNEDY on the floor. I am not among those who want to eliminate the Department of Education. I believe we are going to talk about accountability, making certain the Department of Education is accountable.

The most recent 1999 audit of the Department of Education showed the following: The Department's financial stewardship remains in the bottom quarter of all major Federal agencies. The Department sent duplicate payments to 52 schools in 1999 at a cost of more than \$6.5 million. None of the material weaknesses cited in the 1998 audit had been corrected in the 1999 audit. Yet we want to turn over to the Department of Education the hiring of thousands of teachers? That ought to be done and funded at the local level.

A 1,150-student district in East Helena, MT, hired 2 teachers with the \$33,000 Federal grant. The educators make about \$16,000. The superintendent said: We have tremendous fear about whether this is going to be funded on an annual basis. But we have learned if you don't take advantage of whatever is available at the time, somebody else gets those dollars.

That is the attitude we are promoting. I don't blame that superintendent for wondering what will happen. Will the Federal Government pick this up as an entitlement or will they have to pick up the tab? What will be the long-term and the unintended consequences of such a program?

Bringing 100,000 teachers onto direct Federal support creates another permanent program of virtual entitlement. We are going to create a permanent entitlement if we go down this route.

The third unintended consequence in passing this amendment is moving education away from flexibility toward rigidity. I know Senator MURRAY in-

sisted this preserves flexibility at the local level and local decisionmaking. We heard a lot of anecdotes in Senator MURRAY's presentation, and I will relate an anecdote heard this week.

An anonymous principal—I don't want to get her in trouble with the Department of Education or title I police, but she encouraged me to share this—is working on her Ph.D. She is very bright. She made a grant application with the Department of Education. Her title I supervisor suggested it be changed, and the title I supervisor wrote the application to apply for the classroom reduction program. And, as Senator MURRAY suggested, it was quickly approved. So much for local flexibility.

The title I supervisor said: You must take this teacher you have hired and move that teacher from one class to another class to another class to another class—90 minutes in each classroom with about 24 students in each classroom. The teacher who was hired would go into the classroom for 90 minutes. They would divide the class of 24 into 2 classes of 12. The new hire was supposed to keep separate grade books, separate grade reports. Every 90 minutes, they moved on to the next class.

The principal said to the title I supervisor: That is not what I need. We have 24 students, which is not a problem for us. Our teachers would prefer to do remediation: Rather than postponing remediation until summer school, have that teacher they hired do the remediation at the point of time the problem developed. The title I supervisor said: You can't do that. We will audit you. You will be turned in and lose your funding and lose that teacher.

That is not flexibility. That is the typical kind of prescriptive rigidity you expect from any kind of Federal education program. That is the unintended consequence. We move exactly away from what we intend to do with this legislation, which is to provide greater flexibility.

The fourth unintended consequence is to increase the inequality between rich and poor school districts. I will return to the example of California. A one-size-fits-all allotment per student, from the WestEd Policy Brief of January 2000 and a rigid 20:1 ratio cap on class size led to uneven implementation. Early evaluation findings support the concern that the very students who stand to benefit from class size reduction, poor and minority students, are least likely to have the opportunity to do so.

Schools serving high concentrations of low-income, minority English language students learned more slowly due to lack of facilities. They get the teacher and there is no place to put the teacher. Teachers are going into poor school districts with poor facilities. They have the classroom reduction personnel. They hire the teacher and they have no place for the teacher. The schools that need the help the most are

those least likely to benefit. That is the WestEd Policy Brief conclusion funded by the U.S. Department of Education.

Let me reiterate. It will increase the number of less qualified teachers in the classroom. It will drive us toward a national control of education by creating a permanent entity. It will move education away from flexibility, which ought to be exactly the direction we are moving. It will increase the inequities between the wealthy and the poor school district.

Our bill allows true classroom reduction by providing flexibility and allowing funds to flow between programs. In so doing, the school can do what is most needed, whether it is classroom reduction, buying computers, hiring tutors, finishing that building if they need to, or whatever that local need is. If there is an elixir, that is a far better elixir than the illusionary classroom reduction magic potion.

I yield the floor.

Mrs. MURRAY. Mr. President, the example that was given was entertaining to listen to, but this amendment we are offering is incredibly flexible. It appears the example he is using is reflective of local ineptness, not Federal inflexibility in this amendment.

I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support Senator MURRAY's amendment and commend her.

I begin by talking about this issue of status quo that has been bandied about. Let me suggest what the status quo is in America. The status quo is that Governors and mayors and school committees fundamentally decide educational policy in this country. In fact, the Senator from Arkansas gave a good example of how a Governor really screwed it up. He decided he wanted smaller class size, but he didn't understand or recognize that you also had control for the quality of the teachers, so the result is in poor districts there are lots of unqualified teachers.

Is that an example of a Federal program run amok? No, it is an example of a Governor who got it wrong. What is the Republican proposal? Let's give Governors, including Governor Wilson, carte blanche to do what they will with educational policy. I can't think of any example that more closely undercuts this Straight A approach to education than the example of what was done in California.

It is much different than what Senator MURRAY is advocating. One of the reasons why there were problems in California, I suspect, is they did not have the extra resources necessary to ensure both smaller class size and teacher quality. That is why this program is adding Federal dollars to State resources and local resources, so we control both size of the class and the quality of teachers.

I also think it is interesting to note when talking about the collapse and



decline of American education, people point to international experiences. Frankly, most international systems are nationally based educational programs. Japan is one which has strong national standards which do not give money away to the head of the prefecture or the head of the province. They have national curricula. They have national teacher certification. So if you are going to have a comparison between why we are failing vis-a-vis other nations, recognize the approach the Republicans are proposing is diametrically opposed to what is done in most of the leading industrialized nations of the world. They are not talking about national anything. They are talking about vesting in every little State, every little community, the authority.

Sometimes, frankly, I guess this has been a useful debate. The Senator from Arkansas recognizes that Governors really mess it up sometimes. So I do not think we have to take that approach.

I think we can rely, not only on statistics and studies—and the Tennessee example has not been refuted—but just common sense. Ask any teacher. Ask any parent. Would you prefer to teach 30 children or 18? I suspect anyone in the Senate with children of school age, when asked whether they would prefer to have their child in a class of 30 or a class of 18, would say, unhesitatingly, 18. That is common sense.

That is what we are about here and that is what this amendment is doing. For the last 2 years we have actually embarked on this program. We are providing assistance and it is flexible, not in the abstract but in the particular. The Providence, RI, Superintendent of Schools wanted to engage in this approach, using extra resources to augment her teaching staff and reduce class size. She received from the Department of Education a waiver which allowed these resources to fund literacy coaches to co-teach in elementary schools 50 percent of the time and to deliver school-based professional development for the balance of the time. It was a flexible approach meeting local needs under the context of the existing legislation. So these theoretical concerns about a lack of flexibility are disproved when you actually look at what systems are doing and what they can do.

All of this goes to the real, fundamental issue. Are we going to continue our commitment to lower class size supported both by common sense and by the statistical reviews done already, particularly in Tennessee, or are we going to embark on a *carte blanche* check to Governors?

We have a good example in the previous discussion about a Governor who really got it badly wrong. It illustrates the status quo. The status quo is that Governors and local communities control the quality of teachers. They control fundamental policies. They get it wrong sometimes. Yet the whole Re-

publican approach is give them more resources, give them a list of things they can do, as the menu in a Chinese restaurant, and then that is it.

There is also before us now an amendment by Senators ABRAHAM and MACK which would add to this list and diffuse even further our focus on disadvantaged children; programs and policies we know, based upon listening to teachers and parents and looking at research, could work to improve performance of schools. They want to add to the list merit pay and tenure reform and others, which I presume is their approach to professional development. But that is not going to directly improve the quality of teaching in the United States.

We know from research, from listening to witnesses at our hearings, that professional development today, in the States, is generally recognized by teachers as inadequate. They feel unprepared to deal with these issues. Is that a Federal problem? No. That is because of State policies, local policies. But we can help. In fact, if you look at most professional development across the United States, it is ad hoc, one-shot lectures or seminars or sessions. In fact, in 1998, participation in professional development programs in the United States typically lasted from only 1 to 8 hours during the course of a school year. That is absolutely insufficient.

We know from research and analysis that good professional development has to be in the school, embedded in the program. It has to be content based. It has to give teachers facility and mastery of the topic and the ability to relate with their children. That is not done with 1 to 8 hours. It is done constantly, persistently throughout the school year. That is what is done by an amendment that Senator KENNEDY and myself will be offering later. It provides support for that type of professional development which we know works, which will deepen teachers' knowledge of content, which will allow teachers to work collaboratively.

That is another failing in our system of professional development. Teachers come in in the morning; they rush from class to class. They might see the other teachers in the lunchroom for 20 minutes. They rush from class to class, go back in, and then they have to go home and take care of their families just as the rest of us. We need more collaboration. That is not in this bill, not even a hint of it.

We have to also provide the kind of opportunities for mentoring and review and coaching which we know work—not just rhetorically but actually give resources to the States if they want to do it, and to local communities if they want to do it. That is the approach I think will work. That is the approach that was a large part of the legislation I submitted, the Professional Development Reform Act.

I hope we can go ahead and not only support Senator MURRAY's well-

thought-out, well-crafted proposal to reduce class size, but also to reject the Mack-Abraham approach and support, later in our debate, after deliberation, Senator KENNEDY's approach and my approach, which is for professional development that has been proven by practitioners to work to the benefit of children. I hope we can do that.

I think we have seen, perhaps inadvertently, what could go wrong. Talk about unintended consequences. I add, these are probably predictable consequences. There will be Governors who did what Governor Wilson did because of political pressures and other pressures: Embark on a program—maybe it is class size or maybe something else—that results in poor policy, poor results, and poor education for children.

Why do we assume, as the Republicans do, that it is all right to put those forces in train, in motion, by giving them money without accountability? I suspect what we have to do, and what we should do, is concentrate on those areas where we know we make a difference—particularly supporting disadvantaged children—and also supporting those efforts that have a basis in research and a basis in common sense: Lowering class size, improving the quality of professional development in teaching in America so you do not have the situation that they had in California. Smaller class size, perhaps, but poor teaching.

If we support the Democratic approach, we would help have both, smaller class size and better teachers, which I believe will result in better education.

I commend Senator MURRAY for her efforts. I hope in the course of this debate we can support the approach for professional development that Senator KENNEDY and I are promoting and in such a way make a real contribution to educational policy in the United States.

I yield back to Senator MURRAY such time as I have not consumed.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 15 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Washington has brought forward her amendment on class size on a number of occasions, and it has been well debated already. My colleagues on both sides of the aisle have expressed their view on it. But I do think there are still some points that need to be made.

Of course, the fundamental problem is one of philosophy. The essential theme of the proposal is that Washington knows best. It is a top-down proposal, a straitjacket to the local school districts and to the States. It is a demand. If you, the States, want to have education dollars coming to you from Washington, then you, the States, must do exactly as we tell you here in Washington. Flexibility or ideas which

This, of course, is different than the philosophy which we have proposed in our bill. Our bill, relative to teachers, says: Yes, if the local community feels it needs more teachers to reduce class size, it can hire teachers with the money to do that. But if the local community feels it needs to educate its teachers to do a better job, it can use the money to do that also. Or if it feels it has some teachers who are uniquely capable and need to be kept in the school system because there is a private sector demand for them that maybe will attract them out of the school system as a result of higher compensation in the private sector, then they can use the money to pay bonuses to assist keeping the teachers in the school system.

It is an attempt to say to that local school district: Here is the money you can have available to you from the Federal Government to assist you with making classrooms work better relative to the teachers' involvement in the classroom. You make the decision—you, the local school district—as to whether you need a smaller student-teacher ratio, whether you need better teachers, better trained teachers, or whether you need to keep your best teachers in your school system. We in Washington do not know the answer to that question. That is the opposite view.

I note, however, the problem we confront as a society is not necessarily that our classroom ratios are fundamentally out of skew. As some of my fellow colleagues have said, maybe it polls well to say, "Class size, class size, class size, that's what improves education." But study after study has shown us that is not necessarily the case. Class size is not necessarily the driver of a quality education. In fact, if you look at it in historical perspective—people who look back on the old days as education working better in this country say in the 1960s or 1950s, you will see the class size ratio was really rather dramatically worse than it is today. In 1960, the class size ratio was 26 to 1 average in the nation. Today, for most States it is around 18 to 1.

Or if you look at our fellow competitors in the international community such as Japan or Germany or China or Singapore, where their students are performing much better than our students in the area of math and science, those class size ratios are in the 50-to-1 regime.

It is not necessarily the number of students in the classroom relative to the number of teachers. In fact, the study by the gentleman from Rochester which has been recited a number of times, Mr. Eric Hanushek, an economist at the University of Rochester, who looked at almost 300 different studies of the effect of class size on the academic achievement of students concluded it really was not class size that affected the students' achievement. It was—and this should not come as too

big a surprise—it was the quality of the teacher.

If one looks around the country today, one will notice, especially in our low-income school districts, that teaching quality is in question because many of the teachers are teaching out of their discipline. For example, we know that in the area of math, almost a third of our secondary teachers did not major in math and yet they are teaching math. They did not even minor in math.

In the area of English, almost a fourth of our teachers did not major or minor in English, reading education, literature, speech, or journalism.

The same statistics hold true for science and languages, in many instances. The fact is that our teachers have not been trained in the subjects which they are teaching. If a local school district knows that, then they are going to try to improve the teacher's ability to teach that subject. They do not think there has to be more teachers in the classroom; they think the teacher in the classroom has to know the subject better in the discipline they are teaching.

Our bill gives that option to the local school district. It says they can improve the teacher's ability in that area of activity the teacher is teaching. That makes much more sense.

We also know that a poor teacher teaching in a class does tremendous damage to students. In fact, arguably, a poor teacher in a class can do more damage to students than a good teacher in a class does good. Bill Saunders, who headed the Tennessee study, determined that 3 years of high-quality teaching versus 3 years of poor-quality teaching can mean the difference between a student being enrolled in remedial classes versus a student making it in honor classes.

We know from a Dallas study that a low-quality teacher actually stunts the academic performance of the students in that classroom.

So it is the quality of the teacher we should be stressing, as well as the ratio of teacher to student. The only thing that is stressed in the President's proposal, as brought forward by the Senator from Washington, is teacher-student ratio. There is no emphasis on quality at the level that gives the schools the flexibility they need to address quality.

In fact, the whole program is a little skewed because, even relative to school districts, the program is designed not to reflect class size; it is designed more to reflect the level of income of the school system as to whether or not they qualify for the funds. There is a problem there.

We also know in our high schools, where 40 percent of the students qualify for free lunches, that 40 percent of the classes are taught by unqualified math teachers. That is even a higher statistic than we see here.

It means essentially that when one is in a low-income school district—and

this chart shows that—they have even a higher likelihood of getting an unqualified teacher or at least a teacher who is not experienced or has not been trained in the area they are teaching.

The green bar reflects school districts where more than 49 percent of the kids receive free lunches, and in those school districts 40 percent of the teachers do not have math as their primary area of qualification. Yet they are teaching math. Thirty-one percent of the teachers in English fall into that category; 20 percent of the science teachers fall into that category.

We know from looking at what has been happening in the educational community, therefore, if we are concerned about low-income kids, we should not be so focused on class size as we should be on getting somebody teaching the math who actually understands math.

Today, unfortunately, that is not the case. In the low-income high schools across this country, many of the teachers simply do not have the math background they need.

What are we suggesting in our bill? Rather than saying to that high school, you must put the money into hiring a new teacher, we are suggesting the teachers they have maybe are not trained well enough in math, and if that is their decision, they can send them out to get better training or bring in people to help them get better training in that area.

We also know putting in place a compulsory class size ratio can create significant negative, unintended consequences because that is exactly what happened in California. When California went down this route, they ended up getting a large number of unqualified teachers and teacher assistants teaching students. This was especially true in the rural and low-income school districts in California.

As a result, we saw in California that they may have gotten better ratios, but they got poorer teachers. The only advantage to a poor teacher teaching a smaller class size is that fewer kids are subjected to that teacher. That is the only advantage of a reduced class size if a school has a poor teacher. It makes much more sense to follow the proposal we put forward, which is to give flexibility to the States as they address this issue.

Another point that needs to be made is that almost 42 States today meet the ratios which the President is requesting, an 18-to-1 ratio. Forty-two States already have that ratio as an average across their school districts. Of course, the President's proposal, as brought forward by the Senator from Washington, will not allow an average to get out from underneath the requirements in their bill. Every school district must have an 18-to-1 ratio before they can get out from underneath using the money for the purposes of hiring a teacher to reduce the class size ratio.

Even though the State, as a whole, may have reached 18 to 1, it does not

Even though the State, as a whole, may have reached 18 to 1, it does not matter. The fact is that most States in this country have reached the 18-to-1 ratio and, therefore, they probably have other things they would rather do with this money to assist the teachers they already have in place. Those other things include giving the teachers more opportunity to be better at the job they are doing, which should be our goal.

In addition to allowing teachers to be better at the job they are doing, our bill allows the school districts to do other things with this money. This chart reflects that. Under current law, which this amendment is essentially an attempt to expand, we have \$1.6 billion committed to basically two purposes: professional development for math and science teachers. That is the Eisenhower grant which is not actually involved in this amendment. Class size is this amendment.

Under our bill, we take the Eisenhower grant and class size and we end up with \$2 billion. We allow it to be used for a variety of areas where local school systems are in need of improving their educational and professional development for science, for math, for history, for English, and for reading; technology training for teachers; teacher mentoring, which is something that has worked very well, getting a high-quality teacher into a community of teachers and having that teacher pass on his or her knowledge; alternative certification, teacher recruitment, which is also critical in our society today, getting quality teachers into the profession; teacher retention, as I mentioned is important because of competition today; hiring special education teachers; or class size reduction.

If the local school district comes to the conclusion that it needs more teachers to reduce the ratio of teachers to students, then there is absolutely no limitation in our bill on them. They can do exactly that.

They can take all the money they receive under the TEA Act, Teacher Empowerment Act—which the amendment of the Senator from Washington would basically replace—they can take all the money, and they can use it for the purpose of reducing the student-teacher ratio.

If they decide, as many school districts will—because you saw the statistics. It is not necessarily ratio relationships which develop quality teaching; it is more likely to be a quality teacher who delivers quality teaching. So many school districts are going to choose to make their teachers better. We are going to give them that opportunity, that flexibility to do that.

Regrettably, the amendment of the Senator from Washington, which is essentially a restatement of the President's proposal, does not do that. I ask, How can there be resistance to a proposal which says, essentially: All right, school districts, if you want to reduce class size, you can use the money to do that. That is your choice. But, if, on the other hand, you have some other

concerns that you, the principal, that you, the parent, that you, the teacher, that you, the community, believe is important to make that school work better relative to the teachers' ability to deliver a better education to the kids, then, in certain limited areas, you can pursue those opportunities. You can train teachers. You can make them better. You can keep teachers who are of high quality.

How can you resist an idea which gives those options to the State? The only way you can resist that idea is if you do not have any confidence in the local schools and the people who are running those local schools.

We have heard it again and again from the other side of the aisle that they do not trust the Governors—the Senator from Rhode Island essentially said that—that they do not trust the local school districts, that they do not trust the local teaching community, and that they do not trust the parents in those communities. Why? Because, according to the other side of the aisle, those folks failed with 93 percent of the money, and we in Washington had better tell them how to use the 7 percent we send them and manage the life of the local school district for them because they certainly cannot do it themselves, because there is some bureaucrat down here in downtown Washington, sitting in a building on the third floor in a room you cannot find, and I cannot find, who knows a heck of a lot better how to run Johnny Jones' educational opportunities up in New Hampshire than his parents in Epping, NH, his teacher, his principal, the school board in Epping, NH, or the Governor of New Hampshire.

It is an attitude of complete arrogance, an attitude that says, we know so much more about education in Washington than the people who have dedicated their lives to this issue and more than the Governors, who, by the way, have the primary responsibility for education. They are not going to turn to the African trade bill tomorrow. They are going to be turning to education tomorrow. They work on it every day, not just one week out of every year.

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

Mr. GREGG. I ask for an additional minute.

Mr. JEFFORDS. I yield the Senator an additional 2 minutes.

Mr. GREGG. I thank the Senator for his generosity.

They say they know so much more than the Governors, the boards of education, the principals, the superintendents, the teachers, and, most importantly, the parents. They say they can run the school systems from here in Washington.

As I have said before, it is as if the folks on that side of the aisle want a string. They want to run a string out to every school system in America, every classroom in America, from the desks on the other side of the aisle. They want to have hundreds of thousands of strings running out, and they

are going to pull the strings and tell America how to run their classrooms.

It is an attitude which I cannot accept. It is an attitude which we have tried to avoid in this bill, by giving flexibility—subject to achievement, subject to accountability—to the local school districts.

Mr. President, I yield the floor and yield back my time to the Senator from Vermont.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Democratic side has 22 minutes; the Republican side has 14 minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank Senator MURRAY for yielding me this time on the debate of this most important issue, of whether or not our kids are going to learn in a better environment by reducing class size, or whether we are going to go into some opposite direction.

I must say this debate on class size sort of reminds me of the movie "Ground Hog Day." We keep having this debate over and over and over again, even though we know what the reality is.

We have already had 2 years of funding, and 1 year of the money has gone out. All you have to do is go out and ask the teachers. Just go out to your schools, where they have used the money for class size reduction, and simply ask them: Do you like it? Is it working? That is all you have to do. It is very simple. If you do that, you will find that teachers and principals and superintendents like this. They want our assistance to reduce class sizes.

What we did is we set a goal of no more than 18 students in grades 1 through 3. We have already provided funding for the first 2 years. Are we going to stop now and turn the clock back? That is what the Republicans want to do.

I must say that I listened to the remarks made by the Senator from Arkansas, Mr. HUTCHINSON, when he was talking about this issue. Quite frankly, the more I listened to him, the more I came to realize his argument is not against what we are doing, his argument is against local control because, obviously, it was either the principal or the superintendent who made the decision to float a teacher from class to class to class at 90-minute periods of time. That is certainly not in our legislation. They have the flexibility to do that.

I have visited many schools in my State and have talked about reducing class sizes. The teachers, parents, and students are thrilled with the results they are seeing after just 1 year. But instead of my talking about it, let me read what some of my constituents had to say.

I visited Starry Elementary School in Marion, IA. I spoke with Reggie Long, a first grade teacher for 30 years. She told me she appreciated the smaller classes. She said:

It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of this school district said:

The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Last year, Angie Borgmeyer, a teacher in Indianola had 27 students in her second grade class. This year she has 21. She said 27 was too many. She said:

It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

So this program is simple. It is eminently flexible. It is very popular. It is time to stop playing politics with it. We heard about there being problems with applying for it, and the burdensome paperwork.

I have here in my hand an application from the Des Moines Independent Community School District, for an application they sent in for class size reduction. It has 1 page, 2 pages, a signature page and a letter. That is burdensome? For that they got \$854,693.56 to reduce class sizes.

In closing, I will share some comments from students. I thought this was illustrative. I visited the McKinley Elementary School in Des Moines and Mrs. Kloppenborg's second grade class. These kids already know what is going on. I thought I would bring these. I will leave them on my desk. These are pretty pictures. Last year there were 34 students in each second grade classroom. This year, they have about 23. So this is what the second grade kids were saying about how they felt about their new class size. I am going to read just some of the letters they wrote. They drew these wonderful pictures.

This one by Alicia says:

I can spend more time with the teacher.

Ledy says:

I can learn more about reading in a small group.

Daniel says:

We learn more and get better grades.

He has a great picture. There is a kid in a desk saying, "Hi, Senator HARKIN." I guess that is me saying hi because I have a necktie on. There is a kid in front of the teacher's desk and he is kneeling—it looks like with a report card. If I could, I would tell him it didn't work for me in the old days, and it is not going to work for him today, either.

Here is another one, but there is no name on this. It says:

I can make friends.

Another one says:

We have more space to do things like reading.

It is a nice picture of the bookshelves with all the books on there.

This one by Jessica says:

I can learn more because the teacher can help me.

This next one says:

I can learn more because I get more help.

He drew a picture of his hand on here.

If you look at all these, every kid they draw is smiling. Every kid is smiling. So, you see, these kids—and I visited this class—they know it. They can sense it. They feel it. They have more space and more time with the teacher. They get more individual help, and the kids love it.

When I was there, a few parents came over to the school. What they said to me was amazing. "The difference between my child this year and last year is incredible," they said. "They are getting more work done and learning better and they are happier; they come home happier."

So, for the life of me, I can't understand what the argument is on the other side against our involvement in sending money out, no strings attached, with a lot of flexibility for teacher training. We have districts in Iowa that got the waiver because they already had class size reduction; they had reduced classes down to about 20, close to 18. They applied and got a waiver for teacher training. That is precisely what the Murray amendment does.

So it seems to me all of the arguments on the other side just boils down to politics. For some reason—perhaps because this was started under a Democratic administration, or perhaps because the amendments were offered by a Democrat—they are opposed to it. That should not be the way it is around here. It should be judged on the merits. We know from experience in the field that the merits justify this amendment to reduce class size and make sure our kids get the attention and education they need.

I commend Senator MURRAY, especially, for her long and stalwart support in class size reduction. I must say, Mr. President, around here a lot of times we defer to those who are experts. A lot of times when we have medical issue that come up, we defer to BILL FRIST because he is a doctor. I say to my friends, let's defer to a teacher. Senator PATTY MURRAY is a teacher. She was a teacher before she came here. Quite frankly, I think she knows a lot about what we need in public education. So I commend Senator MURRAY for her leadership on this issue.

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

Mr. KENNEDY. How much time remains on the Murray amendment for the proponents?

The PRESIDING OFFICER. Eleven minutes remain under the control of the Senator from Washington.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fourteen minutes remain under the control of the majority.

Mr. JEFFORDS. I yield 7 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, here we go again. Fourteen pages of the statute set out precise and detailed requirements to be imposed on 17,000 school districts around the country, the bottom line of which is that we know what they need better than any of them do. Fourteen pages of statute that, if the precedent has any value, will turn into 114 pages of regulations from the U.S. Department of Education, all under the mantra of smaller class sizes.

Well, in spite of conflicting views on the precise impact of smaller class sizes in various parts of the country, one may even start by admitting that in many cases this is a good idea. But this amendment says not only is it a good idea, it is the only idea; it is the only way to spend a very considerable amount of money in every single school district around the country, no matter what its own priorities. No matter what its own parents, teachers, superintendents, and elected school board members think, we are telling you right here—100 of us in this national school board—this is what you need.

Will it naturally put any more money into the schools? I doubt it. It is a large authorization, but we have already passed the budget resolution, and we pretty much know how much money there is going to be available for education. So, essentially, if it is passed and if it is appropriated for, it will come out of other educational priorities.

Let's just take one. Thirty years ago, and again 3 or 4 years ago, we passed 150 pages of a law for special education. Most of the Members who are voting today were Members of the Senate then. We promised we would pay 40 percent of those costs. Due primarily to efforts on this side of the aisle, we have gone from 8 percent to 11 percent. In another 30 or 40 years, we might get to the promise that we made with respect to education for the disabled. But that was a priority of 3 years ago. What we need now are another bunch of new programs which have one thing, one feature alone, in common. They say school board members, superintendents, principals, teachers, and parents all across the United States are not the best judges of what they need to provide a better education for our children.

The Senator from Arkansas, who is on the floor, has pointed it out, and the Senator from New Hampshire has pointed out that the bill before us, which will end up supplying as much money as the other bills will, certainly allows any school district with a primary goal of more teachers to use

much more money for hiring new teachers. It differs in the fact that it doesn't mandate that as the No. 1 priority for every school district. Maybe most will want to hire new teachers, and some will want to keep their best teachers in place by paying them more money. Some may want to use the money for physical infrastructure. Some may want to use it for specialized teachers and specialized courses that are not allowed under this amendment. Some may want to train their teachers better. Some may wish for more computers. But the most difficult virtue to practice in this body is the practice of letting go, saying we don't know it all; we can't set the absolute priorities for every school district in the United States.

Let's stick with what we have on the table at the present time. Let's stick with the bill that dramatically says the present system of more and more statutes and more and more requirements has not been a striking success over the last 35 years. Let's try, at least in a few places in this country, to let our schools' own people, our professional educators, those who care most, those who know our children, make the decisions that will affect their lives and their education.

Mr. BIDEN. Mr. President, I rise today in support of the amendment being offered by the Senator from Washington. A recent study by the University of Wisconsin-Milwaukee confirms what common sense should have been telling us all along—our children learn better when they are taught in smaller classes.

With enrollment at the nation's schools continuing to increase, and many of those currently in the teaching profession nearing retirement age, the fact of the matter is simple—we need more teachers. Under Senator MURRAY's leadership, we in the Senate began the class size reduction initiative a little over two years ago with the goal of hiring 100,000 teachers over a seven-year period and reducing class sizes in the early grades to a nationwide average of 18 students. Yet here we are today, faced with a bill which abandons this goal.

In 1998, my home state of Delaware recognized the need for more teachers and smaller class sizes. In July of that year, our governor, Tom Carper, signed legislation requiring all school districts in the state of Delaware to cap class sizes in kindergarten through third grades at no more than 22 students. That same legislation included a provision which increased state funding to help pay for one teacher for every 18 students. And with the help of the federal funding provided under the class size reduction initiative, Delaware was able to hire over 100 new teachers in 1999.

These teachers are in the classroom today. That means roughly 1,800 children are likely to get far more out of the hours they spend in school, and that they will move into the higher

grades far better prepared. For these children in Delaware, and all the other children who are in smaller classrooms because of this initiative, this is literally a once-in-a-lifetime opportunity to get started on the right path. Yet this bill, without the Murray amendment, makes no promise of small classrooms.

We can fund all the education programs we want, but without enough quality teachers in every classroom to teach our children the basic skills necessary to succeed, these programs means nothing. We need to continue to promote smaller classrooms in grade school by continuing to help schools hire up to 100,000 additional qualified teachers to reduce class sizes.

The more individual contact our children have with their teachers, the more they are able to learn, and the better they perform on tests. Those are the facts. At a time when we are just beginning to make progress, now is not the time to abandon our children's future.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield 8 minutes?

Mrs. MURRAY. I would be happy to yield 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes of that 8 minutes at the present time.

Mr. President, just to review very quickly, there has been some suggestion about the fact that in so many different underserved communities teachers are unqualified. We recognize that. That is why we have a very vigorous program in terms of recruitment and training and enhanced professional development. Everyone ought to know that in the Murray amendment there are requirements to carry out effective approaches to reduce that through the use of fully qualified teachers who are certified or licensed within the States. The comments about the Murray amendment earlier about qualifications and being unqualified just are not relevant to this debate and discussion.

I will not take the time to review the obvious, but studies have been done. The Tennessee study of some 7,000 children in 80 different schools says it all. It was done recently. In grade 4, students who attended small classes K through 3 were 6 to 9 months ahead of the regular class students in math, reading, and science. By grade 8 these advantages grew to over 1 year.

In Wisconsin, a similar study called the Sage Study had similar kinds of results. Their report had the analysis that suggests the teachers in Sage classrooms have greater knowledge of each of their students, spend less time managing their classes, and have more time for individualized instruction, utilizing a primary teacher incentive approach. It is unquestioned. It is unchallenged.

We have been waiting to hear from the other side a challenge of the basic and fundamental results of the smaller class size with good teachers. That is out there.

We are strongly committed. Senator MURRAY, who has been fighting this fight for the past year, is committed to make sure we are going to have that availability to school districts across the country.

That is No. 1.

No. 2, I can understand the anguish that our Republican friends are having about teacher quality, and also about the expenditures. Under the Republican bill, there is \$2 billion. They effectively wipe out the current class size. That is 30,000 teachers they take out of K through 6th grades. They take them out. Those are lost. They get pink slips in a program that is supposedly providing quality teachers. These are quality teachers. They get the pink slips because they are using \$1.3 billion of the President's program. They wipe out the \$350 million in current Eisenhower math and science. They only have \$300 million new money.

I can understand their frustration as compared to our program which is \$3.75 billion.

Finally, I would like to remind our Republican friends that when this amendment was first passed here, we had BILL GOODLING on this the first time we had the negotiations. Senator MURRAY was there during the early parts of the negotiation and was our leader.

This is what BILL GOODLING, who is the chairman of the House committee, said the first time we had the smaller class size.

This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington's mandate, red tape, and regulation.

GOODLING said:

We agree with the President's desire to help classroom teachers, but our proposal does not include a big, new, Federal education program. Rather, our proposal will drive dollars directly to the classroom and give local educators options to spend Federal funds to help disadvantaged children.

Interesting.

Here is the Republican Policy Committee, a dictionary of major accomplishments during the 105th Congress. Here is the Republican Policy Committee. They list 14.

Number 9: Teacher quality, initiative—cleared, cleared for the President.

The omnibus FY99 funding bill provides \$1.2 billion in additional education funds—funds controlled 100-percent at the local level—to school districts to recruit, hire, train and test teachers. This provision is a major step toward returning to local school officials the ability to make educational decisions for our children.

Here they are taking credit for the same proposal, the Murray proposal. Three years ago it was the Republican proposal. They are the ones issuing the press releases. They are the ones taking credit for it. All Senator MURRAY is

doing is continuing that program. It is the same program. The President is putting up the money. It is the same program. It was good enough at that time for Mr. GOODLING, and it was good enough for the Republican leadership to take credit.

Here is what former Speaker Newt Gingrich said about it at that time. He called it "a victory for the American people. There will be more teachers, and that is good for all Americans."

Here is what DICK ARMEY said.

Well, I think, quite frankly, I'm very proud of what we did and the timeliness of it. 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 take this money, make these decisions, manage the money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with a freedom of choice and management and control at the local level, we thought this was good for America and food for the schoolchildren.

The same program today, the same program that we are going to be voting on, the same one, endorsed by ARMEY and endorsed by Gingrich and GOODLING.

What is it with our Republican friends that they were so enthusiastic for this program 3 years ago, taking credit for it, putting it on the list of major achievements of the Congress? Now we hear out here: No, no; we can't; Oh, Lord, we cannot have this new program. We can't have it. It has all kinds of problems. Oh, Lord. It has problems. It has problems.

Come on. We have been making an attempt in this area. You ought not be out taking credit for it if that is what you are interested in. And I am sure Senator MURRAY would be glad to offer you cosponsorship on this program and go with you up to the gallery when we have the celebration. I will go with Senator HUTCHINSON, with Senator GORTON, and the rest of our friends.

This is something that is basic and fundamental and successful. We have heard more speeches around here about the problems that we are facing at the local level. This program is tried and tested with good results and excellent outcomes for children. Teachers themselves embrace it. It was endorsed by Republicans 3 years ago. It is the same program. It was good enough for them then; it ought to be good enough for them now because mostly all of it is good for the children of this country.

We hope this amendment will be successful.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President. I thank Senator JEFFORDS.

I say to Senator KENNEDY that I never shared the enthusiasm that some did. But, fortunately, there is a better

way for class size reduction. It is in this underlying bill.

Earlier in my remarks, I made a reference to an example in Arkansas in which a class size reduction grant was given. The title I supervisor said to the principal that against her wishes the hired teacher would have to be rotated among classes for 90 minutes in each class, even though the principal thought that was not the best use. She wanted to use that person for a point of time for remediation to help these who needed remediation in their school work.

After I spoke, Senator MURRAY and Senator HARKIN both said that it sounded to them as if my beef was with local control. I simply want to clarify that my beef is not with local control. My beef is title I police. My beef is with a rigid, inflexible Federal program that overrules what is best for the children so as to comply with the prescriptions of the Federal U.S. Department of Education. That is why we have a better way.

I want to clarify for Senator MURRAY and Senator HARKIN. It was not the principal's decision, not the superintendent's decision, not the classroom teacher's decision. It was the decision of the title I supervisor in what she said was compliance with the Class Size Reduction Program. My beef is not with local control. My beef is with the program that has that kind of rigidity built into it.

I thank the chairman for yielding me 2 minutes of the remaining time.

I yield the floor.

Mrs. MURRAY. Mr. President, I yield 15 seconds to Senator HARKIN.

Mr. HARKIN. I want to respond to the Senator from Arkansas. This amendment has nothing to do with title I, but this amendment has to do with class size reduction.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will speak about my amendment and the second-degree amendment to it which I did not address earlier.

The amendment Senator MACK and I have offered today essentially allows title II funds to be used for three purposes not specified in the underlying bill: First, for teacher testing programs, to ensure that teachers teaching our kids have the skills and knowledge about the subject matter they are teaching; second, for merit pay programs that could identify and reward teachers who perform exceptionally; third, tenure reform programs that shift the focus on teacher advancement and promotion to a broader subject of categories beyond mere longevity.

We believe these will make a difference in terms of improving the quality of teaching. As I speak to parents in my State, there is no question they want teachers conversant with the subject matter they are teaching their kids. They want to reward and acknowledge exceptional teachers and make sure the process employed with

respect to the schools and their communities is based on ability and merit.

We were criticized during the debate on only one of these, the merit pay proposal. That was the extent of the criticism leveled at this amendment earlier today. There then was a second-degree amendment offered. Interestingly, the second-degree amendment wiped away the two areas that were not subjected to any criticism—the teacher testing and the tenure reform proposals—in their entirety. It then replaced our merit proposal with a different one, one that rewards all teachers in schools that showed an increase in achievement by students.

Interestingly, I find it odd that the two areas that were not criticized earlier were eliminated from the secondary amendment, and I question the approach taken in the second amendment with respect to merit pay programs.

Our approach is a permissive approach we are offering as an option for the possible use of title II funds. No school will be mandated to do this. No school will be forced to do it. Under no circumstance will the Federal Government outline, identify, design, or in any way dictate the types of programs that would be used.

In the second-degree amendment, however, only one type of program of merit pay is proposed, and it has an odd component to it. It says all teachers in any school that shows certain types of improvement, to be a presumably later identified, would benefit from enhanced salaries or bonuses.

That means the worst teacher, in a school that showed overall achievement, would receive some sort of merit award. Meanwhile, the very best teacher who might be producing tremendous increases in achievement among his or her students in another school would not qualify. I see an inconsistency. I also question why the two sections of our amendment that were not criticized or even commented on earlier today have been entirely eliminated by the second-degree amendment.

The choice is simple. Our approach permits districts and State education agencies to use title II funds for programs they would design with respect to teacher testing, merit pay, and tenure reform. I believe that is a wise course to follow if our goal is to increase the quality of the teaching of our children in America today. I sincerely hope our colleagues will choose to follow that course by rejecting the second-degree amendment and supporting the Abraham-Mack proposal.

Mr. KENNEDY. Mr. President, our amendment focuses funds on what works. If the States want to use their 93 cents out of the dollar for purposes that Senator ABRAHAM has mentioned, they can do it. We are focused on what works: School-based merit programs for improving the achievement of all students in a school, incentives and subsidies for helping teachers earn advanced degrees, implementing and

funding vigorous peer review evaluation and recertification programs for teachers, and providing incentives to help the most fully qualified teachers to teach in the lowest achieving schools.

These are the programs that are tried, tested, and that work. That is the second degree to the proposal of the Senator from Michigan. I hope it will be accepted.

Mr. JEFFORDS. How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. JEFFORDS. I yield 1 minute to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, in response, I don't know how anyone can say that a program proven to work is one that rewards the worst teacher in a school that may, in fact, be producing a decrease in the achievement level of their students. I don't think that could possibly be argued to be an effective way to use Federal dollars. Yet that is what would happen under the proposed second-degree amendment.

Our amendment, on the other hand, opens the way for school districts and State education agencies to use these funds in the most effective way they deem possible to improve the quality of teaching. I look forward to the vote on this.

I thank Senator KENNEDY for his debate today.

Mr. JEFFORDS. I yield myself the remaining time.

I back up the statements of the Senator from Michigan. What we are dealing with on the first vote is whether or not to make more flexible the options with respect to the schools. The Abraham-Mack amendment does that. The second-degree is a strike of that and puts one option in and does not add but detracts from what we would have without that amendment.

The Murray amendment, again, restricts the availability of the class size money to one option—class size. In my State and many other States, that is not the problem. The problem is the quality of the teaching. We would rather spend that money to enhance the qualities of the teachers we have rather than to have it available for things we don't need.

I urge a "no" vote on the second degree, a "yes" vote on the Abraham amendment, and a "no" vote on the Murray amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We are about to have three very important votes. One will be on the class size amendment. First, the Senator from Arkansas mentioned in his remarks the WestEd Policy Briefing and spoke eloquently about the challenges, but he failed to talk about the tremendous benefits that were also in the report, including achievement gains and greater individual attention. The list goes on.

I ask unanimous consent to have the entire study printed in the RECORD.

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

#### POLICY BRIEF

##### GREAT HOPES, GREAT CHALLENGES

Numerous states have enacted or are considering measures to reduce class size. Additionally, as part of a seven-year program to ensure an average class size of 18 for grades one through three, the federal government has committed more than \$2.5 billion to a national class size reduction (CSR) initiative. These efforts stem from research findings on CSR's achievement benefits, as well as from its enormous popularity with parents, administrators, and teachers.

However, not all efforts have proven equally successful. In designing CSR programs, careful assessment of specific state circumstances should help states adopting or modifying CSR efforts avoid the unintended consequences that some programs have experienced and ensure greatest benefit from what is usually a considerable financial investment.

##### Benefits

Research in the primary grades shows that as class size shrinks, opportunities grow. Successful implementation of CSR has led to numerous benefits, which appear to last into the high school years, including:

Achievement gains, especially for poor and minority students.

Greater individual attention and teacher knowledge of each student's progress.

Improved identification of special needs, allowing earlier intervention and less need later for remediation.

Fewer classroom discipline disruptions.

Faster and more in-depth coverage of content; more student-centered classroom strategies, such as special-interest learning centers; more enrichment activities.

Greater teacher-parent contact and parent satisfaction.

Reduced classroom stress and greater enjoyment of teaching.

##### Challenges

Challenges for policy design arise in three major areas:

##### Teaching supply and teacher quality

A fundamental condition for the success of CSR is good teaching. CSR can exacerbate teaching shortages and lead to the hiring of underqualified teachers. In California, for example, since the implementation of the state's CSR program, the percentage of teachers without full credentials has jumped from 1% to over 12%, while the proportion of teachers with three or fewer years of experience rose by 9% and the proportion of teachers who had the least education, a bachelor's or no degree, increased by nearly 6% statewide.

##### Facilities

Inadequate facilities can impede schools' ability to implement CSR and/or compromise CSR's benefits. Whole schools or programs may also suffer if, for example, libraries, music rooms, special education rooms, or computer rooms are converted into classrooms, as has happened in some places. Many space-strapped schools have combined two "smaller" classes into one large one with two teachers. Wisconsin reports positive results from such team teaching; in Nevada, however, concern exists that team teaching has compromised CSR's success.

##### Equity

CSR policies can inadvertently worsen inequities. In California, for example, a one-size-fits-all allotment per student and a rigid 20:1 cap on class size led to uneven implementation. Early evaluation findings sup-

port the concern that the very students who stand to benefit most from CSR—poor and minority students—are least likely to have full opportunity to do so. Schools serving high concentrations of low-income, minority, and English language learner (ELL) students implemented more slowly due to lack of facilities. These same schools have the hardest time attracting prepared, experienced teachers and, thus, suffered a far greater decline in teacher qualifications than other schools. Finally, for many of these schools, the cost of creating smaller classes exceeded their CSR revenues, and to make up the deficit they diverted resources from other activities.

##### Recommendations

Crafting a successful CSR program is no simple matter. As knowledge from state and local experience continues to evolve, lessons are emerging that suggest important design elements for policymakers to consider, including:

##### Targeting

Since research shows that children in the primary grades and, especially, poor and minority children benefit most from smaller classes, it makes sense to direct CSR monies toward these children. Such targeting can also offset some of the difficulties inner-city and poor, rural schools face in attracting well qualified teachers and finding sufficient classroom space.

##### Teacher support

Schools will need to hire a number of new and, possibly inexperienced teachers to enact CSR policies. If the teachers are unprepared, resources for support, such as mentorship and training programs, will need to be considered. Research, experience, and a policy climate of higher expectations also suggest that novices and veterans alike will need support to learn new teaching strategies that capitalize on the opportunities smaller classes present.

##### Facility support

CSR initiatives require adequate facilities. If facility issues are not attended to at all levels, expensive investments in smaller classes are likely to be compromised.

##### Flexibility

CSR policies that allow flexibility in the use of funds help keep the focus on improving learning, teaching, and student achievement. In exchange for accountability, policymakers may consider options that allow schools and districts latitude to tailor decisions to the needs of their own circumstances and students—for example, allowing a class-size average rather than mandating a cap or encouraging creative scheduling.

##### Program evaluation

CSR programs should build in evaluation and research components, particularly focused on unanswered questions, such as the outcomes of creative approaches to CSR.

Mrs. MURRAY. Mr. President, we came together several years ago in a bipartisan manner, both sides of the Senate, Republican and Democrat, and said we have made a great accomplishment, we have targeted Federal funds to a program that we know will work, reducing class size. Studies show it, from the Educational Testing Service in 1997 to the Star study in 1989, to the Wisconsin State study, to the New York study which I will read to you very quickly. A teacher said:

Now that I have seen the difference a small class makes, I don't want to go back to being a policeman.

will learn the basics—math, reading, and science—that they will go on to college, there will be fewer discipline problems, and we will have accomplished something great.

Senator HARKIN has been out in his State, as many of us have, in the classrooms that are a direct recipient of our class size money. I challenge my colleagues to do the same because when you do, you can then walk away and say: I did something realistic and I can see it in the faces of these kids.

We have the opportunity now to continue that program, and I urge this amendment's adoption.

Mr. JEFFORDS. I yield the remainder of my time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the Kennedy substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Murray amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on all three amendments.

VOTE ON AMENDMENT NO. 3118

The PRESIDING OFFICER. The question before the Senate is on agreeing to the Kennedy second-degree amendment, No. 3118. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. BREAUX) would vote "aye."

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—43

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Bayh	Durbin	Kerry
Biden	Edwards	Landrieu
Bingaman	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Bryan	Graham	Levin
Chafee, L.	Harkin	Lieberman
Cleland	Hollings	Lincoln
Conrad	Inouye	Mikulski
Daschle	Johnson	Moynihan

Murray	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Schumer	
Robb	Torricelli	

NAYS—54

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

NOT VOTING—3

Breaux	Kohl	Roth
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The amendment (No. 3118) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

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

VOTE ON AMENDMENT NO. 3117

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3117. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from Louisiana (Mr. BREAUX) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. BREAUX) would vote "no."

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—54

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

NAYS—42

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

NOT VOTING—4

Breaux	Kohl
Bunning	Roth

The amendment (No. 3117) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3122

The PRESIDING OFFICER. The question is agreeing to amendment No. 3122. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING), would vote "no."

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—44

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

NAYS—53

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

NOT VOTING—3

Bunning	Kohl	Roth
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The amendment (No. 3122) was rejected.



