

We will keep trying to find a way to get back to this legislation this year and get it completed.

We have not been able to do that. We have been unable to do it. The basic reason that we have been unable to do it is because those on this side wanted to offer a series of amendments—on smaller class size; well-trained teachers in every classroom in America; help and assistance in the construction of schools; in the modernization of schools; afterschool programs; assurance that we are going to have tough accountability; that we are also going to reduce the digital divide; and access for continuing education programs; but we also wanted to make sure that we were going to take the necessary steps to help make the schools safe and secure—and once that became evident, then there was a different mood around here. Then that bill was effectively pulled by the majority. We do not yield on the issue of making sure we do everything we possibly can to make sure that schools are going to be safe and secure.

I draw attention to the tragic situation today in the Carter Woodson Middle School in New Orleans, LA. Two teenage boys have been involved in another school shooting. Someone passed a gun in through a fence, and a young child used it. That child shot another child, and then he dropped the gun. Another child picked up the gun and shot the initial shooter. Both children are critically injured and in surgery. School has been canceled for 3 days.

We have pressing education issues to address. We have pressing needs to try to make our communities safer and more secure and to remove the opportunities for children to acquire the weapons of destruction that end up taking other children's lives. But we are denied that. As a result, we will not have the chance to reauthorize.

I say that because we heard from the majority leader that we are not going to take up education because we are not going to consider gun legislation, in spite of the fact that in 1994, our majority leader co-sponsored gun legislation that was proposed by a Republican Senator. They didn't complain then and say it was inappropriate or irrelevant at that time. It is relevant to make sure that schools are safe and secure.

I heard a great deal in the last few days about what is happening in the schools of this country. All of us understand that we have challenges that exist in our inner-city schools and many of our rural schools. We understand that. But I am kind of tired of people just tearing down the public school system. That has become rather fashionable. We have heard that in part of the national debate. I am just going to bring some matters to the attention of the Senate.

First are the number of students who are taking advanced math and science classes—this is from 1990 to 2000. On precalculus, the number of students

went from 31 to 44 percent; on calculus, from 19 percent to 24 percent; on physics from 44 percent to 49 percent—a very significant increase in the number of children who are taking more challenging courses in our high schools, according to the College Board.

On this chart we see the growth in the percent of students who are taking the scholastic aptitude tests. This went from 33 percent in 1980, to 40 percent in 1990, and up to 44 percent. The trend lines are moving up. It is not an enormous amount of progress from 40 percent to 44 percent, but nonetheless it is showing an enhancement of the total number of children who are taking those tests.

Here are the SAT math scores. They are the highest in 30 years. This is important because we have many more children taking them.

It is one thing that we have a small number of children taking the test, now we have expanded the number of children who are taking the test nationwide. And what do we see? The SAT math scores are the highest in 30 years. They have been moving up now consistently over the last few years. Actually, in the early years, in terms of minorities, the difference has actually diminished.

What we are saying is that there are some very important indicators that are going in the right way. I was quite interested in hearing the Governor of Texas talk about how our schools are in all kinds of trouble and how it happens to be the Vice President's fault. But meanwhile the States themselves have 93 cents out of every dollar to spend. They are the ones who have the prime responsibility to spend on education. So the question comes down to, if they are the ones who have the prime responsibility, is it fair enough to ask what these Governors have been doing over this period of time?

Federal participation has been targeted on the neediest children. They are the toughest ones to try and bring educational enhancement and academic achievement to; they are the ones who are targeted. Nonetheless, we see what has been enhanced. There have been some very notable kinds of improvements. I think the State of North Carolina, under Governor Hunt, has been one of the outstanding examples of total improvement in how they have been dealing with troubled schools—those schools that have been facing challenges. Instead of the proposal that is offered by Governor Bush in this particular instance, which would draw money from it and effectively close down that school, we find out how they are handling that with Governor Hunt in North Carolina. In North Carolina they send in teams to help restructure both the personnel and the curriculum. What is happening is major achievements and accomplishments.

Those are the kinds of ideas we ought to be embracing, the ones that have been tried and tested and have been effective.

I want to show, finally, where we are going over a long period of time in terms of enrollment. It will continue to rise over the next century. We are failing in this Congress to have a debate and a conclusion on the Elementary and Secondary Education Act. We had 6 days of discussion on the Elementary and Secondary Education Act; 2 days for debate only. Then we had eight votes—one vote was a voice vote; three were virtually unanimous. So we had four votes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. We have not had the full debate and discussion of what American parents want. The fact is, projected over the next years, we are going to see virtually a doubling of the number of children, up to 94 million. The children in this country and the parents deserve a debate and discussion in the Senate on education. They have been denied that. For the first time in the history of the Elementary and Secondary Education Act, the Senate has failed to meet its commitment in this area.

I regret that, Mr. President. I wish we were debating that instead of having long quorum calls or lengthy speeches on the floor of the Senate.

I retain the remainder of my time under cloture.

The PRESIDING OFFICER. The Senator from Texas.

#### H-1B VISAS

Mr. GRAMM. Mr. President, I am tempted to jump into the debate about education. The problem is not people taking courses. It is learning something from the courses you are taking.

I remind my colleagues that the SAT test changed several years ago so that the minimum requirements to play football in division I went up from 700 to 840. You might think: Rejoice, we have raised academic standards in athletics in college. The truth is, the test was recentered so that everybody's score was raised by 140 points at that level. I do not look at Senator KENNEDY's test scores and rejoice that we now have achieved the level we had in 1961. Can you imagine any other debate in America where people say: We have great success; we have equaled what America did in 1961.

I don't call that success. I call that failure. I call that failure because with all the resources we are spending, the fact that we have yet to achieve what we had achieved in 1961 is the greatest indictment of our education bureaucracy and a failed system that believes that Federal control and Federal money is the answer.

But I am not going to discuss that right now. I want to remind people of what has happened all day today here in the Senate. Our Democrat colleagues say they are for the H-1B program. They say they want to allow high-tech workers to come into the country to help us continue to dominate the world in high-tech jobs so that

we can continue to have economic growth. They go out to Silicon Valley and say: We are with you. We are for the H-1B program. Yet they have spent all day filibustering it.

I don't understand it. You are either for it or you are against it. Now they say: Well, we are for it, but you have to pass a whole bunch of bills doing other things before we are going to let you adopt it.

I think it is time for those who need this bill to say to our Democrat colleagues: If you are for the bill, let us vote on it.

We have all heard the cliché, "if you have friends like that, you don't need enemies." The point I want to remind people about is that all day long, the Democrats have been filibustering the H-1B program. So if anybody thinks they are for it, the next time they stand up and say they are for the program, I think the obvious thing to ask is, if you are for it, why are you holding it up?

We need this bill because we want to keep America growing. I believe our Democrat colleagues are putting politics in front of people. This bill is important to maintain economic growth. It is important to maintain our technical superiority.

I want people to know, with all the thousands of issues that have found their way to the floor of the Senate this afternoon, that what this debate is about is that our Democrat colleagues say they are for the H-1B program, but they are preventing us from voting on it. If you are for it, let us vote on it then. If you are for it, end all these extraneous debates. If you want to debate giving amnesty to people who violated America's law, then offer that somewhere else. Propose a bill, but let us vote on the H-1B program.

Why do we need it? We need it because we want to maintain the economic expansion that is pulling people out of poverty. We want to maintain our technological edge. But we can't do those things if the Democrats don't let us pass this bill.

If you are following this debate, don't be confused. They say they are for H-1B, the passage of this bill, but they are working every day to throw up roadblocks, to stop it, and to demand some payment for letting us pass it.

Let me make it clear, no tribute is going to be paid on this bill. There is not going to be a deal where they get paid off to pass this bill. They go to California and to Texas and other places and say: We are for the high-tech industry. We are for the H-1B program. But the cold reality is that on the floor of the Senate today, we did not get to vote on it. We did not get to pass it. We did not make it law. We did not do what we need to do to maintain this economic prosperity and to maintain our edge in the high-tech area because the Democrats are filibustering H-1B. They say they are for it, but when it gets right down to it, actions speak louder than words.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### H-1B AND H-2A VISA LEGISLATION

Mr. SMITH of Oregon. Mr. President, I have listened to the debating back and forth on the issue of whether we do H-2A or H-1B.

I would like the American people to know that I think there is a lot going on behind the scenes. I think there is a lot that needs to happen behind the scenes, and quickly because both of these issues are legitimate issues. I believe America needs to make up its mind whether we want the high-tech industry to remain an American industry. It is vital to our economic good, and we are all proud of it. We all want to encourage it. We need to help the high-tech industry by raising the H-1B visas temporarily. Otherwise, this is an industry that is prepared to move to other shores. I would rather they remain on our shores because I think it does us an enormous amount of good.

In my State, and in the State of the Senator from Nevada, and so many States, we are seeing small businesses thrive with the development of this new technology.

But I also want to speak to the need that we not abandon the cause of the Hispanic and Latino workers. There are many proposals right now addressing their needs.

I happen to be a cosponsor of a bill, being argued by many on the other side of the aisle, which help these workers.

I think it is a crying shame that we have people living in the shadows of our society right now. These are people who are here; yes, many of them illegally, probably well over a million, and maybe as many as 2 million people who are working primarily in agricultural industries. These illegal workers have infiltrated many other industries as well. They have been here for a decade and more. Many people worry that if Congress addresses the worker shortage in agriculture, more illegal workers will come. I have news for them. They have already come. They are here. They live among us and contribute to our economy. They are contributing to our tax rolls, frankly, without the benefit of law.

I believe Republicans and Democrats ought to find a way as human beings to reach out to the illegal farm worker community. If it isn't with amnesty, there are ways we can allow them to be here legally.

A lot of people say we have no worker shortage in agriculture. I tell you that we don't if you include all the

illegals. But we owe something better to these workers and something better to their employers than an illegal system.

It is a crying shame, and we ought to be ashamed of it in the Senate, and do something about.

I know Speaker HASTERT is working on this issue in the House. I believe our Senate leadership is working on it here.

But I am in a dilemma. I will admit it right here on the floor of the Senate. I want to help the high-tech industry by providing them with highly skilled temporary workers, but I also want to help the workers in the agricultural industry who contribute to our economy and deserve our attention as well.

I hope that our leadership will respond quickly to the needs of the agricultural industry, as well as the dignity its workers deserve.

I see our leader is on the floor. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from Oregon for his time in the Chair, for his commitments, and for the leadership that he provides in the Senate.

#### UNANIMOUS CONSENT AGREEMENT—H.J. RES. 109

Mr. LOTT. Mr. President, I understand that Senator REID is here. I ask unanimous consent that notwithstanding rule XXII, at 9:30 a.m. on Thursday, September 28, the Senate proceed to the continuing resolution, H.J. Res. 109; that the joint resolution be immediately advanced to third reading and no amendments or motions be in order; that there be up to 7 hours for final debate to be divided as follows: 6 hours under the control of Senator BYRD, and 1 hour under the control of Senator STEVENS.

Finally, I ask unanimous consent that the resolution be placed on the calendar when received from the House.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### NOTICE OF INTENTION TO SUSPEND RULE XXII

Mr. DASCHLE. Mr. President, pursuant to rule V, I hereby give notice in writing of my intention to move to suspend rule XXII to permit the consideration of amendment No. 4184 to S. 2045.

#### AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Continued

Mr. LOTT. Mr. President, I am pleased that the Senate has voted 94-3 to invoke cloture with respect to H-1B legislation.

As Members know, cloture limits debate and restrains amendments to germane amendments only.