

to handing out thermometers in the midst of an epidemic. We are going to find out we have a lot of sick children. We know that.

We know we have children who are under tremendous stresses in the world today, who come from very difficult and dysfunctional environments, who cannot concentrate in school. Go in and do a random test for the children's eyesight, and you will find children who cannot see well enough to see the board, and they do not get any medical care for that. Do a random dental care check, and you will find children, as I have, who have abscessed teeth, who are not concentrating or learning to read because they have too much pain which is dulling their abilities.

But we can today, with this debate, and with a bipartisan commitment with the administration, make the changes that we know will work.

So I strongly urge all of my colleagues that we put our resources where our promises are. Let's not turn our back on the evidence of what works.

I sometimes joke that Washington occasionally seems to be an evidence-free zone. We can come with stacks of evidence, with all kinds of reports; we can say, look, if we give a little more help, this title I school, using these best practices, will turn itself around. Instead, we say, it is not working because all of these children, with all of these difficulties, are not reading at grade level.

I know that if we are true to the mission that brings us to this education debate, if we are willing to support, with resources, the kind of accountability we are asking from our children, we will see results. We have seen results in the past.

I urge all of my colleagues to join in supporting this amendment which will make a tremendous difference for our children.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has approximately 2 minutes on his side; and the other side has 1 minute 40 seconds.

Mr. DODD. Mr. President, let me, again, thank our colleagues who have addressed this important subject. And I thank my colleague from New York for her eloquent statement on the value of expanding the title I program, as my colleague from Maine and I are attempting to do with this amendment. I do believe, if we have additional resources, based on the evidence—and the evidence has been significant—that we will get results.

There are those who suggest that because we have spent about \$120 billion on title I over 35 years and have not fully closed the achievement gap, that it is not working. But, over the years that has represented less than 3 cents of each dollar spent on education. We

are proving today, while the results certainly are not perfect, that title I is essential to improving student achievement.

We have listened to those who are working on in the districts, in the schools, who do not have Ds or Rs associated with their names or wear political labels, who tell us it is making a difference.

What better evidence could we have than relying on those who every day do the hard work of trying to improve the intellectual and learning capabilities of the 50 million children who go to public schools in America? The amendment we are offering is based on that evidence. It is based on the hard evidence that is provided by teachers and school boards and school principals and parents who have watched title I funds make a difference.

We think they can make even more of a difference, particularly, in conjunction with accountability standards. We think that providing the resources to make it possible for these children to reach the goals we all want them to reach is absolutely critical if this Elementary and Secondary Education Act of 2001 is to be worthy of our nation's children.

With that, Mr. President, I ask for the yeas and nays on the Dodd-Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I yield back the time, unless my colleague from Maine wants to speak.

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

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

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

#### UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, we have been discussing the schedule and voting order with Senator DASCHLE and the managers of the legislation and how we would handle other issues. I think we have a good agreement. We need to read it carefully and make sure we understand exactly who is going to be offering the amendments.

I ask unanimous consent that if the House of Representatives has adopted and copies have been made available under the Senate rules, then the Senate proceed to the conference report to accompany the budget resolution at 10 a.m. on Monday, May 7, and the time between then and 6:30 p.m. be divided with 12 hours under the control of the minority manager and 3½ hours under the control of the majority manager.

I further ask unanimous consent that the vote occur on adoption of the conference report at 6:30 p.m. and that paragraph 4 of rule XII be waived.

As in executive session, I ask unanimous consent that immediately following the 6:30 p.m. vote on Monday, May 7, the Senate proceed to executive session to consider Calendar No. 39, the nomination of John Robert Bolton to be Under Secretary of State for Arms Control and International Security, and there be 3 hours of debate equally divided as follows: 30 minutes under control of the chairman, 30 minutes under the control of the ranking member, 60 minutes under control of Senator DORGAN, 30 minutes under the control of Senator FEINSTEIN, and 30 minutes under the control of Senator KERRY.

I further ask unanimous consent that following the use of time the Senate proceed to vote at 9:30 a.m. on Tuesday, May 8, on the confirmation of Mr. Bolton, and following the vote, the President be immediately notified of the Senate's action, the motion to reconsider be laid upon the table, and the Senate immediately resume legislative session.

Finally, I ask unanimous consent that when the Senate resumes consideration of S. 1 at 10 a.m. on Friday, the next amendment to be in order be offered by Senator CRAIG regarding ESEA funding, and the next amendment in order for the minority side of the aisle be an amendment by Senator KENNEDY, or his designee, and that any votes ordered with respect to these amendments occur in a stacked sequence after the 6:30 vote on Monday, with no second degrees in order, and 2 minutes prior to each vote for explanation.

I note that we are not sure which amendment Senator KENNEDY or the Democrats will want to go with in the morning. It could be Senator MURRAY, Senator WELLSTONE, or some other amendment. I believe you will work that out during the vote, and we will need to be notified, of course, of which one it will be and its substance.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, reserving the right to object, I would like to ask the majority leader, is there any way that he could postpone this vote until Tuesday morning? I will not be here Monday evening. There is no way I can be here. I haven't missed a vote this year.

Mr. LOTT. If the Senator will withhold one moment, I believe Senator BYRD has a question, too, and then I will come back to the Senator in a minute.

Mr. BYRD. I thank the leader. Mr. President, I am very much opposed to lining up votes, stacking votes, and I am constrained to object to stacking votes. I don't think that is a good way to do business in the Senate. I have bitten my tongue many times and did not object. I think I should put both leaders on notice, if I may use that kind of

language, that I am going to be a little tougher to deal with when it comes to stacking votes in the future than I have been in the past. I don't think it is a good idea. I don't think Senators know what they are voting on.

We ought to be here and be ready to vote. I know the problems of both leaders. I know them well. I am not going to object in this instance, but I want to put the Senate on notice that I will have a more difficult time in the future voting for sequential amendments in a stacked order. I will not object at this time.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Reserving the right to object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. 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 appreciate Senator DASCHLE working with me. Senator DASCHLE and I have been talking about ways we could accommodate as many Senators as possible. It is often difficult because a lot of us have very important responsibilities. But we also have a responsibility to pass education amendments, a budget resolution, and nominations. So I will modify the unanimous consent request in this way, without at this point changing the time.

If any time on the budget resolution should be yielded back on Monday, we could go back at that point to the education bill, and at that time if there are other amendments that could be offered—and I presume there would be two—then we would get an agreement as to when they would be voted on, realizing that Senator BYRD would not want to have a stacked sequence of multiple votes. That way, we can get more education work done Monday. I encourage those who will be handling the budget to consider doing that, if at all possible. Senator DASCHLE suggested perhaps that will work.

I modify my earlier request to change the stacked votes of the two amendments that will be offered tomorrow, if votes are required, and the budget resolution at 9:30 a.m. on Tuesday.

Mr. DASCHLE. Plus the Bolton nomination.

Mr. LOTT. The Bolton nomination is already in the request at 9:30 a.m.

Mr. CONRAD. Reserving the right to object.

Mr. SHELBY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask the majority leader, to understand the steps we are going through, is the ma-

majority leader saying to the Senate we will postpone the 5:30 p.m. or 6:30 p.m. vote on Monday until Tuesday morning?

Mr. LOTT. Tuesday morning at 9:30. I believe that will cause the sacrifice of other Senators, but that is what it provides. The votes will be at 9:30 a.m. instead of 6:30 p.m. on Monday.

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

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Is there an understanding on Tuesday morning there will be time for both sides to sum up before the vote on the budget?

Mr. LOTT. I believe the UC provides for 2 minutes prior to each vote for final explanation of the vote about to occur.

Mr. CONRAD. I thank the leader.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I do not intend to object. As the leader has pointed out, we have been on this bill for some time. We are prepared to move ahead tomorrow and on Monday. There are a number of amendments. We are prepared to go through Tuesday evening or Wednesday evening or Thursday evening, but I hope we will not be put in the position later on, since we have been on this bill for some time, where we have to come to a vote, denying Members the opportunity to offer their amendments.

I wanted to put that in the RECORD at this time because we are prepared to move ahead. We are glad to accommodate the leadership, but we have additional amendments that are extremely important. I want to make it very clear, I want to make sure people are going to be fairly treated. I am glad to accommodate others, but I want to make sure those who are going to offer amendments will be accommodated. There is no reason not to think so tonight. I just felt compelled to raise that.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I understand that. That is why I want us to make progress and try to make progress on Monday. Certainly the Senate should be prepared to go into the evening Tuesday, Wednesday, and Thursday, to complete this important legislation.

Senators need to cooperate with the managers and be prepared to offer amendments tomorrow, Monday afternoon, and Tuesday night because what will happen is, we are all busy and when we get to next Thursday, when we need to start wrapping it up, Senators will say: I didn't have a chance.

They have their chance. I hope both sides will talk to the managers and be prepared to offer their amendments.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. DASCHLE. Reserving the right to object. For clarification, are we limited to two amendments tomorrow?

Mr. LOTT. Under this agreement, it specifies two, but I see no reason why we cannot do more if it can be worked out.

Mr. DASCHLE. I modify the UC request that two or more amendments be offered tomorrow and that those amendments be accommodated.

Mr. LOTT. That is a good idea, Mr. President. I support that although noting we specify the first two that will be in order and we should go beyond that if at all possible.

The PRESIDING OFFICER. Is there objection to the request as further modified?

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, two questions. One, we had people on this side ask for a little more time on Tuesday morning—we have at least 5 minutes on the budget—given the importance of it.

No. 2, is there an order to the votes on Tuesday morning?

Mr. LOTT. Mr. President, first of all, I modify the request that we extend the time on the budget to 5 minutes instead of 2 for the others. The order will be: Budget, the two education amendments, with the Craig amendment first, then Senator KENNEDY, or designee, and then the Bolton nomination.

Mr. CONRAD. Might I request that given the importance of the budget, in terms of the sequence, there be at least one amendment preceding it so people are here to actually hear the debate?

Mr. LOTT. Mr. President, let's modify it to do the Bolton vote first, and then we will go to the budget vote after that.

The PRESIDING OFFICER. Is there objection to the request as so modified?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, would you repeat that unanimous consent back to me?

(Laughter.)

Mr. LOTT. Just kidding, Mr. President. I think we all have it.

AMENDMENT NO. 361

The PRESIDING OFFICER. The Chair advises the Senate that there are 2 minutes equally divided on the Jeffords amendment.

Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 1 minute.

This is the Jeffords test trigger amendment. Under the bill, grades 3 through 8 will have to be tested by each State. The Federal Government is supposed to fund the cost of those tests. The amendment merely says if there is no money, there is no test, at least for that year.

This is to prevent the States from being placed in a position of having no money and having to administer very expensive tests.

Mr. DASCHLE. Mr. President, I ask the senior Senator from Vermont

whether he requires a rollcall vote or if he will accept a voice vote.

Mr. JEFFORDS. I want a rollcall vote.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. Do Senators yield back there time?

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

Mr. KENNEDY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 361. The clerk will call the roll.

The legislative clerk called the roll. The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—93

Akaka	Dodd	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
DeWine	Lincoln	Wyden

NAYS—7

Gramm	Kyl	Thurmond
Helms	Smith (NH)	
Inhofe	Thompson	

The amendment (No. 361) was agreed to.

Mr. DODD. 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.

AMENDMENT NO. 365

The PRESIDING OFFICER. There are now 2 minutes equally divided before the vote on the Dodd amendment.

Mr. DODD. Mr. President, the co-sponsor of this amendment, Senator COLLINS of Maine, and I, think we made such a convincing argument during the hour and a half debate that we will yield our 2 minutes, and we ask for the immediate vote on this amendment.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—79

Akaka	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Graham	Reed
Burns	Grassley	Reid
Byrd	Hagel	Roberts
Campbell	Harkin	Rockefeller
Cantwell	Hatch	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Stevens
Crapo	Landrieu	Torricelli
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NAYS—21

Allard	Gramm	Nickles
Bond	Gregg	Santorum
Brownback	Helms	Smith (NH)
Bunning	Inhofe	Thomas
Craig	Kyl	Thompson
Enzi	Lott	Thurmond
Frist	Murkowski	Voinovich

The amendment (No. 365) was agreed to.

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

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment just agreed to, the Dodd-Collins amendment, be modified to conform to the Jeffords-Kennedy pending substitute amendment.

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

#### MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak up to 10 minutes each.

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

#### JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the events of a Judiciary Committee meeting this morning where the agenda contained the nominations of Larry Thompson to be Deputy Attorney General and Ted Olson to be Solicitor General.

Those nominations had moved through all of the procedural hurdles. The hearings were held 4 weeks ago. Many questions had been answered. In accordance with the Judiciary Committee rules, they had been held over for a week so that they were ready for action when the Judiciary Committee met today.

I will say they are very important nominations because the Attorney General of the United States is the only official requiring confirmation who has been confirmed so far. He does not have the No. 2 person, the Deputy; he does not have the No. 3 person, the Solicitor General.

The discussion in the Judiciary Committee, instead of focusing on those individuals for confirmation, the discussion concerned itself with the blue slips and the American Bar Association and many collateral matters.

Finally, when the chairman of the committee, Senator HATCH, said he was going to rule all other discussion out of order and we would proceed to a vote, at that point, the ranking Democrat said there was going to be a caucus, and the Democrats—there are very few of them there; actually three, perhaps four—started to file out of the room so that there were only nine Senators present, not enough for a quorum of 10 which is necessary to have any Senate action.

It was an unusual executive session because all nine Republicans came to the session because of the importance of acting on the Deputy Attorney General and the Solicitor General.

Then the Republicans sat and waited and waited and waited for a caucus to conclude by the Democrats. Finally, when it was apparent there would be no response, the executive session was over.

The announcement was made that if there was not an undertaking by the Democrats to have a vote on those two positions by 4 o'clock this afternoon, or after our votes which are scheduled at 4 o'clock, that the Republican members would proceed in a news conference to tell the American people exactly what had happened.

With an evenly divided, 50/50 Senate, 50 Democrats and 50 Republicans, there has been a great deal of controversy, and almost all of it has been below the surface. But today in plain public view, this controversy erupted.

The executive session of the Judiciary Committee was being televised, and it is certainly unsenatorial to have this kind of conflict.

Enough is enough, and the time has come that the American people need to know that the important business of a very important department of the Federal Government cannot be conducted because the Attorney General alone is the only official of rank who has had Senate confirmation and cannot carry on all the duties. He needs the No. 2 person, the Deputy, and he needs the No. 3 person, the Solicitor General. It is not irrelevant to note that in the executive committee session of the Judiciary Committee today, we had, in addition, the Assistant Attorney General for the Antitrust Division and the Assistant Attorney General for Legislation.

I make no special point about the failure of the committee to report those nominees out because this was