

First and most important is the granting of Trade Promotion Authority to the President. Every day that goes by without this authority is another day of wasted opportunity. We cannot afford for America to stand idle while other nations negotiate trade agreements that give an advantage to the competitors of American goods and services. Congress needs to get this done, and get it done quickly.

We have many other challenges that lie ahead. We need to move the Jordan and Vietnam Trade Agreements through Congress.

We also should look to our own hemisphere. Canada and Mexico are our largest trading partners. American exports to Western Hemisphere nations comprised more than one-third of all U.S. exports in 2000. We must strengthen our ties to our Western Hemisphere neighbors.

This is good for all peoples in this hemisphere. We need to move on renewing the Andean Trade Preference Act this year. And we should pursue a trade agreement with Chile, and a free trade agreement for all the Americas.

We will face another hurdle in again granting normal trade relations to China. Establishing a stable trade relationship with China is in our best interest.

Turning our backs on China will not improve human rights in China, promote greater freedom, or improve the stability in Asia—rather, it would have a dangerous and negative impact on all these important efforts.

This year we must help lead efforts to launch another round of World Trade Organization negotiations.

The challenges are many, and they are great, but so are the opportunities. President Bush has laid out a strong, forward-looking agenda on trade. He has an excellent team in Ambassador Zoellick, Secretary Evans, and those charged with moving this agenda forward.

I look forward to working with the President and his team on America's trade agenda. It is fundamental to our future.

Trade and investment are building blocks for the world's mutual interests. We have the opportunity to make the world more stable, more secure, more prosperous, and more democratic. Let's not squander this very historic and unique opportunity.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. REID. Mr. President, the hour of 2 having arrived, are we now back on the education bill?

The PRESIDING OFFICER. We will be momentarily.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Cleland amendment No. 376 (to amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Specter modified amendment No. 388 (to amendment No. 378), to provide for class size reduction.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Carnahan amendment No. 374 (to amendment No. 358), to improve the quality of education in our Nation's classrooms.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized to call up his amendment No. 460.

Mr. REID. Mr. President, I ask unanimous consent that the time not run on this amendment. I will wait until the manager of the bill arrives. I ask unanimous consent that that be part of the order, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 460 TO AMENDMENT NO. 358

Mr. REID. Mr. President, pursuant to order, I send an amendment to the desk. It is at the desk. I ask the amendment be read at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada (Mr. REID) proposes an amendment numbered 460.

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

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

The amendment is as follows:

(Purpose: To provide assistance to entities that emphasize language and life skills programs for limited English proficient students)

On page 254, line 21, insert before the period the following: "(including organizations and entities that carry out projects described in section 1609(d))".

On page 257, between lines 18 and 19, insert the following:

"(d) AFTER SCHOOL SERVICES.—Grant funds awarded under this part may be used by organizations or entities to implement programs to provide after school services for limited English proficient students that emphasize language and life skills.

Mr. REID. Mr. President, in the State of Nevada in Las Vegas, there is a very innovative teacher. Her name is Priscilla Rocha. She is a wonderful woman who has been a friend of mine for many years. She is also a member of the State board of education. She teaches the fourth grade, and she has had almost 20 years of experience. She has taught in Texas. As I indicated, she now teaches in Las Vegas.

About 3 years ago, she started an afterschool program in her classroom in response to the many struggles she saw with children who had limited English proficiency. She observed that the parents were not equipped with English skills or the academic background to help these children with their homework. Children were going home in some instances with no supervision because both parents worked. She found that these children kept falling further and further behind in their academic work, and she recognized that it was only a matter of time until the children dropped out of school.

What she calls her homework center operates as follows: Children in grades 1–5 are referred to the program by teachers and school counselors. Parents are first notified, and they have to sign a consent that the children can enter into this afterschool homework program. She has found it easy to get college students to help by tutoring the children on a one-to-one basis. She has also found that some children need to stay in the program only for a matter of weeks. Others need to spend a matter of years in the program.

Currently, the Las Vegas program is funded through a HUD community block grant from Clark County and the city of Las Vegas. This is held in a school classroom, but direct funding does not come from the school district. The funding goes to a community-based organization that Ms. Rocha helped found in 1992 called Hispanic Association for Bilingual Literacy in Education, or HABLE. Ms. Rocha is the Executive Director of HABLE. This program has been a remarkable success. Starting with six students in 1993,

she has worked with about 250 students since then. Most of these children do not speak and did not speak a single word of English when they came to Ms. Rocha. Now almost 100 of these kids have graduated from high school, and a like number, almost another hundred, are on the way to successfully completing high school in the next few years.

It was hard to find examples that I should bring to the Chamber today because there are really so many, but I have chosen a few with the help of Ms. Rocha. For instance, Evilia Gomez was one of the original fourth graders to start with Ms. Rocha in 1993. While she has always been a bright girl and had been a good student in Mexico, when she came to America, she didn't speak a word of English. We find that far too often students like Evilia simply are put in a special education program. "They can't read; they must be dumb if they can't read."

Well, this little girl wasn't dumb. The fact that she couldn't speak did not mean that she was slow or learning disabled. With the extra attention she was given, she rapidly learned English and quickly transitioned to regular classes. She did so much extra course work that she graduated from Las Vegas High School 2 years early as valedictorian of the class. Of all the students who graduated from Las Vegas High School in the class of 1999, a girl who didn't speak a single word of English 6 years earlier ended up with the highest grade point average of any student in that very large high school. Not only is this a special child, this is a special program, and we need to replicate it.

Another girl in Las Vegas, Johanna Rangel, has a similar success story. She didn't graduate as valedictorian, but she did extremely well. She is one of the original six who worked with Priscilla when this program started. When she came to this program, she didn't speak a single word of English. Now she is President of a Latino students' organization at Desert Pines High School and is involved in many extra curricular activities. She will graduate in a month. She did extremely well in school, and she plans to attend college this fall.

She is quick to point out that her success is due to her being able to come to the program Priscilla Rocha developed, and she believes the program is the reason she was able to graduate from high school. In fact, she said, when she invited Ms. Rocha to her graduation:

This would not have been possible without you. I wouldn't be graduating without your help.

There are many others. You have to understand that Johanna's parents didn't speak a word of English when they brought her from Mexico to the United States. They couldn't help with her homework; no matter how badly they wanted to help, they couldn't. They didn't speak English. Her risk of

failure and thus dropping out, was dramatic, but this program turned things around for her.

Children want to learn. They want to be productive. There is a lot going on in America today about English as an only language. States are passing, have passed, and are trying to pass laws saying that there should only be one language.

Mr. President, there is only one language anyway. If you want to succeed in America, you don't need to pass a law saying English is the only language. It is the only language. If you want to succeed, you have to speak English. It used to be if you wanted to be a diplomat, you had to speak French. Not anymore. The language of diplomacy is English. If you want to fly an airplane anywhere in the world, the air traffic controllers' language is English.

So not only did Johanna want to succeed, she wanted to learn to speak English. She needed help. Her parents could not help in that regard. So I am excited about this program. We have all kinds of success stories.

Alvaro Rodriguez is a 10-year-old fourth grader who began Ms. Rocha's program at the start of this school year. He and his family came straight from Mexico. None of them were able to speak a single word of English. By the end of this school year, Alvaro will start transitioning into regular reading and writing programs in English. Next year, he won't be in a special program. He will be a fifth grader and he will be mainstreamed.

Carla Rojas, another 10-year-old, is benefitting from this program. She came to Las Vegas from Mexico in the middle of this school year. It is hard enough for a 10-year-old to change schools in the middle of the year, but Carla was put into a school where she didn't understand a single word of what the teacher or the kids were saying. This program has helped her so much that by the end of this year it is believed that she will be adapted so well that she will be able to take classes with everybody else this coming year.

Priscilla Rocha says of Carla: "She is a very smart and energetic girl. All we have to do is give her the little push she needs."

So these programs work well, as they should work well. The increasing diversity of our Nation enriches our communities. It also challenges our public schools to meet both the English language and literacy needs of our expanding limited English proficient student populations. The families of these students speak their native languages at home and often have limited English skills, making it difficult for parents and family members to help children with their unique academic language struggles.

Think about it. You go to school and they are speaking one language there, and you go home and they are speaking a different language. How do you improve upon what you don't know? It is hard to do.

That is why programs such as the one I have outlined are so important. To address the need for literacy for these students, my amendment expands the current 21st century learning centers in this bill to include programs for limited English proficient students.

I have talked about the Homework Center in Las Vegas. It is vital to the education of these limited English proficient students who don't have the resources at home to support them. These programs need to have the support of the entire education system. Why? Because it means economic security and quality of life. We can't ignore the fact that across this country the dropout rate for limited English proficient youth remains chronically and unacceptably high at almost 45 percent. Almost half the kids who have trouble with their language skills drop out of school.

Over half a million students drop out of school every year; 3,000 students drop out of school every day in America. Every child who drops out is less than they can be. It puts a burden on the criminal justice system and our welfare system. It is something with which we certainly need to do better. We have about 5 million Americans who lack a high school degree and are not in the process of getting one. In our prisons in America today, line them all up; 82 percent of them have no high school education. Is there a correlation between education and getting in trouble? Of course. I didn't speak improperly. I said 82 percent of the people in our prisons have not graduated from high school. Does that mean that the 82 percent who haven't graduated are a bunch of dopes? The answer is no. The vast majority of those students, for one reason or another, didn't keep up, or could not keep up; they didn't have the incentives, and many of them have language problems. This amendment will help with those language problems.

The primary reason children drop out of school is a lack of success in school. They believe they can be a bigger hit out on the street beating up on somebody or selling dope. They don't understand the importance of an education. If they do understand the importance of an education, they have dropped back so far that they know they can never catch up. They can catch up, but they think that they can never catch up.

This is not just a problem of a few kids not getting an education. A high school dropout rate impacts the economy and quality of life, not only for the children that drop out, as I have mentioned, but their families and for each and every one of us.

Every time a child drops out of school, we have failed a little bit. It hurts us. It hurts us because it doesn't sound right morally, but it hurts us economically, and it hurts the social fabric of our country.

We need an educated workforce. If this continues, we will have increased

unemployment rates and increased prison incarceration, people on welfare and other Federal programs, and unemployment rates of high school dropouts are more than twice that of high school graduates. Remember, we are pushing kids to go beyond high school—maybe not to college, but the unemployment rates of high school dropouts are more than twice those of high school graduates.

The probability of falling into poverty is three times higher for high school dropouts than for those who finish high school. That is 300 percent higher.

The median personal income of high school graduates, during the prime earning years, ages 25 to 54, is 200 percent that of high school dropouts.

The median personal income of college graduates is more than three times that of high school dropouts.

The children, sadly, of high school dropouts have a much greater chance of dropping out of school. It becomes a pattern.

The problem is worse for America's Hispanics—a growing segment of our population. Hispanics students have a dropout rate of more than 30 percent—three times compared to the overall rate of 11 percent.

Afterschool programs tailored for limited English proficient students will go a long way toward helping to keep these fine young people in school.

There is an increasing need all over America for language services. Nearly 20 percent of the students in U.S. schools speak a foreign language at home. According to the National Clearinghouse for Bilingual Education, that figure will grow.

In some parts of the country, non-English speakers are referred to special education, as I have indicated, based solely on their inability to speak English the way teachers and others believe they should. Some may think if they don't speak English correctly, they must be dumb. Not so. Some school systems—and I believe this may be in violation of the civil rights laws of our country—continue to assign students to special education programs on the basis of criteria that essentially measures and evaluates English skills of students.

Currently, students fail to receive the right programs because the guidance and funding districts receive is inadequate to develop comprehensive programs for limited English proficiency students.

I say to my friend, the Senator from Vermont, who is managing this bill, I have always appreciated his forceful advocacy of fully funding IDEA—programs for those with special needs. The reason I do that is, it is the right thing to do for the children, and it is the right thing to do for the school districts because it leaves them money to do things like this—special programs, such as helping a kid who doesn't speak English. The way it is now, they are so strapped for money, all they are

able to do is the basics. If we fully fund the IDEA program, as we should do, it will allow some money for these programs that will make a difference in kids' lives.

More funding is needed to develop effective special education programs for diverse students to meet the many challenges that they face.

Funding would provide schools with the support they need to devise language programs that fit the needs of the districts.

School districts all over America are scrambling to meet the basics. Some have more problems than others. Some have problems with crumbling schools. In Nevada, especially in southern Nevada where 70 percent of the people live, we have problems with the inability to build enough new schools.

We need to build one new school in the Clark County school district every month to keep up with the growth. We hold the record. One year we dedicated 18 new schools in the Clark County School Districts.

Schools have problems for various reasons. We in southern Nevada have the problem of not being able to keep up with the growth. We need help with construction. We need help with class size reduction. I am speaking today about the need to fully fund IDEA and to also allow this amendment to be adopted so that we have the ability, within this new education bill we are going to pass, to fund programs for kids who do not speak English as well as they would be able to with a little bit of direction.

I appreciate President Bush focusing on education, but we cannot educate kids on the cheap. It costs money to educate kids. Most of the controversy in the school choice debate attached to the President's proposal is to let low-income parents use Federal aid to apply to private school alternatives when their children are in public schools and they believe the schools do not provide services for their children's needs.

I believe a better approach is to look at something that Priscilla Rocha has done in Las Vegas. We do not need to take these kids out of public schools. What we need to do is take care of funding, let people like Priscilla Rocha be inventive, give her the resources so she, and other educators like her, can have afterschool programs that are important and help the limited English proficient student. I believe a broader approach to the President's parental choice option is necessary, one that calls for a revamping of a 30-year-old underfunded policy for limited English proficiency education.

The principles behind properly funding these programs are simple. For one, the millions of American children with limited proficiency in English should not be consigned to years of classes that avoid helping them gain rapid English proficiency. For that, increased funding is necessary.

If one of these children is put in a special education class, think what

that does to that child. They know they are as smart as the kid next to them, they just cannot talk, or maybe they do not know they are as smart as the kid next to them. That is even more sad.

I think of literacy as an empowerment issue. I think that education empowers us, and that education does not mean you have to be a doctor, lawyer, or college professor. It means being able to read and write. It means having an opportunity to go to a technical school to be an automobile mechanic.

Mr. President, when you and I graduated from high school, if we wanted to be an automobile mechanic, we got out of high school and started working on cars. Students cannot do that anymore. They have to be able to read manuals. They have to attend classes and get a certificate before anyone will hire them.

Automobile agencies in Las Vegas for a number of years—I did not realize this—imported people to work on these cars from Utah because Utah issued certificates. Our community colleges in southern Nevada offer training and a degree in the automotive field. A student can then go to Pete Findley Oldsmobile or Fletcher Jones Chevrolet or any of the automobile dealerships, and they will hire them. It takes an education.

Literacy is an empowerment issue. While these children are in America, we want them to have the very best, and having the very best is not an act of generosity on our part. It is an act of doing the right thing, not only for them but for us. Every child who drops out of school not only hurts himself or herself and his family, but hurts us. We have to recognize that making programs available to help these kids through school is good for all of us.

Look at the practicality of literacy as an empowerment issue. It is not a question of picking one method or another. It has more to do with the idea that we have millions of children with limited proficiency in English. These children should be equipped with the necessary tools to prosper in America.

The sooner you speak English, the sooner you are a fully functioning citizen who can participate in society.

I have given the example of Priscilla Rocha's program, but I am sure there are many others around the country that work. I am familiar with Ms. Rocha's program because she has been a friend of mine for many years. I know what a caring individual she is.

I am not advocating a set program. I am advocating that we make sure this education bill allows us to do what, in my opinion, the country needs.

The 21st Century Community Learning Centers program in this legislation expands eligibility to include programs that emphasize language support for limited English proficient students.

There are all kinds of afterschool programs around the country that work. For example, there is a program in Madison, WI. The city operates a

safe haven afterschool program for more than 200 children at three elementary schools in communities with high crime and poverty rates.

The program activities include homework help, academic enrichment, arts and crafts, supervised games and physical education, and field trips. As the program enters its third year, the schools report improved attendance and reduced conflicts during afterschool hours. Children in the program also show greater interest in completing their homework.

Another example can be found in New York City where the YMCA of Greater New York, in partnership with the New York City Board of Education, is working to bring extended school services to 10,000 public school children by turning 200 of the city's underserved public schools into virtual Y's from 3 p.m. to 6 p.m. after school each day.

There are all kinds of programs. Second, third, and fourth graders take part in these programs.

A program in Charleston, WV, helps 60 students who live in a community plagued by crime and drugs attend a summer camp operated by Chandler Elementary School.

I have given examples of programs that help 10,000 schoolchildren, and one that helps 60 schoolchildren. Is one any better than the other? Probably not, but they both work.

Finally, a program in Waco, TX, the Lighted School Program, has kept middle schools open after school until 7 p.m. at night Monday through Thursday for activities and services to approximately 200 students who attend regularly. Nineteen local organizations provide activities and services. Baylor University contributes 115 college students as mentors. Each works with one child for a full school year.

The recreation department of that city leads supervised field trips and games. Two art centers send instructors to the schools to lead hands-on activities, and library staff help children read and act out stories.

Children who participated in the Lighted School Program say they appreciate having a safe place to go after school, that it keeps them off the streets and it is more fun, they say, than sitting at home in front of the television. Several say if the program did not exist, they would be in big trouble.

There are programs that do help. My afterschool literacy amendment will not substitute for school-based academic instruction but will complement it.

My amendment expands the existing 21st Century Community Learning Centers Program. This program helps fund a variety of valuable programs. This grant program is directed at inner-city and rural schools that are working in partnership with community organizations to provide learning and enrichment programs outside of regular school hours for children and adults.

A community learning center is an entity within a public elementary,

middle, or secondary school building that provides educational, recreational, health, and social service programs for residents of all ages within a local community. It is generally operated by a school district which is legally responsible within a State for providing the public education for these students.

There are many examples of afterschool programs including: literacy programs; senior citizen programs; children's daycare services; summer and weekend school programs; nutrition and health programs; expanded library services; telecommunications and technology education programs; parenting skills; employment counseling, training, and placement; and services for individuals with disabilities. These are already included in the bill. I want to make sure there is no confusion, that everyone understands we need to make sure the 21st Century Community Learning Center also includes school-based instruction for children who have limited English skills.

It is important we do that. These programs, I believe, are essential to decreasing the number of students who dropout of school. Just think, instead of having 3,000 children dropping out of school, let's say we have 2,500, if there are 500 kids we can keep in school, I think it will be well worth it.

I hope we send a message by voting unanimously as a Senate for this legislation. I hope it has a strong vote. It is something that is important to the country. I think it is important to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend the Senator for his excellent presentation. He has put his finger on one of the most serious problems we have in this Nation, and that is the dropout problem.

We have to be very careful when we find somebody is proud of their record because their averages have improved, because then we find out the reason they have improved is so many kids dropped out of school that the ones who are left average a higher percentage of successful students. So we have to be very careful when we examine these matters.

Also, the Senator did a very excellent job pointing out the group of students who have the most difficult problems staying in school are those with language difficulties, Hispanics in particular.

His amendment is an excellent one. I would love to accept it, but I understand it can further serve another purpose, which, as we are aware, happens on Mondays. So I ask at some point, when the Senator is ready, we call for a vote.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I yield my time if there is any.

Mr. JEFFORDS. I yield back my time.

Mr. REID. I ask the amendment be set aside for further business.

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

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. BOND. 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. BOND. Mr. President, as we begin this critical week with debate on the education bill, I wanted to make some points that I think apply throughout the debate on education, and I wanted to share with my colleagues some of my hopes, aspirations, and concerns. I thank the manager on the minority side for allowing us to do so.

Mr. JEFFORDS. Mr. President, I appreciate the Senator coming. I know he has an important message. I look forward to listening to him.

Mr. BOND. I thank the manager.

Mr. President, there have been numerous times that I have come to the Senate floor to say—and I come, once again, to repeat—that education is a national priority, but it is an obligation and responsibility of those at the State and local level. The education of our children has traditionally been—and ought to be in the future—carried out and implemented at the local level.

I remember a couple of years ago when we were talking about Federal control that one of my colleagues, who is now no longer with us, was in a debate with a representative in the Department of Education. The Department of Education person said: I care just as much about your children and their needs and their operations in school and their success as you do, to which he replied: Well, that's great. Do you know their names? No. Do you know what their scores are? No. Do you know what their challenges are? No. Do you know where their schools are? No.

The simple fact is that none of us here in Washington, no matter how much we are concerned about education in general and children in general, can know what the problems are and what the challenges are and how best to meet those challenges for students in each local school district throughout this Nation.

I think we would all say that each child is different. Each school district is different. Each school is different. I think for that and other good reasons the Federal role in education has been a limited one, and I believe it should be.

The underlying bill before us—S. 1—recognizes the nature and the scope of this role. The legislation creates a leadership role for the Federal Government in encouraging States to adopt commonsense systems based upon standards, measurements, and accountability. The underlying bill as reported out of our committee did not attempt to micromanage the local schools and classrooms.

S. 1 also would give us the opportunity to redefine how we measure success. For too long, many of my colleagues here have supported throwing more and more money at education. And the Washington-based education establishment generally has determined our success in education programs based on the dollars spent—not on the academic achievements, not on the progress, and not on what our children are learning in school to be better prepared for their role in this increasingly complex and competitive society.

If more money were the answer, we wouldn't be debating this bill because we wouldn't have the problem. We have poured more and more Federal money into education, and the academic achievement of our students has been level or in some cases it has fallen behind.

In pouring more money into public education, we have gone to great lengths to detail precisely how those teachers—the men and women who know the names of the child in their classroom, and know what his or her problems are, more and more they are being told what to do by Washington.

According to the Education Commission of the States:

In the 1999–2000 budget, the federal government spent almost \$44 billion on elementary and secondary education programs. This funding was spread across 35 different education programs in 15 different federal departments.

We did a little research a couple years ago and found out there are over 760 education programs. It was that proliferation of good ideas from Washington that led me at the time to propose what we call the Direct Check For Education, to combine some of those biggest programs, cut the redtape, send it back to the school districts, and tell the school districts these are all things we think you ought to consider but do not require them to dot every i and cross every t, jump through the hoops, and fill out forms and fill out reports and play “Mother May I” with the Federal Government.

All of these programs that exist today were started with good intentions, and they have gotten more money. Look at the money. Shown on this chart are the appropriations for ESEA programs in billions of dollars. Starting in 1990, it looks as if, oh, around \$7 billion was spent, and now it has gone up to, oh, I would say close to \$380 billion.

This shows what has happened in the average national scale math scores for 9-year-olds. That is measured on the

chart with the green line. It is a flat line. If that were a line on a key chart in a hospital measuring the heartbeat of the patient, it would say the patient is dead. All the money has produced no appreciable benefits. That is the math scores.

Maybe we can look at another chart to see if we got any better results. How have we done in reading? This chart has the appropriations for ESEA programs in billions of dollars. It is the same type of chart as the last one. It shows the national 4th grade reading scores: a flat line, no life in the patient. We are not getting any better. We are spending more money to do no better.

I am afraid we are about to hijack S. 1 and turn it into a replay of the same kind of Federal micromanagement and Federal direction of education that has managed to use a whole lot of money without getting any results.

These Federal programs—the Education Commission of the States says 35; I say over 760—have gotten us burdensome regulations, unfunded mandates, and unwanted meddling. The folks at the local level—whether they be parents or teachers or school board members or administrators—say they have less and less control. Jobs of our teachers and administrators are harder than they should be. We have eroded the opportunity for creativity and motivation.

I don't know how many of you have taken the opportunity to do what I have done in Missouri. Over the last 3 years, I have traveled throughout the State—in the metropolitan areas, the suburban areas, the rural areas—and I have met with representatives of teachers, of school board members, of administrators. I have asked: What is the problem here? And too many of them have come back to say: We are spending our time as glorified grantsmen, trying to get more money from the Federal Government, trying to jump through the hoops, trying to do what the Federal Government wants us to do. We don't have the time to prepare our lessons and to prepare our students for the education they need for a lifetime.

This is a serious problem. This is what the teachers, the administrators, the school board members are telling us throughout my State. It comes through loud and clear, and it is on a bipartisan basis. From the most conservative Republicans to the most liberal Democrats, the people in Missouri, who are involved at the local school level, tell us there is far too much time, effort, and energy wasted on complying with Federal dictates, Federal mandates.

Some of our schools say that, although the Federal Government only provides an average of about 5 percent—I guess in Missouri it is a little less than the national average of the dollars going to education—it, in effect, controls about 50 percent of what is done because these Federal mandates

and these Federal dictates—all these good ideas that went into these programs—tell the local schools how they ought to handle the programs they would otherwise be doing to educate their kids. And most of them say, well over 50 percent of the redtape and the headache and the requirements and the hassle they go through comes from the Federal Government.

How can we afford to keep spending Federal education dollars in the same way we have been doing it for years if it is not achieving any success? I do not think we can. I do not think we should stand for it. I have talked to too many parents and teachers, school board members, community and business leaders who say: Our children deserve better. This country deserves better.

Over the past several years, I have opposed the creation of specific new programs and their dictates on the style of their education, even these amendments that have been offered in good faith. These amendments were good ideas, if we had taken our good ideas and ran for membership on a school board. I am sure many of my colleagues could make great contributions if they were on the school board in Mexico, MO, or the R-6 school district or the St. Louis city school board or the Jefferson City school board, but we are not.

The problem is, there are different needs and different challenges in Missouri, in Washington, in Arizona, in Maine, or in Florida. When we pass a law, when we pass a dictate or a requirement, we do not know how that is going to impact the kids who are the ones who have to be taught. We may understand education in general, but there are educational needs that are specific and direct in each school district as the individual student involved.

I cannot believe, if my colleagues went back home, spent some time, saddled up the horses, went out and just rode the circuit, that you wouldn't hear the same things. I know, first hand. Our State has some of the best teachers, the best principals, superintendents, and school board members in the country. They are outstanding people. They are really concerned.

You think we are concerned about education. Well, we were concerned about education last week and will be this week, but we have to be concerned about the budget, we have to be concerned about tax policy, and we are going to be concerned about energy policy.

These dedicated men and women are spending their lifetime dedicated to one thing; that is, teaching our children. What do the people who are actually involved in education have to say?

The superintendent of Springfield, MO, public schools said:

... the amount of paperwork that the federal government causes local school districts to engage in is often overwhelming. The extra effort and time often reduces productive classroom time and energy that could

better be spent working directly with children.

Mr. Berrey of the Wentzville R-IV school said:

Limiting federal intrusion into decisions best left to local communities is what I believe our founding fathers had in mind.

From the Neosho, MO, R-5 school district:

The individuals who are working most closely with the students are indeed the ones who can best decide how this money can be spent for the benefit of students' education.

The superintendent of the Special School District of St. Louis County said:

As head of a school district specializing in special education, I fully understand how my district's financial needs differ from other school district's needs. In order to best utilize the limited funds that are at my disposal, I need maximum flexibility in determining how to put those funds to the best use.

The president of the board of education of the Blue Springs, MO, school district said:

Without local control, the focus is taken away from the needs specific to the children in each school system.

But I think maybe the superintendent of the Taneyville, MO, R-II school district sums it up well:

I feel that State and Federal government has tied our school's hands with mandated programs and mandated uses for the monies we are receiving. The schools are likened to puppets on a string. Pull this string this way and the school does this; pull it another way and the school does that. School systems and communities are as different from one another as individual people are different. What works for one will not work for another.

I offer those because that is the kind of information all of us need as we move forward on any kind of education bill, certainly one as important as the reauthorization of the Elementary and Secondary Education Act. My colleagues haven't been in a position to listen to those people and ask them questions directly, but I suggest to them, if they go home and ask questions, they will hear the same, with similar eloquence and similar heartfelt concern, in their States.

To me the issue is simple: We must give our States and localities the flexibility to utilize the limited amount of Federal resources as they see fit and hold them accountable in the form of academic achievement. We must recognize and reward States and localities that succeed in improving academic achievement. There also should be consequences for States and localities that fail.

We have a choice between having Washington, DC, control our schools and the local level. Who is most likely to waste money? There is no contest there. Unfortunately, we have demonstrated in Washington collectively that no matter how good our ideas, how well intentioned our efforts are to provide direction and counseling and hope for schools, we may not be doing the right job; we may be causing them more problem.

A little girl hustling to school—she was late for school—said a little prayer that she would get to school on time. She went about another half block and got going too fast and fell down on her face. She offered up another little prayer: I would like you to help me to get to school, but don't push so hard. I fell down.

Sometimes we are pushing a little too hard. Sometimes what we try to do to help the people who are trying to deliver education try to uplift and empower our children pushes them down on their face. I think it is time that we consolidate those programs, that we take all these great revenues and give parents a say. Let school boards determine the policy, let administrators know how to run their school, and let teachers who know the names and the problems and the opportunities and the potential of each child make those educational decisions.

S. 1, the underlying bill, consolidates a myriad of Federal programs into a set of programs designed to allow States and local school districts to make decisions on their own, to determine their priorities, recognizing that education reform will take place in the classroom, not because of all of the wonderful, great ideas we have in Washington, DC. The underlying concept of S. 1 is the right way to go.

Amendments on class size are absolutely unnecessary. Class size reduction is an option in S. 1's larger, more flexible program for improving the quality of classroom teaching. It should be an option, not a mandate.

Let me ask this question: Has it been shown that a fifth grade class must have only so many children in it to be successful? I have talked to a lot of administrators who say the most important thing for teaching that fifth grade class and each child in it is to make sure the quality of the teacher is good. If we can't come up with two quality teachers, all we do, in splitting up the class, is say to those children who go with a less qualified teacher that they don't get as good an education.

What if the school district has already devoted its money to reducing class size, used its local funds? What they need is better pay to keep those teachers there.

On classroom funding, are we going to say: You can only use this money to hire more teachers? What if the principal said: I have some great teachers, but they are going to go into the private sector if I don't give them a pay increase? How does that make sense for us to say to every school district in the Nation: Thou shalt hire more teachers? It doesn't make sense to me.

Local school districts are best equipped to determine what they need. Many have already reduced class size where they thought necessary. They might have done that at the expense of some other things: Teacher pay, technology, class books. Maybe they need professional development for the teachers they have. How do we know? I will

guarantee you, we don't know. We can't know for every school district in the Nation. That is why we ought not be mandating that Federal dollars be spent for a purpose that may or may not be the top priority need of that district.

Mandating specific resources for class size reduction really takes money off the table for other schools that have already addressed that specific issue. As I said earlier, they may have decided that professional development for their teachers to improve the quality of teaching is more important to obtain academic success for the students and schools.

We always deal with limited budgets. There is not going to be an unlimited source of money going into anything we need. The question is how best we spend the money we have. All of us agree that a good, quality education is our top national priority. We can't say we are going to have all the specific programs and we are going to meet every need of every school district because State and local funds still cover at least 90 percent—in most States more—of education funding. We are not going to replace that. We shouldn't because we didn't run for this office to be a national school board.

The President and the Secretary of Education are men deeply committed to education, but they are not good superintendents of schools or principals or even teachers, in this instance, because they have to deal with all the schools and they can't know all the kids' names.

The American public is and should be interested in the debate in Washington because they overwhelmingly believe that good education for our children is a top priority. But they also know what really matters is what goes on in the schools and the classrooms around the country. As much as we like to argue among ourselves, what is said in this Chamber or even in the other body is not going to drive the education of a student or make sure that student is better educated. That depends upon a teacher and the school in which that child studies.

Individuals on one side of this debate believe that the Olympians on the hill, those of us in Washington with fine titles, those of us with national responsibilities in the Congress or those in the Education Department, a group of very concerned individuals, know what is best for the folks down in the valley.

I happen to be on the side who believe that the great ideas, the accomplishments, the successes that are going to make our children better educated for the future, that are going to help them meet the challenges of this wonderful but challenging century are going to be made by the folks in the valley, the men and women who staff our schools, who are the teachers, administrators, superintendents, principals who run the school boards, and who are the parents who, above all, are the ones with the greatest stake in the education of their children.

I hope this body does not hijack S. 1 and make it into another system of categorical grants: Jump through this hoop and you will get some dollars. But then you will have to fill out reports and check in with Washington to see how you used them, and then you will have to file more reports, or you can jump through this hoop if you make a successful application. And if you jump through the right hoops and somebody in Washington agrees that it is OK, then you have to follow up with more reports and redtape and forms and tell them what you did. I don't think that is the way we ought to be going on education.

I urge my colleagues, as we look at these amendments before us, to ask these basic questions: Is this amendment or provision going to enable somebody who is teaching children in a school in my State to do a better job? Is it going to be across the board? Is it going to enable every teacher in every school district? Or is it only going to affect a few school districts, where our priority happens to be that school's priority?

Mr. President, I urge my colleagues to rethink how we are going in terms of setting up too many hoops for schools to jump through. We want to see better education, but Federal hoops are not the way to get there.

I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I commend the Senator for his dedication to education. He is a very valuable member of my committee. I have listened carefully to his message, and I thank him.

I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Vermont thanks the Senator from Vermont for yielding to the Senator from Vermont, and the Senator from Vermont thanks the Chair for recognizing both Senators from Vermont.

Someday somebody looking through trivia in the RECORD will try to figure out what the heck that was all about.

Mr. President, what is the parliamentary situation? Are there amendments pending?

The PRESIDING OFFICER. There are amendments pending. It would take unanimous consent to set them aside.

#### AMENDMENT NO. 424

Mr. LEAHY. Mr. President, I ask unanimous consent that amendment No. 424 be added to the list of those amendments that are now pending. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. HATCH, for himself, Mr. LEAHY, Mr. THURMOND, and Mr. KOHL, proposes an amendment numbered 424.

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

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

The amendment reads as follows:

(Purpose: To provide for the establishment of additional Boys and Girls Clubs of America)

On page 893, after line 14, add the following:

#### SEC. \_\_\_\_ BOYS AND GIRLS CLUBS OF AMERICA.

Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a)(2)—

(A) by striking “1,000” and inserting “1,200”;

(B) by striking “2,500” and inserting “4,000”; and

(C) by striking “December 31, 1999” and inserting “December 31, 2006, serving not less than 6,000,000 young people”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “1997, 1998, 1999, 2000, and 2001” and inserting “2002, 2003, 2004, 2005, and 2006”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “90 days” and inserting “30 days”;

(ii) in subparagraph (A), by striking “1,000” and inserting “1,200”; and

(iii) in subparagraph (B), by striking “2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000” and inserting “4,000 Boys and Girls Clubs of America facilities in operation before January 1, 2007”; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) \$60,000,000 for fiscal year 2002;

“(B) \$60,000,000 for fiscal year 2003;

“(C) \$60,000,000 for fiscal year 2004;

“(D) \$60,000,000 for fiscal year 2005; and

“(E) \$60,000,000 for fiscal year 2006.”.

Mr. LEAHY. Mr. President, does this become the 12th amendment, or one on the list on those now pending?

The PRESIDING OFFICER. It is on the list of those that are now pending.

Mr. LEAHY. I thank the Presiding Officer.

Mr. President, I join with the chairman of the Senate Judiciary Committee in offering this amendment. As the Senators know, this reauthorizes Department of Justice grants for new Boys and Girls Clubs in each of our 50 States.

This bipartisan amendment authorizes \$60 million in Department of Justice grants for each of the next 5 years to establish 1,200 additional Boys and Girls Clubs across the Nation. In fact, this will bring the number of Boys and Girls Clubs to 4,000. That means they will serve approximately 6 million young people by January 1, 2007.

I am very impressed with what I see about the Boys and Girls Clubs as I travel around the country. In 1997, I was very proud to join with Senator HATCH and others to pass bipartisan legislation to authorize grants by the Department of Justice to fund 2,500 Boys and Girls Clubs across the Nation. We got very strong bipartisan support. We increased the Department of Justice grant funding for the Boys and Girls Clubs from \$20 million in fiscal year 1998 to \$60 million in fiscal year 2001. That is why we have now 2,591 Boys and Girls Clubs in all 50 States and 3.3 million children are served. It is a success story.

I hear from parents certainly across my State how valuable it is to have the Boys and Girls Clubs. I hear it also from police chiefs. In fact, one police chief told me, rather than giving him a couple more police officers, fund a Boys and Girls Club in his district; it would be more beneficial. This long-term Federal commitment has enabled Vermonters to establish six Boys and Girls Clubs—in Brattleboro, Burlington, Montpelier, Randolph, Rutland, and Vergennes. In fact, I believe the Vermont Boys and Girls Clubs have received more than a million dollars from the Department of Justice grants since 1998.

Last week at a Vermont town meeting on heroin prevention and treatment, I was honored to present a check for more than \$150,000 in Department of Justice funds to the members of the Burlington club to continue helping young Vermonters find some constructive alternatives for both their talents and energies, because we know that in Vermont and across the Nation Boys and Girls Clubs are proving they are a growing success at preventing crime and supporting young children.

Parents, educators, law enforcement officers, and others know we need safe havens where young people can learn and grow up free from the influence of the drugs and gangs and crime. That is why the Boys and Girls Clubs are so important to our Nation's children. Indeed, the success already in Vermont has led to efforts to create nine more clubs throughout my home State. Continued Federal support would be critical to these expansion efforts in Vermont and in the other 49 States as well.

I was disappointed when the President's budget request called for eliminating funding for Boys and Girls Clubs from the Department of Justice's programs for State and local law enforcement assistance. I realize there was an effort to bring down the budget to compensate for what has been a very large tax cut, but I think this money should have been left in. I think the administration makes a mistake in cutting out the money for the Boys and Girls Clubs.

In fact, based on last year's appropriations, the failure of the Bush administration to request funding for the Department of Justice grants for Boys and Girls Clubs amounts to a \$60 million cut in our Federal drug and crime prevention efforts. I have written to the administration. I hope the President will reconsider this decision. I hope he will realize that the Boys and Girls Clubs is not a Democratic initiative or a Republican initiative; this is a commonsense initiative that both parties have endorsed.

Those of us who have children or grandchildren know instinctively how important it is. If we have any doubt, we can just talk to any of the parents in the towns or communities where there are Boys and Girls Clubs; they will tell you how valuable they are. In

fact, the Boys and Girls Clubs of America are the most successful youth organization in the country today, according to the Chronicle of Philanthropy.

I worked together on the Senate Judiciary Committee with Attorney General Ashcroft, and I applaud him because he is a big booster of the Boys and Girls Clubs. He spent a lot of his youth at a club in Missouri, he told me.

I am hopeful that the Attorney General will also support additional Department of Justice funding for more Boys and Girls Clubs. He was very helpful to the debate when Senator HARKIN and I offered an amendment to add one-half billion dollars to the Department of Justice Department in fiscal year 2002 that would fund programs that assist State and local law enforcement. Our amendment, the Leahy-Harkin law enforcement budget amendment, passed the Senate unanimously. It does continue funding for the Boys and Girls Clubs and their Department of Justice grants.

In fact, the budget resolution conference report retained most of the funding increases in the Leahy-Harkin law enforcement amendment.

I hope the amendment today to reauthorize the Department of Justice grants to the Boys and Girls Clubs of America will clear the way for the administration to endorse Federal funding for this effort. It is something on which Senator HATCH and I have joined forces. We want to demonstrate this is not a Liberal, Conservative, Republican, or Democratic effort. It is a commonsense effort because these clubs make such a real difference in the lives of millions of America's young people.

Mr. President, I see others in the Chamber, and I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senator from North Carolina be recognized and that I follow him after his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senator is most gracious, and I certainly appreciate it. I ask unanimous consent that it be in order for me to present my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair. What is the pending amendment? Are there pending amendments, Mr. President?

The PRESIDING OFFICER. Yes, there are pending amendments.

Mr. HELMS. I ask unanimous consent that they be laid aside temporarily so I may offer an amendment.

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

AMENDMENT NO. 574 TO AMENDMENT NO. 358

Mr. HELMS. Mr. President, I call up amendment No. 574 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 574.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities)

At the appropriate place, add the following:

**TITLE —EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES**

**SEC. 1. SHORT TITLE.**

This title may be cited as the "Boy Scouts of America Equal Access Act".

**SEC. 2. EQUAL ACCESS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and  
 (2) denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts' or the youth group's oath of allegiance to God and country, as members or leaders.

(b) TERMINATION OF ASSISTANCE AND OTHER ACTION.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d-2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) DEFINITIONS AND RULE.—

(1) DEFINITIONS.—In this section:

(A) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(B) SECRETARY.—The term "Secretary" means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) YOUTH GROUP.—The term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For purposes of this section, an elementary school or secondary school has a

designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Mr. HELMS. Mr. President, I ask unanimous consent that the amendment be laid aside.

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

AMENDMENT NO. 648 TO AMENDMENT NO. 574

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 648 to amendment No. 574.

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

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE —EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES**

**SEC. 1. SHORT TITLE.**

This title may be cited as the "Boy Scouts of America Equal Access Act".

**SEC. 2. EQUAL ACCESS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts' or the youth group's oath of allegiance to God and country, as members or leaders.

(b) TERMINATION OF ASSISTANCE AND OTHER ACTION.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d-2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) DEFINITIONS AND RULE.—

(1) DEFINITIONS.—In this section:

(A) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(B) SECRETARY.—The term “Secretary” means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) YOUTH GROUP.—The term “youth group” means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For purposes of this section, an elementary school or secondary school has a designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

**SEC. 3. EFFECTIVE DATE.**

This title takes effect 1 day after the date of enactment of this Act.

Mr. HELMS. Mr. President, for years, the Boy Scouts of America organization has been subjected to malicious assaults by some homosexuals and some liberal politicians simply because the Boy Scouts of America organization, and many individual scout groups, have steadfastly continued to uphold their moral and decent standards for scouting and the leaders of that great organization.

I have long admired and supported scouting—its leaders, and the Boy Scouts themselves. (I was one a long time ago, although we will not discuss how long ago that was.) In any case, it comes as no surprise to me that the Supreme Court properly upheld in June of last year the constitutional rights of the Boy Scouts of America—their rights to establish their own membership guidelines, which included no obligation whatsoever to accept homosexuals as Boy Scout members or leaders.

Nor was there any surprise that there came the customary discordant company of radical militants demanding that this landmark decision of the U.S. Supreme Court be undermined.

Mr. President, they never miss a beat, not one—those who demand that everybody else’s principles must be laid aside in order to protect the rights of homosexual conduct, or they go on and on like Tennyson’s Brook. These radical militants are up to the same old tactics when targeting an honorable and respectable organization, the Boy Scouts of America.

Where else do you suppose these people are aiming their attacks now? The answer: the public schools of America. School districts across America are now being pressured to kick the Boy Scouts of America out of federally funded public school facilities. Why and how come, you may ask. I will tell you. It is because the Boy Scouts will not agree to surrender their first amendment rights, and they will not accept the agenda of the radical left in this country.

I asked the Congressional Research Service for a report about how many school districts have already taken hostile actions against the Boy Scouts of America. The Congressional Research Service reported to me that at least nine school districts are known to have publicly attacked the Boy Scouts of America, and in the majority of these cases they have done so in an outright rejection of the Supreme Court’s ruling protecting Boy Scouts’ rights.

One of the more publicized instances occurred in Broward County, FL—a place which earned some notoriety last fall due to its ballot confusion during the Presidential election. Obviously, Broward County, FL, is in another state of confusion: Its school board voted unanimously to forbid—get this—forbid the Boy Scouts of America to use the public school facilities for their meetings, as had historically been the case, unless the Boy Scouts compromised with, guess who? That is right: the homosexual leaders of Broward County. Thankfully, the U.S. district court in Florida intervened at that point, and the court has issued a preliminary injunction prohibiting Broward County from moving forward in evicting the Boy Scouts from the school premises.

I am obliged to acknowledge that Broward County is not the only school district taking such action. In my own State of North Carolina, members of the Chapel Hill School District have demanded that the Boy Scouts of America change their policy (which was upheld, Mr. President, you will remember, by the Supreme Court in June of last year), or the Chapel Hill School District will send the Boy Scouts packing to find another meeting place. Either do it their way or get out of the school. That is what they are saying in Chapel Hill, NC.

Only if they will accept homosexuals as their leaders and fellow scouts will these Boy Scouts be allowed to continue their meetings on school property. But those very same meeting places at school remain open for more than 800 Gay-Straight Alliance clubs. These are homosexual school clubs that have been formed with the assistance of the Gay, Lesbian, and Straight Education Network, which is a radical group committed to promoting immoral lifestyles in the school systems of America.

With groups such as these welcomed in our public schools, while the Boy Scouts are kicked out, schoolchildren need, it seems to me, to have the Boy Scouts stick around, and that is what I want to do with this legislation, if I can, and if the Senate will go along with it.

This arrogant discriminatory treatment of Boy Scouts of America must not be allowed to continue, and that is why I am sitting here this afternoon offering amendments to reinforce the U.S. Supreme Court’s decision upholding the first amendment rights of the

Boy Scouts of America and not oblige those Boy Scouts to compromise their membership or leadership guidelines, nor any of their moral principles.

Specifically, the pending first-degree and second-degree amendments propose that any public school receiving Federal funds from the Department of Education must provide the Boy Scouts or youth groups such as the Boy Scouts equal access to school facilities and must not discriminate against the Boy Scouts of America by requiring scouts or any other youth groups to accept homosexuals as members or as leaders or any other individuals who reject the Boy Scouts’ oath of allegiance to God and country. The penalty for such violation, could constitute the risk of their Federal funding being eliminated.

This amendment provides the Office of Civil Rights within the Department of Education the statutory authority to investigate any discriminatory action taken against The Boy Scouts of America based on their membership or leadership criteria.

In other words, DOE will handle cases of discrimination against the Boy Scouts, in the same manner that DOE currently handles other cases of discrimination, which are barred by Federal law and may result in termination of Federal funds.

For those unfamiliar with the existing process: DOE has given their Office of Civil Rights oversight responsibility over discrimination complaints. The Office of Civil Rights typically notifies and warns a fund recipient—such as a school—to correct its actions or else.

However, it should be noted that according to CRS:

Historically, the fund termination sanction has been infrequently exercised, and most cases are settled at . . . the investigative process. . . .

Therefore, it’s highly unlikely that any school will in fact ever have its funding cut-off; unless it adamantly refuses to provide the Boy Scouts of America equal access to school facilities.

Mr. President, 70 years ago, I remember raising my hand to take the Scout Oath. I have it written here but I really do not need it. How many times on Friday night would we stand with our hands up and say:

On my honor as a Scout, I will do my best to do my duty to God and my country, and to obey the Scout Law. To help other people at all times, to keep myself physically strong, mentally awake, and morally straight.

Mr. President. I hope the Senate will, as the U.S. Supreme Court has already done, uphold the constitutional rights of the Boy Scouts of America to continue to take this oath, meaningfully and sincerely.

I ask unanimous consent that the two memoranda, prepared by the Congressional Research Service and a legal analysis, which was prepared by the American Center for Law and Justice in support of my amendment on the grounds that it is constitutional—I ask

that all of these documents be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

Memorandum to Hon. Jesse Helms from American Law Division, CRS, Mar. 5, 2001  
FEDERAL CIVIL RIGHTS ENFORCEMENT BY THE OFFICE OF CIVIL RIGHTS OF THE U.S. DEPARTMENT OF EDUCATION AND RELATED MATTERS

At your request, this memorandum summarizes our recent discussions relative to enforcement by federal administrative agencies—in particular, the Office of Civil Rights (OCR) in the Department of Education—of Title VI of the 1964 Civil Rights Act and other federal statutes prohibiting discrimination in state and local programs receiving federal financial assistance.

OCR is responsible for enforcing federal laws barring discrimination based on race, sex, national origin, disability or age in all federal education programs or activities funded by the federal government at the elementary, secondary, or higher educational level. It derives its authority mainly from the following statutory sources: Title VI of the 1964 Civil Rights Act, which enacted a generic ban on race, color, or national origin discrimination in all federally assisted programs, educational or otherwise; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance; Section 504 of the Rehabilitation Act of 1973, banning discrimination because of handicap in all federally funded activities; and the Age Discrimination Act of 1975.

Federal agencies were authorized by Title VI to enforce nondiscrimination “by issuing rules, regulations, and orders of general applicability” and to secure compliance through imposition of sanctions, which may include the “termination or refusal to grant or to continue assistance” to recipients, or by “any other means authorized by law.” An early target of Title VI enforcement efforts were segregated “dual school” systems in the South, which had resisted the mandate of *Brown v. Board of Education* to desegregate with “all deliberate speed.” The Civil Rights Act enlisted the executive branch—in this case, the former Department of Health Education and Welfare—as an ally of the courts in effectuating compliance with desegregation requirements by means of threatened fund cutoffs. With statutory creation of the Department of Education in 1979, OCR was made the principal entity responsible for administratively enforcing the panoply of federal laws barring discrimination in programs and activities carried on by federally financed schools, school districts, and higher education institutions.

OCR enforces the noted statutes by conducting investigations of complaints filed in its ten regional offices or at national headquarters in Washington, or by conducting compliance reviews. Compliance reviews are internally generated and are intended as broad investigations of overall compliance by recipients of Federal financial assistance from the Department of Education. Institutions are targeted for such review by examining information gathered in surveys by OCR and from other sources. The surveys are intended to assist the agency in identifying potential areas of “system discrimination.” Upon finding an apparent violation of Title VI or other applicable law, OCR notifies the fund recipient, i.e. the state or local education agency, and must then seek voluntary compliance. If voluntary compliance cannot

be secured, OCR may pursue enforcement through fund termination proceedings within the agency or seek compliance by other authorized means. The administrative fund termination process entails notifying the alleged discriminatory entity of the opportunity for hearing before a DOE administrative law judge. Alternatively, and more often the case, the matter may be referred to the Department of Justice (DOJ) with recommendation for appropriate legal action.

Historically, the fund termination sanction has been infrequently exercised, and most cases are settled at one of four stages of the investigative process: early complaint resolution; during negotiations prior to a “letter of finding” by the agency of a violation, or following such a finding; and at the administrative enforcement stage, when the institution is given a final opportunity to correct any violation found by the ALJ. In addition, litigation instituted by DOJ, on referral from DOE, or by private parties pursuant to an implied right of action has been an important avenue for Title VI enforcement. Although much litigation has concerned public school desegregation, Title VI judicial remedies have also been invoked for claims of discrimination in school disciplinary proceedings, failure to provide bilingual or supplemental instruction for non-English speaking students, student grades and ability grouping, financial aid or scholarship programs.

\* \* \* \* \*

[Memorandum to Hon. Jesse Helms from American Law Division, CRS, Mar. 6, 2001]

ACTIONS BY VARIOUS SCHOOL DISTRICTS ACROSS THE NATION TO RESTRICT ACCESS BY LOCAL SCOUTING ORGANIZATIONS TO PUBLIC SCHOOL FACILITIES

This memorandum responds to your inquiry, and our recent conversation, relative to the above.

In *Boy Scouts of America v. Dale*, the U.S. Supreme Court ruled, by a 5 to 4 vote, that the Boy Scouts have a constitutional right to exclude homosexual members and leaders. Since then, controversies have arisen in Broward County, Florida, New York City, and several other jurisdictions concerning continued local school board support of scouting programs. In Broward County, school authorities reportedly “evicted 57 Boy Scout troops and Cub Scout packs from school property in December [2000]” for violating a nondiscrimination clause in their agreement for use of the facilities. The Boy Scouts responded with a federal lawsuit in Miami district court, apparently still pending, which challenges the officials’ action as unlawful “viewpoint discrimination.” The action claims that the school district violated the Scouts’ right to free expression and equal access to public facilities. As we discussed, presumably neither Title VI of the 1964 Civil Rights Act nor Executive Order 13160, issued by former President Clinton, would prohibit denial by local educational agencies of school facilities or services to scouting organizations.

A search of the Westlaw all news database revealed that the following state or local educational agencies have taken, or are considering, actions to restrict Boy Scout access to public school facilities since the Supreme Court decision in *Boy Scouts of America*:

Broward County, Fla.: “Broward County’s school board voted unanimously to keep the Boy Scouts of America from using public schools to hold meetings and recruitment drives because of the groups ban on gays.” 11/16/00 Fla. Today 06. 2000 WL 20222668.

Chapel Hill N.C.: “The Chapel Hill-Carrboro school board voted [on January 11,

2001] to give Scouts until June to either go against the rules of their organization or lose their sponsorship and meeting places in schools.” 1/13/01 News & Observer (Raleigh NC) B1, 2001 WL 3447689.

New York City: “School Chancellor Harold Levy . . . said the city school system would not enter into any new contracts with the Boy Scouts of America;” and that all sponsorships and special privileges by city schools would be terminated, but that they “will be allowed to have access to school buildings after school hours on the same basis as other organizations, which means they would have to seek customary approval first.” 12/3/00 Star Ledger (Newark N.J.) 028, 2000 WL 29894638.

Los Angeles, CA: Los Angeles City Council has “directed all of the city’s departments to review contracts with the Boy Scouts and order an audit of those contracts to ensure they comply with a nondiscrimination clause.” *Id.*, 2000 WL 29894638.

Madison, Wis.: “A resolution unanimously passed by the Madison School Board . . . harshly criticizes the Boy Scouts of America for its exclusionary policies, but the resolution does not change district policies towards the group.” 12/6/00 Wis. St. J. B3, 2000 WL 24297730.

Seattle Wa.: “Seattle Public Schools officials could decide as early as [January 2001] whether to restrict Boy Scouts of America’s access to students and school buildings.” 12/19/00 Seattle Post-Intelligencer B2, 2000 WL 5309920. No additional reportage on the current status of Seattle schools was located.

Minneapolis Mn: Under unanimously-passed Minneapolis School Board policy, “[s]couts no longer can pass out recruitment material in the city’s public schools and individual schools cannot sponsor troops; however, scouting units may still use school buildings for meetings and other events.” 10/11/00 Stat. trib. (Minneapolis-St. Paul) 01B, 2000 WL 6992730.

Worcester Ma.: “Superintendent of Schools Alfred Tutela . . . banned the Boy Scouts from holding meetings in the properties of the Wachusett Regional Schools District.” 9/15/00 Telegram and Gazette (Worcester) B1, 2000 WL 10219354.

Framingham Ma.: Scouts “were banned from recruiting in the district’s schools.” 12/29/00 Natl Post A 16, 2000 WL 30654763.

We hope that this is of assistance to you.

[Memorandum to Office of Senator Jesse Helms from American Center for Law & Justice, May 17, 2001]

THE BOY SCOUTS OF AMERICA EQUAL ACCESS ACT (S. 1) IS FULLY CONSTITUTIONAL

INTRODUCTION

The American Center for Law and Justice (“ACLJ”) is a nonprofit, public interest law firm and educational organization dedicated to protecting religious liberty, human life, and the family. ACLJ attorneys have successfully argued constitutional law cases in federal and state courts across the United States. See, e.g., *Schenck v. Pro-Choice Network of Western New York*, 519 U.S. 357 (1997); *Lamb’s Chapel v. Center Moriches Union Free School District*, 113 S.Ct. 2141 (1993); *Bray v. Alexandria Women’s Health Clinic*, 113 S.Ct. 753 (1993); *United States v. Kokinda*, 497 U.S. 720 (1990); *Westside Community Schools v. Mergens*, 496 U.S. 226 (1990); *Frisby v. Shultz*, 487 U.S. 474 (1988); *Board of Airport Commissioners v. Jews for Jesus*, 482 U.S. 569 (1987). As reflected by these cases, the ACLJ has a substantial interest in preserving First Amendment freedoms for groups in various speech fora.

The Boy Scouts of America Equal Access Act (S. 1) is consonant with the Free Speech and Free Association provisions of the First

Amendment. The denial of equal access for speech or association by the Boy Scouts in a forum generally open to all other types of speech is unconstitutional viewpoint-based discrimination. See generally, *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 113 S.Ct. 2141 (1993). And, as to this issue in particular, a Federal District Court in Florida has very recently ruled that such discriminatory exclusion of the Boy Scouts from public school facilities was unconstitutional, and enjoined the school district from such further discrimination. See generally, *Boy Scouts of America v. Till*, Case No. 00-7776-Civ-Middlebrooks-Bandstra (S.D. Fla. Mar. 21, 2001). The Boy Scouts of America Equal Access Act follows in that determination to prevent discrimination and seeks to insure equal and constitutional treatment of youth groups, such as the Boy Scouts, without regard to such organizations oath of allegiance to God and country, or the acceptance of homosexuality.

\* \* \* \* \*

The Boy Scouts of America Equal Access Act is not only constitutional, the equal access that it seeks to protect is mandated by the Constitution.

**EXCLUSION OF THE BOY SCOUTS FROM AN OTHERWISE OPEN FORUM WOULD BE REGARDED WITH STRICT SCRUTINY BY THE COURTS**

When a school district by policy or practice rents its facilities to community groups it has clearly created an open forum and cannot then exclude speech because of its content. As the Supreme Court has said, “[w]here the State has opened a forum for direct citizen involvement, exclusions bear a heavy burden of justification.” *Widmar v. Vincent*, 454 U.S. at 268.

When the government excludes speech from an open forum, the government “must therefore satisfy the standard of review appropriate to content-based exclusions. It must show that its regulation is necessary to serve a compelling state interest, and that it is narrowly drawn to achieve that end.” *Widmar v. Vincent*, 454 U.S. at 270. See also, *Perry*, 460 U.S. at 45; *Cornelius v. NAACP Legal Defense and Education Fund*, 473 U.S. at 800. When an otherwise available public facility has erected a content-based prohibition against religious speech in an open forum, for example, it must justify that burden by showing that it has a compelling governmental interest implemented by the least restrictive means. *Widmar v. Vincent*, 454 U.S. at 270; accord *Adams Outdoor Advertising v. City of Newport News*, 373 S.E.2d 917, 923 (Va. 1988). Like the City of Hialeah in *Church of Lukumi v. City of Hialeah*, 113 S.Ct. 2217 (1993), those that would target the Boy Scouts for special disabilities misunderstand that “the interest given in justification of [such a] restriction is not compelling.” *Lukumi*, 113 S.Ct. at 2234. If Establishment Clause concerns were not a compelling reason for the targeted restrictions in *Lukumi*, then generalized concerns about the Boy Scouts taking a politically incorrect stand on the issue of homosexuality is also not compelling.

**EVEN IN A NONPUBLIC FORUM SUCH CONTENT-BASED EXCLUSIONS ARE UNCONSTITUTIONAL**

The Supreme Court has made it clear that even in the context of a non-public forum, this type of viewpoint-based exclusion is unconstitutional and discriminatory. As the Supreme Court explained in *Cornelius v. NAACP Legal Defense and Educ. Fund. Inc.*, 473 U.S. 788, 806 (1985), in a non-public forum “the government violates the First Amendment when it denies access to a speaker solely to suppress the point of view the espouses on an otherwise includible topic.”

In *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 113 S.Ct. 2141 (1993), the

U.S. Supreme Court declared that a religious speech exclusion (which is parallel to the moral viewpoint exclusion here) was unconstitutional viewpoint-based discrimination. The per se exclusion of a certain moral perspective is viewpoint-discriminatory. To make this point clear, the Court in *Lamb's Chapel* used non-public forum standards to emphasize that even in that context the Center Moriches School District has engaged in unconstitutional viewpoint-based discrimination because of its religious speech exclusion. See e.g., *Lamb's Chapel*, 113 S.Ct. at 2141.

In *Lamb's Chapel*, the Center Moriches school district allowed dozens of groups to engage in a host of First Amendment expressive activities, but denied a church the right to rent the facilities after school hours to show a film series to adults on child-rearing because of its religious content. *Lamb's Chapel*, 113 S.Ct. at 2144. In declaring the religious speech ban to be unconstitutional the Court stated:

The film involved here no doubt dealt with a subject otherwise permissible under Rule 10, and its exhibition was denied solely because the film dealt with the subject from a religious standpoint. *The principle that has emerged from our cases is that the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.*—113 S.Ct. at 2147-48 (emphasis added, citations and quotation marks omitted).

\* \* \* \* \*

Like the school district in *Lamb's Chapel*, public school districts afford hundreds of thousands of people the opportunity to express themselves through a myriad assortment of words and phrases. And, as in *Lamb's Chapel*, the sole rationale for the exclusion of the Boy Scouts is a reliance upon the censorship itself as a justification for such a flat ban. This circular reasoning cannot withstand the strict scrutiny which must be applied to such censorship. Such “overt, viewpoint based discrimination contradicts the Speech Clause of the First Amendment.” 113 S.Ct. at 2149, (Kennedy, J. concurring).

Even if the public school facilities were deemed to be non-public fora, a policy targeting the Boy Scouts for exclusion would fail the governing constitutional test. The Supreme Court has explained that “[c]ontrol over access to a nonpublic forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint-neutral.” *Cornelius*, 473 U.S. at 806 (emphasis added). The Boy Scouts exclusion fails even this deferential standard.

There is simply no reasonable basis for the per se exclusion of speech by private actors based upon speech content. Ultimately, some public school districts claim the sheer power to exclude the private speech of the Boy Scouts for no better reason than just because the school district says so. Such an assertion of a stark power to discriminate against a particular group because of its message is incompatible with the Constitution under any standard.

\* \* \* \* \*

**CONCLUSION**

The Boy Scouts of America Equal Access Act is fully constitutional, and properly exercises Congress power of the purse to insure the constitutionally recognized rights and privileges of all youth groups, like the Boy Scouts, are protected and honored. While it may be that exclusion of the Boy Scouts has become a cause celebre for some since the U.S. Supreme Court's decision in *Boy Scouts of America v. Dale*, 120 S.Ct. 2446 (2000), cen-

sorship and discrimination are not answers to disagreements over stands on moral issues. The First Amendment specifically permits a variety of viewpoints to be expressed in the marketplace of ideas, without fear of censorship or exclusion.

The Boy Scouts of America Equal Access Act bill merely mandates what is constitutionally required. As *Boy Scouts of America v. Till* clearly illustrates, however, there is a clear and present need for such legislation.

**THE PRESIDING OFFICER.** Under the previous order, the Senator from Wisconsin is recognized.

**MR. DORGAN.** Mr. President, will the Senator from Wisconsin yield for a question?

Mr. President, I ask consent to be recognized following the remarks of the Senator from Wisconsin.

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

**MR. FEINGOLD.** Mr. President, what is the pending business?

**THE PRESIDING OFFICER.** The Helms amendment in two degrees.

**MR. FEINGOLD.** Mr. President, I ask the Helms amendment be temporarily laid aside so I can speak on the bill itself.

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

**MR. FEINGOLD.** I rise to add my thoughts to this important debate about the proposed annual testing requirements for students in grades 3-8. This bill that we are debating would require states to implement annual testing in reading and math by the 2005-2006 school year; to develop standards for science and history by the 2005-2006 school year; and to implement annual assessments in science for students in grades 3-8 by the 2007-2008 school year.

I commend the Senator from Minnesota [Mr. WELLSTONE] for his commitment to ensuring that these tests are high in quality and do not have an adverse impact on students, teachers, schools, school districts, and States. I am pleased to be listed as a cosponsor of a number of his amendments to this bill to improve its testing provisions.

I actually heard a lot about this proposal for testing from the people of Wisconsin, and their response has been almost universally negative. My constituents oppose this proposal for many reasons, including the cost of developing and implementing additional tests, the loss of teaching time every year to prepare for and take the tests, the linking of success on these tests to ESEA administrative funds, and the pressure that these additional tests will place on students, teachers, schools, and school districts.

I share my constituents' concerns about this proposed Federal mandate. I find it interesting that proponents of the BEST Act say that this bill will return more control to the states and local school districts. I strongly support local control over our children's day-to-day classroom experiences. In my view, however, this massive new federal testing mandate runs counter to the idea of local control.

Many States and local school districts around the country already have

testing programs in place. We should leave the means and frequency of assessment up to the States and local school districts who bear the responsibility for educating our children. Every State and every school district is different. A uniform testing policy may, therefore, not be the best approach.

I am extremely concerned that this new Federal requirement will teach our children that education is not about preparing for their futures, but rather about preparing for tests. That education is really about sharp number two pencils and test sheets; about making sure that little round bubbles are filled in completely; and—if their school districts and states have enough money—maybe about exam booklets for short answer and essay questions.

American students are already tested at many levels—in their classrooms, in their schools, in their districts, and in their States.

My home state of Wisconsin currently tests students in reading in grade 3 through the Wisconsin Reading Comprehension Test, and in reading, language, math, science, and social studies in grades 4, 8, and 10 with the Wisconsin Knowledge and Concepts Examinations. Wisconsin also will require a high school graduation test beginning in the 2003-2004 school year. And this is in addition to regular classroom tests and quizzes and tests given at the district level by many of the 426 school districts in my State. Then, for those students hoping to go to college, there is the pre-SAT, the SAT, the ACT and on and on.

I know: I have four kids who are just completing all that process, or have in the last couple of years. It is an awful lot of testing already.

One of my constituents who is a high school counselor said the high school students in her district spend so much time taking standardized tests that the district could award them one-half of a credit for testing. How much testing is worth one-half of a credit? During their 4 years in high school, the students in this district will spend 84 hours taking standardized tests—84 hours. This does not even include regular classroom tests, final exams, or instruction time spent on test preparation.

According to one teacher who recently contacted me regarding this legislation:

Already I see that teachers are spending too much time on test preparation rather than good instruction. The test administration itself takes valuable time away from instruction and does not provide new data on individual children for the well informed teacher. . . . [M]ultiple choice tests with some short answer [questions] only measure rudimentary knowledge. They rely on memorizing and regurgitating isolated facts and most items only allow one correct answer. Students are being evaluated on one single test. What if the student has a bad day? Lastly, the truly scary part is that standardized tests ensure that half of our students will always be 'below average.' How can we meet the benchmark that everyone will score proficient and advanced when the tests are designed to never let that hap-

pen? . . . Taking more tests is not going to improve learning.

I have heard from many education professionals such as these in my state that this new testing requirement is a waste of money and a waste of time. These people are committed to educating the children of my state, and they don't oppose testing. I think we can all agree that testing has its place. What they oppose is the magnitude of testing that is proposed in this bill.

One of the biggest concerns I have heard about this program is its cost. In my home state of Wisconsin, where the state imposes limits on the amount of money school districts can raise and spend annually, education budgets are already stretched to the breaking point, and federal funding is absolutely critical. And to add a federally-mandated testing program with little in the way of resources to implement it will only compound this problem. I am pleased that the Senate passed an amendment offered by the Chairman of the HELP Committee, Mr. JEFFORDS, to increase funding for this testing program but I remain concerned this bill still falls far short of authorizing enough funding for this program.

Under the provisions of the BEST Act, Wisconsin would have to develop new reading tests for grades 5, 6, and 7 and new math tests for grades 3, 5, 6, and 7. According to the Wisconsin Department of Public Instruction, the estimated cost to add these additional tests would be between \$2 million and \$5.3 million annually, depending on the type of tests chosen by the state. And this is over and above the \$1.5 million the state already spends on testing in grades 3, 4, and 8. And this figure does not include the cost of the state-mandated Wisconsin Knowledge and Concepts Examination for grade 10, which also fulfills the federal requirement to tests students in math and reading at least once between grade 10 and grade 12. And it does not include the cost of the Wisconsin High School Graduation Test. And it does not include the additional cost that the state will have to incur to develop and implement the additional science tests in grades 3, 5, 6, and 7 that this bill requires to begin in the 2007-2008 school year.

Teachers in my state are concerned about the amount of time that they will have to spend preparing their students to take the tests and administering the tests. They are concerned that these additional tests will disrupt the flow of education in their classrooms. One teacher said the preparation for the tests Wisconsin already requires can take up to a month, and the administration of the test takes another week. That is five weeks out of the school year. And this bill would require teachers to take a huge chunk out of each year in grades 3-8. In my view, and in the view of the people of my state, this time can be better spent on regular classroom instruction.

In addition to the financial cost and the instruction time lost, my constitu-

ents are concerned about the value of these tests to students, parents, and teachers. According to one teacher, the existing tests don't have any meaning to students and have little meaning to classroom teachers.

The impact of these tests on students varies. Some students have high test anxiety and, as a result, grow to fear tests. Others simply do not care about the tests, and fill in random answers on their test sheets. And for students who are struggling, a low test score on a standardized test can be demoralizing.

Most students, of course, try their best. But they are confused about why they are taking these tests, and many students and parents are confused by the results of these tests.

Many teachers are unsure about how to interpret the test results. They see statistics that tell them about the numbers of right and wrong answers and about percentiles, but the test results provide little in the way of information for teachers and parents to know where students are having problems. Because so many standardized tests are copyrighted and are used more than once, students, parents, and teachers do not have the opportunity to compare the students' answers to the correct answers. They are unable to determine which concepts the students need help with, or for which concepts the students have demonstrated understanding.

Our children are real people, not numbers. Yet the testing program contained in this bill would judge our students, teachers, schools, school districts, and states by test scores.

In my view, linking funding sanctions to test performance sends the wrong signal. As I noted earlier, students respond differently to tests. To link education funding to a series of high-stakes tests not only does a disservice to our children, but to our teachers, parents, schools, school districts, and states.

I also fear that this new annual testing requirement will disproportionately impact disadvantaged students. As the Senator from Minnesota, Mr. WELLSTONE, has said so many times on this floor, we must ensure that all students have an equality of opportunity to be successful in school. To that end, I am pleased that the Senate adopted an amendment to this bill offered by the Senator from Connecticut, Mr. DODD, and the Senator from Maine, Ms. COLLINS, that would authorize full funding of Title I over the next ten years.

I am also pleased to be an original cosponsor of the amendment that will be offered by the Senator from Minnesota which would modify the annual testing provisions of the bill to clarify that states will not be required to implement the annual tests unless Title I is funded at \$24.7 billion by July 1, 2005, which is consistent with the funding levels in the Dodd-Collins amendment.

Study after study shows that disadvantaged students lag behind their

peers on standardized tests. We must ensure that schools have the resources to help these students catch up with their peers before students are required to take these new annual tests. If we fail to provide adequate resources to these schools and these students, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of our most vulnerable students.

The issue of standards and testing is addressed in the cover story in the May 2001 issue of *Phi Delta Kappan* magazine, which is published by the International Association of Professional Educators of the same name. In his article, “Undermining Standards,” John Merrow discusses the dangers of high-stakes testing, arguing that “in many places testing has gotten ahead of developing and then implementing standards.” He also expresses a concern about the impact of testing on the classroom environment and on classroom teachers: that “test preparation is dominating classroom time, stifling creativity and imagination, and taking the joy out of teaching.”

Merrow also addresses the annual testing program proposed by the President and included in this bill. He says, “As I read President Bush’s proposals, it seems to me that . . . about six things can happen, and five of them are bad. Such high-stakes testing may (1) lead to an even more arid curriculum, (2) drive away talented teachers, (3) tempt states to lower the bar in order not to lose federal money, (4) increase pressure to cheat, and (5) alienate educated parents. That’s not ‘reform with results,’ at least not the results those who support public education would wish for.”

Merrow continues, “Of course, the President’s plan might actually work the way he hopes it will. That is if he backs away from making test scores the be-all and end-all of schooling, his plan might just scare school systems into putting more energy into learning.”

As my constituents have told me, this proposal does scare them—but not in the way the President has intended.

I urge all of my colleagues to take a few minutes to read this article.

I am concerned that the emphasis that is placed on testing as a means of accountability in this bill could result in a generation of students who know how to take tests, but who don’t have the skills necessary to become successful adults.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, Senator SESSIONS has asked to be recognized for 2 minutes, I believe to call up an amendment. It would be fine with me if I could be recognized by consent following Senator SESSIONS’ statement.

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

Mr. SESSIONS. I thank Senator DORGAN. I appreciate his courtesy.

I call up amendment No. 600. This is an amendment I call the “Crisis Hot Line Grant.” It is an amendment for confidential reporting of individuals suspected of imminent school violence.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

Mr. REID. There is no unanimous consent request made to set it aside.

The PRESIDING OFFICER. The Senator from Alabama has requested to bring up an amendment that requires unanimous consent.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

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

The PRESIDING OFFICER. The Senator from Alabama has the floor. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 600 TO AMENDMENT NO. 358

Mr. SESSIONS. Mr. President, I ask unanimous consent for a minute and a half to offer my amendment in relation to crisis hotline grants.

Mr. REID. I have no objection to the pending amendment being set aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 600 to amendment No. 358.

Mr. SESSIONS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for confidential reporting of individuals suspected of imminent school violence)

On page 577, line 2, strike the end quotation mark and the second period.

On page 577, between lines 2 and 3, insert the following:

**“SEC. 4304. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.**

“Subject to the provisions of this title and subpart 4 of part B of title V, funds made available under such titles may be used to—

“(1) support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

“(2) ensure proper State training of personnel to answer and respond to telephone calls to hotlines described in paragraph (1);

“(3) assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web-pages or resources;

“(4) enhance State efforts to offer appropriate counseling services to individuals who call hotlines described in paragraph (1) threatening to do harm to themselves or others; and

“(5) further State effort to publicize services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.”

Mr. SESSIONS. Mr. President, I simply ask that this amendment be considered. Its purpose is to deal with the situation that we have seen in recent years in which teenagers at school have caused serious violence or committed criminal acts and in which other people knew about it and did little to respond. I believe we can improve upon that.

In my State of Alabama, a crisis hotline was set up several years ago. In just a few weeks, they had 800 calls. For example, parents were calling in to say they heard that a certain child had a gun or a weapon or that they were threatening the lives of other people. Having such a hotline would allow the police and school administrators to know about those situations and to perhaps intervene and keep this from happening.

I think Senator CLELAND has some similar language in his legislation. Our language goes into more detail and was made part of the juvenile justice bill that we passed in this Senate but which never became law.

I think it is appropriate that this amendment be made a part of this legislation involving education. It does not appropriate money. It provides an authorized use. The moneys can be used for this, but it does not mandate it on the States. I do believe it is a policy that if more States followed, it could save lives by simply providing a 1-800 number that would be readily available to everyone in and about the school, including parents, to have a place to call to express concerns that something serious may be going on.

Maybe they just want to say: Billy has a gun. Maybe the police could stop by and knock on Billy’s door and see if he has a gun and perhaps stop a crime.

I thank the Presiding Officer and the Senator from Nevada.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 640 TO AMENDMENT NO. 358

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up amendment No. 640.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. REID, proposes an

amendment numbered 640 to amendment No. 358.

Mr. DORGAN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

The Senate Finds:

The price of energy has skyrocketed in recent months;

The California consumers have seen a 10-fold increase in electricity prices in less than 2 years;

Natural gas prices have doubled in some areas, as compared with a year ago;

Gasoline prices are close to \$2.00 per gallon now and are expected to increase to as much as \$3.00 per gallon this summer;

Energy companies have seen their profits doubled, tripled, and in some cases even quintupled; and

High energy prices are having a detrimental effect on families across the country and threaten economic growth:

**SEC. .SENSE OF THE SENATE CONCERNING THE NEED TO ESTABLISH A JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES.**

It is the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to—

(1) study the dramatic increases in energy prices (including increases in the prices of gasoline, natural gas, electricity, and home heating oil);

(2) investigate the cause of the increases;

(3) make findings of fact; and

(4) make such recommendations, including recommendations for legislation and any administrative or other actions, as the joint committee determines to be appropriate.

Mr. DORGAN. Mr. President, this amendment is a sense-of-the-Senate amendment calling for the creation of the House-Senate select committee to investigate energy prices.

I would like to speak just for a few minutes about the issue. Energy prices, as all Americans understand, have been skyrocketing through price spikes and other devices in recent months. The price of gasoline in many parts of the country is now over \$2 a gallon. Some say it is going to go much higher.

The price of natural gas has doubled in much of the country over what it was a year ago. Those who, in the first 2 months of this past winter, suffered the coldest 2 months on record discovered that the cost of heating with natural gas put quite a hole in their budget because natural gas prices were doubled at a time when we had a very significant cold spell. Natural gas prices are still much higher than they have been previously.

Electricity prices are up. In some parts of the country they are way up.

As all of us know, energy is not some option that people have the ability to decide to take or not take. Every morning virtually ever American has a requirement to use energy. So this is not some optional commodity that people can use or not use as they see fit.

Some say, the reason for these price spikes is because that is just the market system working. It is not the market system working. The fact is, the market system is broken. In many of these areas, we have had merger after merger of big oil companies, with oil companies getting much larger and, therefore, exhibiting much greater control over markets. We see spot markets developing with a new class of energy traders. It is a very large enterprise where they are able to trade back and forth, often at prices that are not disclosed or not transparent.

Let me, for a minute, discuss what is happening on the West Coast as part of this price problem. Two years ago, the cost of power in California was \$7 billion. This year it is estimated it will be \$70 billion—a tenfold increase. How does all that happen? Well, the price of natural gas moving into plants that produce electricity goes from an unregulated market into a regulated market; it goes from one seller to a trader; then traded on the spot market; and an MCF that cost a certain amount in the morning could be double or triple or quadruple that value in the afternoon because it is in someone else's hands, and now it is being traded again for a second time on the spot market.

So those folks in California who are paying dramatically higher prices for electricity are being hurt very badly. Some say that is just the market working. It is not. As I said before, the market is broken. We are supposed to have, in a circumstance where you have markets with great concentration of power, a referee of sorts. In this area of California, power would have been FERC, the Federal Energy Regulatory Commission. But FERC, for 2 or 3 years, has done its best imitation of a potted plant. It essentially has been unwilling to take any action in any set of circumstances.

So we have the opportunity and the possibility—in fact, in my judgment, the very real circumstance—of market manipulation and price manipulation in California and on the West Coast.

Gasoline prices, as I indicated, are up, way up. Contrary to the views of the administration, and some others, these price spikes are not due to environmental regulations for reformulated gasoline and more. In fact, reformulated gasoline contributed only 1 to 3 cents of the cost of making gasoline that we witnessed last summer. Even in California, environmental regulations are contributing about 5 to 8 cents of gasoline production costs.

A March 2001 Federal Trade Commission investigation shows that individual refiners made deliberate decisions not to modify or expand refining capacity so they could tighten market supply and therefore drive up gasoline prices.

For example, the Federal Trade Commission found that three refiners only modified facilities to produce reformulated gasoline for their own branded stations so the independent stations—

the mom-and-pop stations—could not get reformulated gasoline. It created a spot market which drove up prices. One company even admitted to withholding supplies of reformulated gasoline at the most critical time to maximize profits.

All of this is going on, and the American people suffer because of it. I had once followed a car at an intersection in rural North Dakota one time. It was a 20-year-old car with a broken back bumper that had a bumper sticker that said: We fought the gas war, and gas won. That bumper sticker would fit a lot of cars these days.

Senior citizens, with declining income years, have to pay substantially higher energy bills. Farmers, trying to buy anhydrous ammonia these days—80 percent of the cost of which is natural gas—are discovering a horrible price for anhydrous ammonia. In addition to that, the price of the fuel they must put in their tractors in order to do spring's work has been driven up dramatically. Truckers moving across this country back and forth have discovered they hardly make it these days with the price of gasoline and diesel fuel. And manufacturers are struggling with the cost of these increased energy spikes in price.

So if the market isn't working, what should happen? I think we should have a select House-Senate committee to investigate energy prices.

Let me hasten to say quickly that there are some legitimate reasons we have had some price changes. We have had a tightening of supply in a number of areas. I will explain why.

When the price of oil went to \$10 a barrel, people stopped looking for oil and natural gas because it was not very productive or was not very rewarding to do so. The price of oil spiked then to \$35 a barrel—from \$10 a barrel—and more people were looking for it. So there will be more supply coming on line. There is that element of price spikes. And there is that element of supply and prices. And that is very real. I do not discount that.

But you cannot attribute what is happening with energy prices just to that circumstance. We now have larger enterprises. We have bigger economic concentrations in this country that have the ability to control prices and manipulate supply. And this Congress, in my judgment, ought to convene an investigative body to evaluate when and where that is happening.

Congress has been very anxious to investigate almost anything in the last 10 years or so. It seems to me it ought to be anxious to investigate, on behalf of the American consumer, what has happened, and why, with respect to the cost of energy in this country.

A century ago Teddy Roosevelt carried a big stick and said that Mr. Rockefeller could not control the price of gasoline and took effective steps to make that happen. It is time for us to do a thorough investigation with a select House-Senate committee to investigate energy pricing.

I know at 4 o'clock the Presiding Officer is to recognize the Senator from Georgia. Is this an appropriate time to seek the yeas and nays on my amendment?

The PRESIDING OFFICER (Mr. BENNETT). The Senator may do that if he wishes.

Mr. DORGAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

AMENDMENT NO. 376, AS MODIFIED

Mr. CLELAND. Mr. President, I call up amendment No. 376 and ask unanimous consent to modify the amendment.

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

The amendment, as modified, is as follows:

On page 577, between lines 15 and 16, insert the following:

**SEC. 404. SCHOOL SAFETY ENHANCEMENT.**

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

**PART D—SCHOOL SAFETY ENHANCEMENT**

**“SEC. 4351. SHORT TITLE.**

“This part may be cited as the ‘School Safety Enhancement Act of 2001’.

**“SEC. 4352. FINDINGS.**

“Congress makes the following findings:

“(1) While our Nation’s schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

“(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–1997 school year.

“(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

“(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

“(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

“(6) Because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school.

“(7) A report issued by the Department of Education in August, 1998, entitled ‘Early Warning, Early Response’ concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

**“SEC. 4353. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.**

“(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall

jointly establish a National Center for School and Youth Safety (in this section referred to as the ‘Center’). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

“(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

“(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

“(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

“(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

“(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

“(c) FUNDING.—There is authorized to be appropriated to carry out this section, \$25,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2005.”

**“SEC. 4354. SAFE COMMUNITIES, SAFE SCHOOLS.**

“(a) GRANTS AUTHORIZED.—Using funds made available under subsection (c), the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall award grants, on a competitive basis, to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community.

“(b) AUTHORIZED ACTIVITIES.—Funds provided under this section may be used for activities that may include efforts to—

“(1) increase early intervention strategies;

“(2) expand parental involvement;

“(3) increase students’ awareness of warning signs of violent behavior;

“(4) promote students’ responsibility to report the warning signs to appropriate persons;

“(5) promote conflict resolution and peer mediation programs;

“(6) increase the number of after-school programs;

“(7) expand the use of safety-related equipment and technology; and

“(8) expand students’ access to mental health services.

“(c) FUNDING.—There is authorized to be appropriated to carry out this section, \$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2005.”

**SEC. 405. AMENDMENTS TO THE NATIONAL CHILD PROTECTION ACT OF 1993.**

Section 5(10) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(10)) is amended to read as follows:

“(10) the term ‘qualified entity’ means—

“(A) a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; or

“(B) an elementary or secondary school.”.

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

The modified amendment I offer today reduces funding for the National Center for School and Youth Safety from \$50 million to \$25 million, and it creates separate authorizations for the National Center and the Safe Communities, Safe Schools grant program.

It has been almost 2 years ago to the day that a 16-year-old boy brought a .22-caliber rifle and .375 magnum revolver to Heritage High School in Conyers, GA and opened fire on six students. The shooting occurred in my hometown of Lithonia, GA, where I grew up. The day was May 20, 1999, exactly one month after the deadly Columbine High School massacre, which took the lives of 15 people.

Growing up in my hometown, I was fortunate to have had a great childhood—with two wonderful parents, supportive teachers in school and in church, and a community that cared. When I was in school, the strongest drug around was aspirin, and the most lethal weapon was a slingshot. The shootings at Heritage High, at Columbine, the school shootings in Springfield, OR, in Jonesboro, AR, in West Paducah, KY and other school tragedies around the country underscore in red the crisis of juvenile violence in America. Our schools were once safe havens in this country. Today, according to data from the Department of Education, they are the setting for one-third of the violence involving teenagers in this Nation. In fact, data from the Departments of Justice and Education found that in 1998, “students aged 12 through 18 were victims of more than 2.7 million total crimes at school . . . and they were victims of about 253,000 serious violent crimes . . .”

These statistics are incredible and they cannot—they must not—be accepted or tolerated.

The amendment I am offering today is based on legislation developed in the last Congress by Senator Robb of Virginia, and it is a response to a seminal 1998 report by the Department of Education, entitled “Early Warning, Timely Response,” which concluded that the reduction and prevention of school violence are best achieved through safety plans which involve the entire community. Accordingly to that landmark report, the most effective plans are those which: emphasize both prevention and intervention; train school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel; establish procedures which allow rapid response and intervention when such signs are identified; and provide adequate support and access to services for troubled students.

My amendment, The School Safety Enhancement amendment, would establish a National Center for School and Youth Safety tasked with the mission of providing schools with adequate resources to prevent incidents of violence. Under my amendment, the center would offer emergency assistance to local communities to respond to school safety crises, including counseling for victims, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to incidents once they occur. My amendment would also establish—and this is important—a toll-free, nationwide hotline for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. Finally, the National Center for School and Youth Safety would compile information about the best practices in school violence prevention, intervention, and crisis management. Specifically, the center would work to ensure that local governments, school officials, parents, students and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime, giving special attention to providing outreach to rural and impoverished communities.

In addition, my amendment would boost coordination among the three Federal agencies most involved with the crucial issue of school safety by authorizing a total of \$24 million in grants by the secretaries of Education and Health and Human Services and the Attorney General to help communities develop community-wide safety programs involving all its members: students, parents, educators, counselors, psychologists, law enforcement officials and agencies, and civic lead-

ers. Grant funds may be used for activities that may include efforts to increase early intervention strategies; expand parental involvement; increase students’ awareness of warning signs of violent behavior; promote conflict resolution; increase the number of after-school programs; and expand the use of safety-related equipment and technology.

The School Safety Enhancement amendment is endorsed by the National Education Association, the Children’s Defense Fund, the International Brotherhood of Police Officers and the Georgia Association of Chiefs of Police. On behalf of America’s schoolchildren and safety in our schools, I urge my colleagues to vote for this amendment.

Mr. President, I reserve the remainder of my time and 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. CLELAND. 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. CLELAND. Mr. President, I ask unanimous consent that time under the quorum call be charged equally to both sides.

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

Mr. CLELAND. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use. Is the time evenly divided?

The PRESIDING OFFICER. The time is equally divided between the Senator from Georgia and an opponent of the amendment.

Mr. KENNEDY. Mr. President, if the Senator from Georgia would be good enough to yield on his time, I don’t know of opposition. We haven’t been notified of the opposition. I want to take a moment to share with our colleagues a bit of the background on this amendment. This has been something that the Senator from Georgia has been interested in and committed to for some period of time.

During the past weeks and months, he has taken the time to speak to me on a number of different occasions. He has talked to the members of the Education Committee about this issue. I am familiar with the fact, going back over a period of time when the Senate considered the reauthorization of this legislation previously, over a year ago, that the Senator from Georgia was very much involved in the developing of the legislation. He has read closely, obviously, the Department of Justice and Education study, which came out in 1998. In that study, this was one of the very important recommendations that they had. But he has taken a broad recommendation and sharpened it a good deal.

I know he has spent a good deal of time talking to those who had initially been involved in recommending the study and has prepared this in a way which I think is enormously important and can be incredibly helpful. As I was listening to the good Senator and thinking about the times he has talked to me about it, I hope we are going to have the sufficient resources to be able to deal with this issue. I am convinced that if we can get this started and get to do even part of the things that the good Senator from Georgia has hoped that it would achieve and accomplish, we can develop the kind of enhanced support for this program that is necessary.

What the Senator is basically pointing out is the great challenges of so many of the young people who are in school, going to school, after school, in a school community, and the kind of violence that is affecting these young people. It is a form of intimidation, a form of bullying, and it obviously has very important adverse impact on the willingness of children to either go to school or their attitude toward school when violence takes place in the time period after school but in the proximity of the school. He has framed it in a broad way to challenge the center itself to draw on all of the community and community resources, which I think is obviously enormously useful. He is talking about the entire community, and he is talking about steps that can be taken in terms of prevention and intervention. He is talking to the various school personnel so they will have the training which too many of them don’t have now to be able to anticipate these problems. He is talking about involvement of the students themselves and community members in these activities.

I can think of a number of different schools in my own city of Boston where the students themselves have become very much involved in assuring safe passage, so to speak, for children to be able to go to the school, while they are at school, and after school. It is a very important success. This is one of those situations where some guidance, some training, some information in the community can have an enormous payoff. I think the result will be a safer climate and an atmosphere in which the children can learn.

I think this is a very well thought through program. He has done a great deal of work in the fashioning and shaping of it. The security of the children in school we try to address to some extent in the safe and drug-free schools. I can see this as a complement to those efforts as well. I think as a result of this amendment the children in that community, as well as teachers and parents, and the whole climate and atmosphere around schools, which in too many instances, tragically, are threatened, would be made safer and more secure.

I commend the Senator for his initiative and thank him for his work in this

area, and I indicate that I hope, when the Senate does address this issue, we have very strong and overwhelming support.

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. JEFFORDS. 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. JEFFORDS. Mr. President, I want to give people notice that there will be a change in the time of the vote this evening. I ask unanimous consent that the previously scheduled vote begin at 5:45 today.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed without the time being charged to either side.

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

AMENDMENT NO. 460

Mr. KENNEDY. Mr. President, I was not here at the time my good friend, the Senator from Nevada, Mr. REID, offered his amendment about afterschool literacy programs. This would expand the 21st Century Community Learning Centers' eligibility to certain organizations to include projects with an emphasis on language and life skill programs for limited-English-proficient students.

I wish to add my support for that program. We had an excellent debate last week when the Senate addressed the issue about increasing support for the limited-English-speaking programs. We pointed out at the start of the debate that, under the existing legislation, we were only reaching about 25 percent of the children who would need these programs.

Then time was taken by the good Senator from Arkansas, myself, and others to point out what has been happening in our school systems with limited-English-speaking students. The number of children has doubled in the last 10 years.

If one looks at what happened over the next several years, the numbers went up dramatically. This is true with regard to Hispanics, but it is also applicable to other children.

I mentioned earlier in the debate my not so recent, several months ago, visit to Revere High School in Revere, MA, where they have children speaking 43 languages. The school is involved in 12 to 14 language classes and expects to expand in the next few years. It is an enormous challenge to schools, but schools are attempting to respond in an extraordinary way.

Encouraging afterschool programs, encouraging programs in these afterschool settings makes a good deal of sense to me. There are a variety of activities in the afterschool programs. In

many instances, there are excellent tutorial services, excellent supplementary services. In some areas, there are just athletic programs.

There are different programs in each afterschool program. For example, in one I visited recently, they have an excellent program in photography and also a second program in graphic arts. A number of the children were coming to this afterschool program.

The fascination of the children in graphic arts and also in photography was overwhelming. Because children were interested in those activities, they were becoming more interested in their school work as well. It has a symbiotic effect.

Senator REID's amendment makes sure children will also have an opportunity for continued training in language in the afterschool programs. If the local jurisdiction chooses to do so, it can utilize the assets they have for that type of activity. It makes a great deal of sense to me. The Senator is to be commended for it.

We have found that where we have these effective programs, the favorable impact in student achievement has been extraordinary, and where we do not have these programs, the children have difficulties.

This is a continuum of opportunity for children with limited English capability, and it is a wise policy decision. I congratulate the Senator for his initiative and hope the Senate will support the amendment when we have the opportunity to do so.

I suggest the absence of a quorum, with the time to be charged to the opposition to the amendment of the Senator from Georgia.

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

Mr. KENNEDY. Mr. President, how much time is in opposition?

The PRESIDING OFFICER. There are 5 minutes 8 seconds left in opposition.

Mr. KENNEDY. I yield myself that time.

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

Mr. KENNEDY. Mr. President, I see my friend on the floor, the Senator from Georgia, who is the primary sponsor of this amendment. I now have the excellent study which was the basis of his amendment, "Early Warning, Timely Response: A Guide to Safe Schools." I know he is familiar with this study. One of the conclusions in this excellent study is that there is valuable information available on recognizing the warning signs of violent behavior; that in dealing effectively with a school crisis, one of the tragedies is schools have become the experts after they face vio-

lence that is destructive and harmful to the children themselves who are attending these schools.

As I understand, one of the principal reasons the Senator is offering the amendment is so that we will have a central clearinghouse available to public schools all across the country where the school administrators, teachers, and others with responsibility for security within the schools can tap into and draw from the experience of other schools that have had successful programs.

Is this one of the purposes for the amendment?

Mr. CLELAND. The Senator is absolutely correct.

I thank the Senator from Massachusetts for his leadership role not only in the area of education and in working with this piece of legislation, but in the area of school safety.

The Senator is correct; this report from 1998 that the Senator refers to is, quite frankly, shocking to me in the sense that it has indicated how broad based the real question of violence in our schools really is. It indicates to me that we need a broad-based approach.

The facts from this report indicate that a third of the violence involving teenagers in this Nation occurs in our schools. That is shocking. It seems to me, then, that the distinguished Senator from Massachusetts is correct that we need this broad-based approach and a national center, a national clearinghouse to make sure that communities are in touch with one another.

I can testify that the little community of Conyers, GA, not far from my hometown of Lithonia, GA, has within it Heritage High School. That community was in shock, in trauma really, for months after the school shootings there. The community was wondering what in the world to do, whether to enhance counseling, whether to improve police protection, whether to enforce tighter laws or what.

With this center that we are setting up, the National Center for School and Youth Safety, one call can inform any community that goes through such a tragedy and such trauma what other communities have done and what resources are available to assist them. These are not resources just available to schools; these are resources available to counselors and law enforcement agencies.

I note that not only are the teachers of America—the National Education Association—behind this legislation, and those who defend our children in America—the Children's Defense Fund—but also law enforcement is behind this piece of legislation—the International Brotherhood of Police Officers and the Chiefs of Police in my own home State.

I am thrilled with this kind of support, but, again, the Senator is correct. It was not my idea. This amendment was really the outgrowth of a report in 1998, issued by the Department of Education, that found, in coordination

with the Department of Justice, this incredibly high number of incidents of violence. I thought it was incredible that students from age 12 to 18 were victims of more than 2.7 million crimes at school and the victims of 253,000 serious violent crimes.

When I was growing up in my home community, this level of violence, this level of crime, was unheard of, unthinkable. I can remember our high school principal articulated a principle that is embodied actually in this legislation, that a school cannot live apart from the community. So our schools are not just separate oases out there, monasteries that are separate from the community; they reflect what is going on in the community. That is why our approach isn't just some assistance to schools or teachers and counselors; it is assistance to law enforcement, to community leaders, nonprofit organizations, because violence is that broad bound, and it is not just located in one particular place.

The distinguished Senator from Massachusetts is correct. It is one reason why we have incorporated immediate access to this center in the form of a toll free, nationwide hotline for students to report criminal activity, threats of criminal activity, high-risk behavior such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior.

There is a special emphasis, too, on rural and impoverished communities. Violence knows no boundaries. Our rural and impoverished communities are just as susceptible to violence as any others.

I thank the Senator for his willingness to assist me in this amendment. I thank him and his staff for the courtesies they have exhibited toward us.

Mr. KENNEDY. Mr. President, I remind the Senate that the study, which is the basis for this amendment, is entitled "Early Warning, Timely Response: A Guide To Safe Schools." The study itself was sent out to principals of schools across the country, but if teachers or parents are interested, they can write the Department of Justice or the Department of Education and get this study. It is also available on line as well.

I want to mention one quote from Wilmer Cody, Kentucky Commissioner of Education:

Coordinated school efforts can help. But the solution does not just rest in the schools. Together we must develop solutions that are community-wide and coordinated, that include schools, families, courts, law enforcement, community agencies, representatives of the faith community, business, and the broader community.

I think that is what is unique in the Cleland proposal. It isn't just relying on one aspect of the community; it includes all of those elements. It is described in this report. I think it will be a center which will have information of essential importance to every school in this country. I think every school in the country would be wise to continue

to upgrade their own information because it will be a resource that will explain what is working, what has been effective, what has been successful.

Finally, we have to start by recognizing that schools are safe places. They are safe places for children. We are all mindful of the tragedies, the tragic killings that have taken place, the shootings that have brought such enormous tragedy to the families of people who have been affected by acts of violence.

Parents are constantly concerned about how safe their children are when they go to school every day. But the essential fact is, children are safe in their schools. I think people understand that. We understand that. But we want to make sure they are going to continue to be safe. There are too many instances of violence. The instances that have occurred are a real concern to us. We want to reduce them and make the schools even safer.

That is what the amendment of the Senator from Georgia is all about. As I mentioned, I hope those who follow this debate—and it is a difficult debate to follow since we are on this legislation for a few days and then have intervening matters, but nonetheless, I hope they will have the chance to review that study and this amendment. We think this amendment will be an important addition to the bill.

I thank the Senator again.

Mr. CLELAND. Will the Senator yield?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. CLELAND. Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor to this amendment.

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

Mr. CLELAND. I thank the Senator from Massachusetts for his leadership. I urge the Senate to adopt the amendment.

Mr. KENNEDY. We will have that chance.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 465 TO AMENDMENT NO. 358

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the two pending amendments be temporarily laid aside and I call up amendment No. 465.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. FEINGOLD, proposes an amendment numbered 465 to Amendment No. 358.

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

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

The amendment reads as follows:

(Purpose: To improve the provisions relating to assessment completion bonuses)

On page 776, strike lines 1 through 5, and insert the following:

"(b) ASSESSMENT COMPLETION BONUSES.—

"(1) IN GENERAL.—At the end of school year 2006–2007, the Secretary shall make 1-time bonus payments to States that develop State assessments as required under section 1111(b)(3)(F) that are of particularly high quality in terms of assessing the performance of students in grades 3 through 8. The Secretary shall make the awards to States that develop assessments that involve up-to-date measures of student performance from multiple sources that assess the range and depth of student knowledge and proficiency in meeting State performance standards, in each academic subject in which the State is required to conduct the assessments.

"(2) PEER REVIEW.—In making awards under paragraph (1), the Secretary shall use a peer review process.

Mr. WELLSTONE. Mr. President, this amendment that I have called up—I do it now because I am hoping—and I certainly thank the Senator from Vermont for his focus on policy last week and his support of an amendment I had on testing. But this amendment is really simple and straightforward. I thought tonight would be a good time to introduce it.

Right now, in S. 1, the Secretary can give bonuses to States if they complete their assessments ahead of the deadline outlined in the law, which is the 2005–2006 school year.

What we are saying in the amendment is that actually what we ought to do is to, instead, give bonuses to States for developing and using high-quality assessments. That is really where any bonus ought to go.

So what this amendment would do is change the bonus grant so the rewards would go to States if they develop high-quality assessments as determined by a peer review process that would be set up by the Secretary—that is done all the time—instead of awarding grants to States just because their assessments get done quickly.

The point is not whether they are done quickly, the point is to make sure this is high-quality assessment. To emphasize the thoughtful development of high-quality assessments, these bonuses would not be rewarded until the date at which the new annual testing goes into effect.

So I want to start out by saying to colleagues that this is very consistent, interestingly enough, with the piece that Secretary Paige wrote in the Washington Post this weekend. He writes:

A good test, the kind the President and I support, is aligned with the curriculum so the schools know whether children are actually learning the material that their States have decided the child should know.

So I am saying now and what I was saying last week—that I absolutely agree and, of course, the majority of my colleagues agreed—is let's make sure we meet the basic criteria that the tests are comprehensive—you don't just have to take off-the-shelf, single standardized test—and that the tests

are coherent, that they are measuring the curriculum being taught, and they are continuous so we can measure the progress of a child over time.

Well, I think what Secretary Paige said in his op-ed piece in the Washington Post is, yes; we want to make sure that this is high-quality testing. So I was looking at the language in the bill, I say to my colleagues, and I thought, wait a minute, we don't want to have an incentive saying that the sooner you do the assessment, the more likely you are to get a bonus because then the incentive is all in the wrong direction.

What we really want to say is we do not want people rushing and we do not want people as a result of that rush—and I have heard Senator KENNEDY talk about this more than once—to use off-the-shelf, relatively low level tests. We want to reward States and provide bonuses for doing high-quality testing. That is what this amendment is about.

I was not here earlier, but I thank my colleague and friend from Wisconsin, Senator FEINGOLD, who is a co-sponsor of this amendment. He came to the Chamber earlier, and I understand he made some very thoughtful comments on the general issue of high quality and fair assessments, and he also raised some very legitimate questions and concerns about the direction in which we are moving.

I could spend a lot of time on this. I do not think I need to draw from the different reports and studies that have taken place about the importance of getting it right and making sure this is high-quality testing.

If we want to get the tests right, then we ought to provide bonuses for States that do the best job. That is really where the bonuses should go.

My point is, let us enhance the accountability systems by enhancing the quality of assessments so that we do not make a mistake, and the way to do that is to provide incentives for States, bonuses for States that do a high-quality job with high-quality tests.

That is what I tried to do last week and this week—and I so appreciate the support of the Senators from Massachusetts and Vermont. There will come a point in the debate where I am going to raise the philosophical question—which I do not know I have answered in my own mind—as to whether the Federal Government ought to be dictating this to States and local school districts. That is the question. We have done it before with title I, but this goes way beyond what we have done.

The part of the op-ed piece Secretary Paige wrote with which I do not agree is the opening sentence:

Anyone who opposes annual testing of children is an apologist for a broken system of education that dismisses certain children and classes of children as unteachable.

My fear is, I say to Senator JEFFORDS, I thought when we were marking up this bill we were saying two things. We were saying yes to accountability and we want to do it the right

way, and we were also saying yes to making sure there were resources for the tools, for the students and for the teachers to do well.

My concern is, given where we are heading with the budget resolution and where we are heading with this tax cut, as a matter of fact, we are not going to have the resources to help students do better. In which case it seems to me a little disingenuous at best and, I frankly argue, cruel at worst, to take a fourth grader or a third grader, since we start at age 8, who has been in a school where there have been two or three teachers during the school year—that is not uncommon in some of the inner-city schools, and expect those children to do as well as students who have had the best teachers and the best opportunities.

Low income children do not have the support necessary to do well, most particularly in the area of early childhood education. A child who comes to kindergarten and is way behind other children who had good nurturing, stimulation, had the best of early childhood development either from their own family or in a really good childcare center the parents could afford, has an immeasurable disadvantage. Yet, we will basically say, without any additional help, that we are going to fail her.

We already know these children are not going to do well. The thing Secretary Paige is missing in his piece today is what he testified to before our committee. He said, yes, we need the resources. I do not see those resources, and I think this will end up not being a good piece of legislation if we do not have both.

The two colleagues who are in the Chamber, the Senator from Massachusetts and the Senator from Vermont, have made the same point: We need the resources to go with accountability.

I have an amendment—I am ready to do it at a good time—that is a trigger amendment—linking the new testing to the funding 79 of us voted for in the Dodd-Collins amendment on fully authorizing title I. My amendment would ensure that there is additional money for reading help, quality teachers, preschool and afterschool care.

All that is going to be a key debate. Right now I am in a pragmatic mood, and I am just trying to make sure the testing is done the best possible way. Even if I do not end up voting for the bill, I still want it to be the best possible bill.

I think we ought to provide the bonuses for the high-quality testing. It seems to me a mistake that the bonuses go only to the States that develop their assessments as quickly as possible. I hope I get support from my colleagues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for what I hope will be an accepted amendment. The administration is offering the bonuses to en-

courage States to move ahead. The Senator has rightfully put his finger on the fact that we want to make sure the tests are not going to be off-the-shelf tests and responding to rote information but are a reflection of what the children actually learned and how they think.

That is done in a number of States at the present time. The administration wanted to provide encouragement to States to do it. We had, the Senator may remember, in the previous elementary and secondary education title I program, put in a provision encouraging States to do it, and only 10 or 12 States actually did it. We provided flexibility for them to do it in the elementary, middle, and then the senior year. A number of the States did but most did not.

The administration was trying to encourage States to move ahead. I support that concept, but I absolutely agree with the Senator from Minnesota: First, we want to have good tests. We had that debate last week.

The bill is strengthened with the amendment of the Senator from Minnesota. This is a follow-on that says we want to encourage good tests and we want to get it done as early as possible.

As I understand, there are 15 States now which have tests between the third and the eighth grade. The basic reviews, the studies that have been done on those tests, say of the 15, 7 States have very well designed tests that are generally recognized to meet this criterion to test the children's ability to think and comprehend the information and then be able to respond to challenges using that information in an effective way in response to questions. We want to encourage that.

It takes time to do tests well. There are a number of steps. We want good tests. We want a good curriculum. We want well-trained teachers. That is what we are trying to do, get well-trained teachers, and we have the provisions in the legislation to do that. We want to get the curriculum formed, and we have provisions in the legislation to do that.

We want accountability with tests which we are encouraging, and with the Wellstone amendment we can do that. With the Wellstone amendment and the bonuses, this is a very useful and helpful amendment. I am very hopeful at the appropriate time we will be able to successfully urge Senators to accept this amendment.

Senator WELLSTONE has targeted one area of concern to me and I think to many here, and that is to make sure we are going to get good tests and not just the off-the-shelf tests which are taught to and really do not reflect the progress all of us want to see in terms of children learning.

I thank him very much. We had talked about this concept before, and he has taken the concept and put it into legislative form. I had not seen it before. There may be some parts to it—but I cannot spot them—that may be

of trouble to some of our colleagues, but I hope at the appropriate time we can move ahead and accept the amendment.

I thank the Senator for the development of this amendment. This amendment and the other amendment he had immeasurably strengthen the legislation.

I don't want to end this part of the discussion without saying I agree with him about the importance of the resources. I am somewhat more hopeful than he is that by the end of the day we are going to be able to get them. Maybe it is a false hope. I do not believe it is. But I know he will be helping us and doing everything he can to help us get them whenever we can.

I know the depth of his own feeling. I respect it, although I might have some difference in the final conclusions he comes to with regard to the overall legislation.

This is an important amendment. I am hopeful it will be accepted at an appropriate time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator for his gracious remarks and thank him for his support of this amendment.

#### AMENDMENT NO. 600

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, earlier today I had a followup amendment 600 that I offered to create a crisis hotline so parents and schoolchildren who see a child carrying a weapon or making a serious threat can call on that hotline and something would be done about it because in the most serious high school violent cases we have had in America those children were sending signals in advance and perhaps lives have been saved in that regard.

I offered the amendment earlier, and I ask unanimous consent to ask for the yeas and nays.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 389

Mr. JEFFORDS. Mr. President, I call up Senator VOINOVICH's amendment No. 389.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is now pending.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. I ask unanimous consent that the amendment be set aside and the regular order be resumed.

#### VOTE ON AMENDMENT NO. 460

The PRESIDING OFFICER. The amendment is set aside.

The pending amendment by previous order is now the Reid amendment No.

460. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

#### [Rollcall Vote No. 102 Leg.]

#### YEAS—96

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

#### NOT VOTING—4

Akaka	Lieberman
Harkin	Mikulski

The amendment (No. 460) was agreed to.

#### AMENDMENT NO. 376

The PRESIDING OFFICER. There is 2 minutes equally divided on the Cleland amendment No. 376. Who yields time?

Mr. JEFFORDS. Mr. President, I yield back my time.

Mr. CLELAND. Mr. President, I yield my time back.

The PRESIDING OFFICER. All time is yielded back.

Mr. CLELAND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Georgia. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 74, nays 23, as follows:

#### [Rollcall Vote No. 102 Leg.]

#### YEAS—74

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

#### NAYS—23

Allard	Frist	Lott
Bennett	Gregg	Nickles
Bond	Hagel	Santorum
Brownback	Hatch	Smith (NH)
Bunning	Helms	Thomas
Chafee	Hutchinson	Thompson
Ensign	Inhofe	Thurmond
Enzi	Kyl	

#### NOT VOTING—3

Akaka	Lieberman	Mikulski
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The amendment (No. 376) was agreed to.

#### AMENDMENT NO. 600

Mr. JEFFORDS. Mr. President, I ask unanimous consent to call up amendment No. 600 of Senator SESSIONS.

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

Mr. JEFFORDS. I ask unanimous consent to vitiate the yeas and nays.

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

Mr. JEFFORDS. I believe this amendment is acceptable to both sides. I ask the Senator from Massachusetts.

Mr. KENNEDY. Yes. Mr. President, I hope the Senate will accept this amendment. The Senator explained it earlier, and I think it is a useful addition to the legislation. I hope it will be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 600) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AMENDMENT NO. 388, WITHDRAWN

Mr. SPECTER. Mr. President, I sought recognition to withdraw amendment No. 388, which is a second-degree amendment to the amendment offered by the Senator from Washington, Mrs. MURRAY. I have done so because pursuant to some substantial complications

of the bill and a number of corrections, I believe the underlying bill accomplishes what I have sought, and that is to allow the States to have discretion to use funds under this bill for classroom size or additional teachers if they choose to do so.

There is a long and involved history to this issue which came up on the appropriations bill which I managed last year in my capacity as chairman of the Appropriations Committee, Subcommittee on Labor, Health and Human Services, and Education. But in any event, the objective which I have sought will be accomplished by the underlying bill, and it would simplify the process if I withdraw the amendment, which I hereby do.

I thank the Chair.

Mr. JEFFORDS. I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 600

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to make a few remarks on amendment No. 600, as agreed to.

Mr. JEFFORDS. Go ahead.

Mr. KENNEDY. We appreciate the courtesy of the Senator from Alabama. But I think we are not quite prepared to offer a consent agreement on the procedures for tomorrow. We are awaiting that agreement. We welcome the Senator's comments on that legislation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, one of the things we have learned from the shootings in a number of the schools that have traumatized all of America is that quite often certain individuals, family, schoolmates, or others had reasonable cause to believe that a child might be about to commit some serious act of violence. But in each of those cases, no real intervention occurred, and the act of violence was carried out.

Back in my hometown of Mobile, AL, we had a problem of children using guns and bringing them to school. I was a U.S. Attorney, and we had a big meeting with the district attorney and the sheriff, the juvenile judge, the juvenile referee, the Colleagues for Drug Free Mobile, and the Drug Council. We talked about how to deal with it, and we came up with the idea of a bumper sticker that we called "Kid With A Gun Call 911."

The police chief said if they received a call from a parent or a child who made a serious allegation that another child was carrying a weapon or maybe about to plan something dangerous, the police would followup on that call. Bumper stickers were put on the police cars, and the message got about town.

Later, the State of Alabama adopted a hotline in which they set up the same kind of thing with a centralized 24-hour-a-day center to receive those calls from all over the State. Within 2 weeks of the setting up of that hotline, quite

a number of calls were received. I think there were about 400 calls in that short period of time. Many of those came from 5 to 9 o'clock at night and came from parents or grandparents of children who had seen or heard things that troubled them where the kids went to school.

I believe a hotline of this kind should be given serious consideration by other States.

This legislation will make clear that the funds already appropriated can be used for safe schools and violence prevention, and that creating a hotline of this type would be a permissible use of that money.

A mechanism needs to be set up so that anyone who has a serious cause for concern would know precisely where they could call. They would not have to give their name under most circumstances. Then perhaps something could be done to intervene in the situation.

If, for example, a child comes home and says that down the street in the vacant lot Billy is playing with a gun, and he says he is going to shoot somebody, the mother, the grandmother, or somebody at home could make that call. Somebody would come out and check it out. They are not going to arrest the person if he doesn't have a gun. They are just going to ask questions about it.

Perhaps those kinds of immediate responses and immediate interventions would be effective in reducing the likelihood that a child would actually go and shoot someone. In fact, we could get a lot of illegal weapons off the street.

I think this is a good approach. It is legislation that we discussed in depth when the juvenile justice bill was moving through this Senate and passed this Senate, but it never became law. I think that this provision is appropriate for schools. I believe it would be a good preventive tool for violence.

I thank the Senate and the leaders on both sides for agreeing to allow this amendment to be approved and made a part of this bill. I hope and pray that this type of intervention may prevent violence and possibly save lives.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 443

Mr. VOINOVICH. Mr. President, I call up amendment No. 443.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. BAUCUS, Ms. LANDRIEU, and Mrs. MURRAY, proposes an amendment numbered 443.

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

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

The amendment is as follows:

(Purpose: To amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers)

On page 893, after line 14, add the following:

**SEC. \_\_\_\_\_. LOAN FORGIVENESS FOR HEAD START TEACHERS.**

(a) **SHORT TITLE.**—This section may be cited as the "Loan Forgiveness for Head Start Teachers Act of 2001".

(b) **HEAD START TEACHERS.**—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:

"(1)(A) has been employed—

"(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(B)(i) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

"(ii) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

"(iii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and"

(2) in subsection (g), by adding at the end the following:

"(3) **HEAD START.**—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001."; and

(3) by adding at the end the following:

"(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).".

(c) **CONFORMING AMENDMENTS.**—Section 428J of such Act (20 U.S.C. 1078-10) is amended—

(1) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(2) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)";

(3) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)"; and

(4) in subsection (h), by inserting "except as part of the term 'program year,'" before "where".

(d) **DIRECT STUDENT LOAN FORGIVENESS.**—

(1) **IN GENERAL.**—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (b)(1), by amending subparagraph (A) to read as follows:

"(A)(i) has been employed—

“(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

“(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

“(ii)(I) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

“(II) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

“(III) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and”;

(B) in subsection (g), by adding at the end the following:

“(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001.”; and

(C) by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).”.

(2) CONFORMING AMENDMENTS.—Section 460 of such Act (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting “or fifth complete program year” after “fifth complete school year of teaching”;

(B) in subsection (f), by striking “subsection (b)” and inserting “subsection (b)(1)(A)(i)(I)”; and

(C) in subsection (g)(1)(A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)(I)”; and

(D) in subsection (h), by inserting “except as part of the term ‘program year,’ before ‘where’.”

Mr. VOINOVICH. Mr. President, this amendment will encourage young teachers to go into early childhood education, encourage further learning and credentialing of early learning educators, and lead to better education for our nation's youngest children.

I am pleased to be joined by Senators FEINSTEIN, COCHRAN, BAUCUS, LANDRIEU, MURRAY and CORZINE in offering this amendment.

If one asks virtually any scientific expert in human development or any mother for that matter—and they will tell you that there is no more important time in a child's life than their earliest years.

In terms of priorities, the experiences and learning that fill a child's first years have a critical and decisive impact on the development of the brain and on the nature and extent of their adult capacities—in other words, who they will become as they grow older.

That window of opportunity can be impacted by things that are within our control.

To maximize their potential, we must begin to teach our children the necessary learning skills as early as possible; well before they reach kindergarten.

There is countless amounts of research and data that shows that by focusing on these earliest years, we can make the greatest difference in a child's development and capacity to learn, and I know of few other programs that provide that kind of focus as does Head Start.

The amendment that I am offering is designed to encourage currently enrolled and incoming college students working on a bachelor's or a master's degree to pursue a career as a Head Start teacher.

In exchange for a 5-year teaching commitment in a qualified Head Start program, a college graduate with a minimum of a bachelor's degree could receive up to \$5,000 in forgiveness for their federal Stafford student loan.

When I was Governor of Ohio, we invested heavily in Head Start, increasing funding from \$18 million in 1990, to \$180 million in 1998.

By the time I left office, there was a space available for every eligible child in Ohio whose parents wanted them in a Head Start or preschool program, and because of our efforts, Ohio led the Nation in terms of children served by Head Start. Today, there are 60,000 children in our Head Start programs.

Now that I am in the Senate, I continue to believe that it is absolutely critical that we do more to help our young people prepare to begin school ready to learn.

In this regard, I was pleased to work with Senators JEFFORDS and STEVENS last year to help pass the Early Learning Opportunities Act. Still, we must now do more to help those teachers who educate our youngest children.

The results of a survey undertaken by the U.S. Department of Health and Human Services in 1999 and 2000 has shown a significant correlation between the quality of education a child receives and the amount of education that child's teacher possesses; that is, the more education a teacher has, the more effectively they teach their students cognitive skills, the more likely the students are to act upon those skills.

Current Federal law requires that 50 percent of all Head Start teachers must have an associate, bachelor's, or advanced degree in early childhood education or a related field with teaching experience by 2003.

Under Ohio law, by 2007, all Head Start teachers must have at least an associate's degree. It is hoped that this requirement will encourage Head Start educators to pursue a bachelor's or even an advanced degree. After all, the more education our teachers have, the better off our children will be. Unfortunately, as we all know, education can be expensive.

In Ohio today, only 11.3 percent—242—of the 2,126 Head Start teachers employed in the State have a bachelor's degree. Additionally, less than 1 percent—20—of Ohio's Head Start teachers have a graduate degree. We must do more to help our teachers afford the education that will be used to help educate our children.

If we do not intervene at this critical time in a child's life with programs such as Head Start and the Early Learning Opportunity Act, we will not likely reach our goal of “no child left behind.” One of the best uses of our Federal education resources is to target them toward our youngest citizens where they can have the most impact.

Recruiting and retaining Head Start and early childhood teachers continues to be a challenge for Ohio and other States.

This amendment—which is based on the bill that Senator FEINSTEIN and I introduced, the Loan Forgiveness for Head Start Teachers Act, S. 123 will help communities, schools and other Head Start providers to meet the challenge of recruiting and retaining high-quality teachers.

It is one of the best ways that I know of where we can make a real difference in the lives of our most precious resource—our children.

I am pleased to have been able to work with the National Head Start Association, the Ohio Head Start Association, and my Senate colleagues on this legislation. I urge the Members of this Chamber to support this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. VOINOVICH. Mr. President, I yield the floor to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in support of Senate passage of the James Guelff and Chris McCurley Body Armor Act. This bill is named after two police officers who were killed in the line of duty by criminal assailants wearing body armor.

I thank Senator SESSIONS, Senator HATCH, and Senator LEAHY, among others, for working so diligently with me to craft and pass this bipartisan legislation.

I would also like to recognize Lee Guelff, brother of James Guelff, as well as the many other individuals who worked tirelessly on behalf of this legislation.

I introduced this legislation almost six years ago in response to the death of San Francisco police officer James Guelff, on November 13, 1994. Officer Guelff responded to a distress call. Upon reaching the crime scene, he was fired upon by a heavily armed suspect who was shielded by a kevlar vest and bulletproof helmet. Officer Guelff died in the ensuing gunfight.

The James Guelff and Chris McCurley Body Armor Act is designed to deter criminals from wearing body armor, and to distribute excess Federal body armor to local police.

Lee Guelff, brother of Officer James Guelff, wrote to me about the need to revise the laws relating to body armor. He wrote:

It's bad enough when officers have to face gunmen in possession of superior firepower . . . But to have to confront suspects shielded by equal or better defensive protection as well goes beyond the bounds of acceptable risk for officers and citizens alike. No officer should have to face the same set of deadly circumstances again.

I strongly agree with Lee.

The legislation has three key provisions. First, it directs the U.S. Sentencing Commission to provide an appropriate sentencing enhancement for any crime of violence or drug trafficking crime in which the defendant used body armor.

Second, it makes it unlawful for a person who has been convicted of a violent felony to purchase, own, or possess body armor.

It is unconscionable that current laws permit felons to obtain and wear body armor without restriction when so many of our police lack comparable protection.

Finally, the bill enables Federal law enforcement agencies to donate surplus body armor (approximately 10,000 vests) directly to local and state police departments;

Far too many of our local police officers do not have access to body armor. The United States Department of Justice estimates that 25% of State, local, and tribal law enforcement officers, approximately 150,000 officers, are not issued body armor.

Getting our police officers more body armor will save lives.

According to the Federal Bureau of Investigation, more than 30% of the 1,200 officers killed by guns in the line of duty since 1980 could have survived if they wore body armor.

This bill has the support of organizations representing 500,000 law enforcement personnel nationwide including: Fraternal Order of Police; National Association of Police Organizations; National Sheriff's Association; National Troopers Coalition; International Association of Police Chiefs; Federal Law Enforcement Officers Assn; Police Executive Research Forum; International Brotherhood of Police Officers; Major city Chiefs; and National Assn. Black Law Enforcement Executives.

Once again, I commend the Senate for passing this important and long overdue legislation.

I yield the floor and 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. JEFFORDS. 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. JEFFORDS. Mr. President, I ask unanimous consent that at 10:30 a.m. on Tuesday the Senate resume consideration of the Murray amendment No. 378 and there be 120 minutes equally divided in the usual form.

I further ask unanimous consent that at 2:20 on Tuesday the Senate proceed to a vote in relation to the amendment and no amendments be in order to the amendment and there be 5 minutes equally divided for closing remarks prior to the vote.

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

Mr. JEFFORDS. Mr. President, with regard to the Sessions amendment, I ask unanimous consent that the previously agreed to Sessions amendment No. 600 be modified to be drafted to the pending substitute. This is a technical change. It does not change any of the amendment's legislative language.

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 of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I saw in the newspaper this morning the headline in the Washington Post "Business Seeks Tax Breaks in Wage Bill." This is a reference to the inevitability that I and others are going to offer an increase in the minimum wage. This story is a reference to what the business lobbying groups are doing in preparation for that particular legislation and how they intend to add additional kinds of tax reductions for companies and corporations on that piece of legislation.

We have just seen in the Senate last week a tax reduction of \$1.35 that is excessive and unfair in terms of its allocation among Americans. A number of us voted in opposition to it. We recognized that even in that proposal there wasn't a nickel—not 5 cents—increase for education over the next 10 years—not even a 5-cent increase.

We found \$1,350,000,000,000 in tax reductions, but we couldn't divert any of those resources to education, particularly educating the needy children on whom this legislation is focused, recognizing that these children are our future, recognizing that what we are trying to do is to give greater support to the children and to get greater accountability for the children, the schools, parents, and communities, as well, in this legislation.

It is good legislation, I support it, but it does need to have the resources to be able to have life to it. We didn't get any increase on that.

We are going to have a chance to revisit that issue when the Finance Committee reports back in the next few days with their product on the allocation of taxes, on who is going to get the tax reductions. Many of us will have the opportunity again to present to the Senate: Do we want to see the reduction in the highest rates for the wealthiest individuals, or do we want to use that money, which otherwise would go back in terms of reduced taxes—do we want to use that money to fund education for children in this country?

We will have an opportunity to vote on that several times when the bill comes back. The idea that the ink isn't even dry on that legislation and already our Republican friends on the other side are licking their lips, waiting for an increase in the minimum wage, which is a target to try to help working families working 40 hours a week, 52 weeks of the year, to help them out of poverty.

We have the Republican leader ARMEY saying:

There is a general resolve, especially among Republicans, that you can't put this kind of disincentive in the employment of people on the lowest rungs into play without trying to compensate for its adverse employment effects.

In other words, schools are out, and we are going to have a lot more besides the \$1.35 trillion in tax reduction, that evidently the Republican leadership is waiting for the Senate and the House to take action to increase the minimum wage, hopefully \$1.50 over 3 years, with a 60-, 50-, 40-cent increase in 3 steps, in order to help some of the hardest working Americans.

This is a question about human dignity. It is a question of whether we are going to say to Americans working at the lowest end of the economic ladder that the work they do is important. What is the work they do? Many of them are teachers' aides. Many of them work in childcare centers. Many of them work as nursing aides. Many of them work in the buildings across this country, cleaning them late at night, away from their families. That is what many of these low-income jobs are all about. People work hard at them. They sacrifice in order to get them in many instances. We want to say to those workers that when we have had the strongest economy in the history of the Nation, people who work hard should not have to live in poverty.

It is interesting to note that over the history of the minimum wage we have increased the minimum wage 17 times. It was only the last time, when we increased it, which was 4 years ago, and evidently this time, that we have seen the minimum wage loaded up with tax goodies, tax benefits. We didn't do that. But now our Republican friends are looking for a vehicle to carry this load about further tax reductions for the wealthy corporations.

We have had consideration of the tax reduction bill. We have all seen that.