



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, THURSDAY, JUNE 7, 2001

No. 78

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Stephen Einstein, Rabbi of Congregation B'Nai Tzedek from Fountain Valley, California.

PRAYER

The guest Chaplain offered the following prayer:

This is the day that God has made. Let us be joyous and be gladdened. Eternal God, we thank You for so many gifts. You have bestowed upon us talent and abilities that enable us to excel, a universe of wonder that inspires us to create, and a reflected spirit that moves us to appreciate. We appreciate the gift of time. You have allotted to us minutes and hours, and presented us with the challenge. Use this time for good.

In this Chamber, we acknowledge that there is so much good that needs to be done. We are humbled by the tasks that await us. May we face them with renewed vigor and purpose. We are particularly grateful, then, for this day, and for the opportunity for service it provides. Let us prove our gratitude by the manner in which we utilize each moment. And so with thankfulness, we ask for Your blessings upon every Senator. May each be a blessing to those whose lives are touched by their work. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

THE GUEST CHAPLAIN

Mr. DASCHLE. Mr. President, I welcome Rabbi Einstein and compliment him for his prayer. I also want to thank him for the outstanding representation he has here in the Senate. California is well represented. We are glad he is here.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, may I ask unanimous consent to speak for about 2 minutes as if in morning business to welcome the Rabbi from California?

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, this morning's prayer was delivered by Stephen Einstein. He is an accomplished religious scholar. He is the Rabbi of congregation B'Nai Tzedek in Fountain Valley, CA. He is a spiritual leader of a synagogue with 435 members. But he is also the chaplain of the Fountain Valley Police Department, a board member of the American Cancer Society, and a member of the Religious Outreach Advisory Board of the Alzheimer's Association of Orange County.

He has written two scholarly books on Judaism. He has also served as a member of the Fountain Valley Board of Education, and has served twice as school board president.

He is a distinguished Californian, a religious leader. As the senior Senator from California, I welcome him to the Senate.

I thank you, Mr. President, and the Senate for receiving him so graciously.

I thank the Chair. I yield the floor.

PROGRAM

Mr. DASCHLE. Mr. President, today we resume the education reform bill. The current order will require 1 hour of additional debate on the Dodd testing amendment, 1 hour of debate on the

Carnahan-Nelson amendment regarding assessments, and a rollcall vote on the Carnahan-Nelson amendment is scheduled at approximately 11:30 under a previous order. There will be additional rollcall votes throughout the day.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MEASURES PLACED ON THE CALENDAR—H.R. 6, H.R. 10, H.R. 586, and H.R. 622

Mr. REID. Mr. President, on behalf of the majority leader, I understand that there are several bills at the desk due for second reading. Therefore, I ask unanimous consent that it be in order for the bills to be read a second time en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I object en bloc to further action on these bills.

The PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the Calendar.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The legislative 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 Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program

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



Printed on recycled paper.

S5907

from the list of programs covered by performance agreements.

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.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), 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.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established 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.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Dodd/Biden modified amendment No. 459 (to amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.

AMENDMENT NO. 459

The PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate on the Dodd amendment No. 459 as modified, equally divided and controlled.

Who seeks recognition?

The Senator from Connecticut, Mr. DODD.

Mr. DODD. Thank you, Mr. President,

Mr. President, as I understand it, there is 1 hour of debate equally divided on this amendment.

The PRESIDENT pro tempore. There is.

Mr. DODD. I thank the President. I am somewhat disappointed that we have not scheduled a vote on this amendment. But I am told that on the expiration of an hour that I will have to set this amendment aside, and that the minority floor leader of this bill is opposed to a vote occurring on this amendment. I hope that we will have an opportunity to cast a vote in this body on the amendment that I have offered on behalf of myself, Senator BIDEN of Delaware, and Senator REED of Rhode Island.

There is at least one other Member, or maybe two, who want to be heard in

support of this amendment. I ask the Chair on the expiration of 10 minutes that I be notified to make sure I reserve time for others who want to be heard on this amendment.

The PRESIDENT pro tempore. The Senator will be so notified.

Mr. DODD. I thank the Chair.

Let me explain this amendment once again. I explained it when I offered it yesterday afternoon, and again early last evening.

This is a very straight forward, simple amendment. I said yesterday that if there is one word that could be used to describe the underlying bill, it is the word "accountability"—we want greater accountability. I would add "responsibility"—"accountability and responsibility." Students, parents, school principals, teachers, superintendents, and boards of education all have to be more accountable and more responsible if we are going to improve the quality of public education in our country.

There is no doubt in my mind that, while there has been improvement in recent years in classrooms, there is room for more improvement. We need to raise the next generation of young people to be prepared to meet the challenges of the 21st century and be competitive in a global economy.

In years past, a child raised in Connecticut, West Virginia, Massachusetts, or New Hampshire, competed, if you will, with children in the neighboring town or the neighboring county, maybe the neighboring State.

Today, our children compete with children all over the world. So we need to prepare a generation like no other in the history of this Nation. Therefore, the issue of a sound, firm, good elementary and secondary education is critical.

This bill mandates a number of things. We, will mandate, for the very first time, that every child be tested every year from third grade through eighth grade. That is a Federal mandate in this bill.

Mr. GREGG. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. GREGG. I will note—and the Senator is familiar with this—just to make it clear, the Federal Government already mandates that children take a test in three grades. This just adds three more grades.

Mr. DODD. I accept that point. We do. My point being, my amendment has been called intrusive. Because I have suggested that the States be accountable and responsible, it is said that I am proposing a new Federal intrusion into what has historically been a local and State decisionmaking process. Yet, as my colleague from New Hampshire has pointed out, we already mandate tests. And, this bill mandates even more tests.

We also mandate standards for teachers at the local level. We are going to

tell school districts that if schools do not perform at a certain level, we, the Federal Government, will require them to close the school. We require the States to establish statewide content and performance standards, and tests that are the same for all children in the State.

The point is, we are mandating decisions at the local level. Down to the level of detail of telling third graders, and their parents, when they will be taking tests.

My amendment says that if we are going to ask for accountability and responsibility from students, parents, school principals, teachers, and school boards, is it unreasonable to ask States to be accountable? Since 1965, we have mandated comparable educational opportunity for students within school districts. This amendment simply says that there should be comparable educational opportunity throughout the State.

Why do I say that? Of the total education dollar spent in our public schools, 6 cents comes from the Federal Government, 94 cents comes from State and local governments. In this bill, we are mandating that schools and school districts do a better job. If they do not, there are consequences. It is a Federal mandate. But the resource allocations are not really there, nor are we insisting at a local or State level that they meet their obligations.

My amendment says States must take on responsibility. If we are asking students, and parents, and teachers, and schools, and school districts to do better, why not the States?

Many States are working hard at this. But, nevertheless, many children, simply by the accident of their birth, have a disparate level of educational opportunity. They are born or raised in a school district where the resources are not there. A child born in a more affluent school district has an educational opportunity that is vastly different.

I see it in my own State. I represent the most affluent State in America on a per capita income basis, the State of Connecticut. I also have communities in my State that are some of the poorest in America. Hartford, our capital, was just rated as the eighth poorest city in America.

So, even in my small State, there are children who attend some of the best schools in America because we support education through a local property tax, and others, just a few miles away, who have much less educational opportunity, for the same reason.

Just as we are going to test children, and schools, and districts, should we not also test States? It doesn't seem to

me that providing comparable opportunity to all children is too much to ask.

As I pointed out earlier, there are a number of Federal mandates that we already include in law. We withhold funds from States or school districts if they do not pass certain laws concerning children and guns, for example, in addition to the mandates I discussed earlier. I am not drawing judgments, but pointing out that this law is full of mandates, supported by both sides.

We bear a responsibility at the Federal level to do a good job to see to it that dollars taxpayers have sent to us go back to support education in the ways in which title I and the rest of ESEA. In this bill, we say that school districts should do a better job, that parents and teachers and school superintendents should do a better job. Shouldn't States be included in that community of accountability and responsibility? That is all I am suggesting with this amendment.

We leave it to the discretion of the Secretary of Education to determine to what extent administrative funds would be withheld. We give these States 6 years to at least demonstrate they are moving in the direction of offering "comparable" educational opportunity. The words I have chosen have been in the law for 36 years.

I see I have used 10 minutes.

The PRESIDENT pro tempore. The Chair notifies the Senator from Connecticut 10 minutes have expired.

Mr. DODD. I thank the Chair very much for that notice. I could have gone on. As you can see, I was building up a head of steam.

I see my friend from New Hampshire is in the Chamber. There are several colleagues—at least one I know of—who want to be heard on this subject. I want to reserve some time for them.

Would my colleague from New Hampshire like to be heard at this time? I know he wanted to respond to some of these very thoughtful and persuasive arguments I am making.

Mr. GREGG. Mr. President, at this time I reserve my time because last night I was so eloquent, I am just at a loss for words today.

Mr. DODD. So I have heard.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. There being no objection, the quorum call is rescinded.

The Senator from Connecticut.

Mr. DODD. While I am waiting for one of my colleagues to enter the Chamber, I will just take few more

minutes to share some additional thoughts on why I believe this amendment is worthwhile. And I will anticipate some of the arguments my good friend from New Hampshire will raise in his eloquent opposition to this amendment so that my colleagues may have the benefit of these thoughts.

I am confident my colleague is going to call this a cookie-cutter approach, that I want to establish, at a Federal level, what every classroom in America is going to look like. Nothing could be further from the truth. What this amendment requires is that every child in a State have a comparable educational opportunity with other children in that same State. Last evening, I cited the supreme court decision in the State of New Hampshire, which makes the case more eloquently than I could, saying that in the State of New Hampshire children, regardless of the community in which they are raised, ought to have an equal opportunity. I stress the word "opportunity." I do not believe any of us has an obligation to guarantee any person in America success. That has never been the American way.

What we have always believed, since the founding days of our Republic, is that equal opportunity has been the magnet which has drawn the world to our shores. Where people had been denied opportunities for a variety of reasons—religious, ethnic, gender, whatever—America has been the place where they get judged on their abilities.

There are countless stories of people, coming from the most humble of origins, who have risen to the very heights in their chosen field of endeavor. I could cite the example of the Presiding Officer as a case in point, if he wouldn't mind my making personal reference to it. Providing an equal opportunity to everybody, that is all this is. What better key to a success than an education? If you don't have a good educational opportunity, it is very difficult to achieve your full potential.

My great-grandmother, when she came to this country with my great-grandfather, was about 16 years old. They were married. They came from a small community on the western coast of Ireland. The first thing she did—she couldn't read or write—was to get herself elected to the local school board in the 19th century because she understood that education was going to be the key. She had been raised in a country where she couldn't go to school because of her religion. She understood that an opportunity for herself and her family—her nine children, my grandfather being the ninth child—was going to be education.

Educational opportunity is what I am focusing on. As we have been saying to school districts across America for 36 years, you must provide comparable educational opportunity for each child within that school district. I am expanding that equation to say in each State because the States really

bear the responsibility for funding education through decisions made by the legislatures. How do they fund education? It is a State decision and a local decision. We are mandating things at the local level and we are leaving out the States.

I am suggesting that States also have a responsibility to meet their obligations. If we are going to mandate performance and not provide the funding for it and exclude the States from being accountable, then we are going to be back here a few years from now asserting that the Federal Government mandated something, but did not fund it.

I see my friend from Maine, Senator COLLINS, on the floor who believes passionately in our responsibility for funding special education. I agree with her. In fact, we have all fought hard to see that we meet that obligation.

The underlying bill we are considering mandates that children do better in schools. We set standards that are going to have to be met. We are going to have to provide resources for this. Some communities do not have the resources; others do. To mandate a level of performance and not provide the resources for children to achieve that level of performance is dangerous.

I see my colleague from New Jersey. How much time remains on the proponents' side of the amendment?

The PRESIDENT pro tempore. The proponents have 14 minutes remaining.

Mr. DODD. I yield 10 minutes to my colleague from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 10 minutes.

Mr. CORZINE. Mr. President, I am honored that the President pro tempore is in the chair. It is great to see him there.

I also am pleased that I have this opportunity to stand in support of the Dodd-Biden amendment, which is designed to make sure that every child in America has access and the equal promise of a quality education. The Dodd-Biden amendment on school service comparability is a terrific initiative. This amendment is structured so all children have access to comparable quality education—not identical, but quality comparable education.

It is a goal that all of us surely have to believe is as important as equal test results. Equal opportunity is just as important as equal outcomes as measured by standardized tests.

This amendment is more than common sense, too. It actually fulfills the promise that we as a nation make to all of our children—that we will provide every child in America with access to a quality education and the American promise that flows from that, regardless of race, the family's income, or where they live.

Title I kids should have access to every opportunity every other child in America has. It should not be a function of where they are born or where they live. As my colleagues have already described, this amendment would

encourage States to ensure that all students receive a comparable education in several critical areas: class size, teacher qualifications, curriculum, access to technology, and school safety. These are just common-sense areas where we ought to be providing for every child a similar educational experience.

They allow for the full potential of all of our children. Every child has a right to a qualified teacher. All of us believe that. Every child has a right to a challenging curriculum. Every child has a right to go to school in a safe and quality school building. In my State of New Jersey, there are many schools 100 years old, with an average age of 57 years. In our urban areas, it is a serious problem.

A ZIP Code should not determine the quality of a child's education. I hope this is a basic premise on which we can all agree. Unfortunately, in my State and around the country ZIP Codes often do determine the quality of education a child receives. Children in one town where there is a serious tax base for them to operate under receive a high-quality education. In other towns, adjacent to those very same communities, they receive a dramatically lower quality education because they don't have the resources to provide for those quality teachers, the quality schools, the kinds of curricula that will make a difference.

The reality is that property taxes in this country often determine who gets a quality education and the resources available to provide those services. This amendment strikes at the heart of that to try to bring equality, comparability, not identical results and services, but comparable ones.

Inequality by geography, race, and class is close to a national disgrace. If you see the difference from one place to another in schools across the country, it is hard to understand how we can tolerate it. It robs children of equal access to the American promise. Unless we address this problem, as the Dodd amendment would begin to do, that inequality in our educational system will grow wider and wider through time, perpetuating a sense of unfairness in our society. We need to address it up front. This amendment does that.

Title I was designed to be the engine of change for low-income school districts. This amendment would add fuel to that engine, requiring States to ensure that all students receive a comparable education—again, not identical, comparable—regardless of where they live or their family's income, race, or nationality.

In my State of New Jersey, we have been struggling with this promise for the better part of 30 years, providing equal access to a quality education. Thirty years ago we had a case before our State supreme court, *Abbott v. Burke*, that found the education offered to urban students to be "tragically inadequate" and "severely inferior." This was a landmark case. The

court ordered the most comprehensive set of educational rights for urban schoolchildren in the Nation.

In New Jersey, we are proud of this ruling. Under *Abbott*, urban students have a right to school funding at spending levels of successful suburban school districts what they call "parity funding"—this is what the Dodd-Biden amendment is working towards; educationally adequate school facilities; and intensive preschool and other supplemental programs to wipe out the disadvantages. These are the basic educational services that every child should expect to have access to and that every child needs to succeed in our society.

Fortunately, *Abbott* has been a success. It is not perfect. We haven't made all of those transitions to comparable outcomes, but New Jersey has made real progress in equalizing the education provided to students in our communities. The Federal Government must also play an active role in ensuring that the children who need the most, get the most. Title I has gone a long way. What this amendment is doing is asking States on a national basis to do what New Jersey has already done.

A substantial portion of the debate on this education bill has been about accountability. We demand accountability from students, teachers, schools, everybody under the sun, but we also need to demand accountability from the States with regard to providing comparable funding, comparable services for our kids so they can get to those equal outcomes. For example, starting in third grade, we will begin testing all students, with drastic measures for failing scores. We require equal outcomes on test scores, but we will not provide equal resources. I find that hard to believe. That is not consistent with America's sense of fairness. We demand accountability of students, teachers, and schools, but we do not address the glaring disparity built into the system of how we provide resources to those schools.

I support high standards. I support accountability, but accountability measures alone are not sufficient to provide an adequate education. We must ensure that every school and every child has the level of resources necessary for a rigorous education and necessary to meet those standards.

It is in this light that I strongly support the Dodd-Biden amendment, because it goes right at that equality of opportunity, through resources, that is critical to ensuring equality of outcomes.

I thank the Chair.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. I thank my colleague from New Jersey for his very eloquent statement. In my State of Connecticut a real effort has been made to address this issue, as in New Jersey. In Minnesota as well. Many of our States are working hard at this but, as the Sen-

ator from New Jersey said, there is still a huge gap in terms of educational opportunity.

Mr. President, I yield 3 minutes to my colleague from Minnesota.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from New Jersey.

Let me just in 3 minutes lend my support to this very important amendment. I will try to do this a little differently. I think this amendment that is offered by Senator DODD, joined by Senator BIDEN, is, at least to me, obvious. This is an amendment offered by a Senator who spends a lot of time in schools. Not every Senator does. Senator DODD is in schools all the time in Connecticut and probably around the country.

What Senator DODD is saying is this comparability amendment has to do with making sure we deal with—and I am sure that the most noted author of children's education, Jonathan Kozol, is smiling. This is all about his book "Savage Inequality." What the Senator is saying is let us have some comparability when it comes to class size, access to technology, safe schools, curriculum, and teachers.

I would just say to Senator DODD that as we have gone forward with this bill, I have had all of these e-mails from around the country from all of these teachers, sometimes parents, sometimes students, but these teachers are the ones who know, these are the teachers who are—I think the Senator's sister is a teacher in fact—in the inner-city schools. They are in the trenches. They have stayed with it. They are totally committed. They are saying: For God's sake, please, also in the Senate, above and beyond talking about annual testing, give us the tools to make sure the children can achieve. Please talk about the importance of good teachers, qualified teachers. Please talk about the importance of access to technology. Please talk about the importance of good curriculum, of small class size. Please talk about the importance of dividing school buildings. Please talk about the importance that schools should be safe. Please talk about all of the resources that will make it possible for all the children in America to have the same opportunity to learn.

That is what this amendment is about. That is why this amendment is so important.

Mr. DODD. Mr. President, I reserve the remainder of my time, if I may.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we discussed this amendment a little bit yesterday—in fact, considerably yesterday—and I presented most of my thoughts. I know some other Members on my side are going to come down and talk about it. This amendment is an incredibly pervasive amendment and will have a fundamental effect on the Federal role in education. It will, in my

opinion, create an atmosphere where the Federal Government is essentially nationalizing the standards throughout the country for what education will be.

The way it does this is as follows: It says that every school district in a State must be comparable, and it is up to the State to decide that comparability. But if the State doesn't decide the comparability, then the Federal Government starts to withdraw the funds. And it also sets up the standards for what must be comparable. It is a Federal standard—what must be comparable under this amendment. The standard includes class size, qualifications of teachers by category of assignments, curriculum, range of courses offered, instructional material, instructional resources.

You essentially are saying the Federal Government is going to require comparability—comparability meaning that everybody does it essentially the same way—throughout the country, or at least throughout every State, within every State. Logically, the next step is to do it across the country from State to State.

As I mentioned last night, why should the State of Connecticut be allowed to spend more on its children than the State of Mississippi? Should it not all be comparable? Under the logic of this amendment, that is the next step. Connecticut should send money to Mississippi. The same amount you spend per child in Connecticut should be spent on the child in Mississippi.

But more importantly than that, or equally important to that, this goes to the heart of what I think is the essential of quality education which is the uniqueness and creativity of the local community to control how their children are educated. One town in a State is going to have a certain set of ideas on how education should be provided versus another town in that State.

Granted, they are all going to have to get their children to a certain level of ability in the core subject matter—English, math, science—in order that the children be competitive. But how they get their children up to that level of competency is left up to the school district under our bill. The local school district has the flexibility. And then the ancillary aspects of the school system are left up to the school districts—ancillary being integral in the sense of foreign languages, for example, computer science teaching, sports programs, community outreach programs.

But under this amendment, that would no longer be the case. There would have to be comparability. Every town and community within the State would have to do it the same way in all these different areas of discipline.

So in one part of the State you might have a community that believes, because of the ethnic makeup of the city or the community, they need special reading instruction in one language—say, Spanish or Greek—because they have a large community of immigrants, of people who have immigrated

to our country, and in another part of the State they may not have that issue but they may have an issue of wanting to get their children up to speed in the area of the industry which dominates that region—say, forestry. For example, they might want to have a special program in how to do proper silviculture. You could not do that anymore. You could not have those different approaches to education within the school system. They would all have to be comparable under this amendment.

It makes absolutely no sense that we as the Federal Government should set that sort of standard on the States and on the local communities.

Then there are a couple of very specific issues where this amendment clearly creates a huge threat. The first is charter schools. This amendment essentially eliminates the capacity to have charter schools because charter schools, by definition, differ. That is why charter schools are created. They are different. That is what you have with a charter school. You get together a group of parents, teachers, and kids and say: We are going to teach differently than local schools. We are going to do it with public money. We are talking about public charter schools here. But we are going to do it differently. Those schools would be wiped out because you could not be different. You would have to be comparable. And the magnet schools would be wiped out, schools that are designed specifically to educate in special subject matters such as science.

You have these famous science high schools across this country. I think they have one in New York City called Stuyvesant. They have one in North Carolina which has been hugely successful. And they have one right here in the Washington region called Thomas Jefferson. Magnet schools would be wiped out because they are different. You are not allowed to be different under the amendment. That is the theme of this amendment. If you do not have sameness, you do not have fairness.

I have to say I do not believe that is true at all. I think you get fairness by producing results. You get fairness by producing results, not by controlling the input but by controlling the output.

If a child goes through the system and learns effectively, then you have fairness. If a child does not go through the system and learn effectively, then you do not have fairness.

What this underlying bill does and what the President proposes is to require that children learn effectively, not require that all children be taught exactly the same way, because one does not necessarily learn that way. There are a lot of school systems that feel that way.

Then we have another major issue which is called the collective bargaining system. In one part of a State, for example, they might have an agree-

ment with their local teachers union that says: We are going to have 20 kids in a classroom, but we are going to pay our teachers a lot more because we think our teachers are able to handle 20 kids and are good teachers.

In another part of the State, they might have 15 kids in the classroom and pay their teachers less, or they might work on a different day schedule, might work on a different structure of their day, or might work on a different responsibility from area to area within a State as to what teachers do.

They may have a program where teachers are required to, under their contract, be involved in extra-curricular activities, and in other parts of the State that might not be the case.

There are different retirement standards from community to community. Some communities may want their teachers to retire at an earlier age, and some communities may not. It all depends on the collective bargaining agreement.

Collective bargaining agreements would be inconsistent with this amendment. In fact, it would be a Catch-22 for a State that does not collectively bargain its teachers statewide. I do not know too many States that do collectively bargain their teachers statewide. Most States bargain community by community, not State by State. So this becomes a totally—I do not know if it becomes unenforceable; maybe it overrides the collective bargaining agreement.

I do not know how the sponsor of the amendment intends to handle that very significant problem, but it is a big problem because comparability clearly cannot work if there is a collective bargaining agreement in one part of the State which presents one significantly different approach than another part of the State. They then cannot be comparable and consistent with the collective bargaining agreement.

This amendment is first, obviously, a philosophical anathema to my view of how to educate in this country, which is we should maintain and promote local control; we should not undermine local control by requiring everybody to do everything the same.

That is the key problem with the amendment, but it also has huge technical implications for the creativity of local communities in the area of charter schools, magnet schools, different curricular activity that might be appropriate to one region over another region or different fiscal activity, structure.

For example, I suspect a school in southern California does not need the same heating system as a school in northern California, and yet under this amendment they have to have the same heating system. They would have to actually have the same heating system because they would have to have the same resources, the same buildings.

That is the way it is written. It says it has to be comparable. It says the

physical facilities have to be comparable. Institutional resources have to be comparable.

Mr. DODD. Will my colleague yield on this point?

Mr. GREGG. I will be happy to yield.

Mr. DODD. I thank my colleague. This is an important point. Again, I have great affection for my friend from New Hampshire.

Mr. GREGG. I am yielding for a question.

Mr. DODD. Yielding for a question. As my colleague must be aware—and this is in the form of a question, Mr. President—we have had the word “comparable” on the books regarding school districts for 36 years. The law has said that within school districts, educational opportunity must be comparable.

Is it not true, I ask my friend from New Hampshire, that magnet schools, charter schools, and science schools have all functioned within school districts with a Federal law that has required or mandated comparable educational opportunity?

I am not changing that. I am just extending the geography from school districts to States. I am not applying any new standards from those that have existed in the law for more than three decades.

Mr. GREGG. Mr. President, I appreciate the Senator from Connecticut raising that issue because the fact is he has taken the term “comparability,” which is today used in an extremely narrow application and in a very loose enforcement application—in other words, it applies simply to communities and it applies to teachers essentially and to curriculum within the teaching community—it has been extremely loosely applied to communities, and the Senator from Connecticut has taken that word and has expanded it radically to essentially the whole State.

The Senator from Connecticut uses as an example, for example, the New Hampshire Supreme Court decision in this area which did exactly that. It expanded the issue of funding and equality of funding radically throughout the whole State so everybody had to do it the same way, changing the whole system of education within the State of New Hampshire.

Senator DODD is suggesting doing the same thing with the word “comparable” on a statewide basis and having the Federal Government come in and set what the term “comparability” means now in a much more precise and mandatory way.

When he uses terms in his amendment such as “comparability,” among other things, shall include:

(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff;

(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure

that participating children have the opportunity to achieve to the highest student performance levels under the State’s challenging content and student performance standards;

(iii) accessibility to technology; and
(iv) the safety of school facilities. . . .

That is getting pretty specific and inclusive and much different from the way comparability is used in present law. That is a fact.

Mr. DODD. Mr. President, if my colleague will yield further, he has just recited very accurately the provision on page 2 of the amendment of things under “Written Assurances”:

A State shall be considered to have met the requirements [of this amendment] if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability of services in certain areas.

If my colleague reads further down to “class size,” we do not say what class size, what qualifications. We all know, and I ask my colleague this in the form of a question, is there anywhere in this language where it sets class size, where it sets the standard by the Federal Government, other than saying the State should have comparability of those standards without setting the standard?

Mr. GREGG. Absolutely. That is the whole point. If I may reclaim my time. That is exactly what this does. It says that a State must have a comparable class size across that State, which means a State such as California, which is a huge State and which may have variations in class size depending on what communities have decided is best, both by negotiating with their teachers union and working with their students, their parents, and their teachers those States now are not going to be able to do that any longer, those communities are not going to be able to do that any longer. They are going to have to set one class size for the entire State, comparable across the State.

Curriculum: For example, I cannot imagine anything more intrusive than having the States say unilaterally you have to have a comparable curriculum on all the different categories of curriculum. There may be some communities that do not believe they need a curriculum that deals with some of these core issues. Obviously, on core issues such as math, science, and English, they are going to have comparable curriculums. Hopefully, you will not. Maybe they will not. Maybe some States will let some type of American history be taught in one section and another type of American history be taught in a different section. American history should be consistent.

There are other issues. What about languages? They might want to teach Japanese in San Francisco, but maybe in San Diego they want to teach Chinese or Spanish.

The comparability language is so pervasive that it basically takes everything and makes oneness, which was the point of the argument of the Sen-

ator from Connecticut to begin with. I do not see how he can argue against his own position, which is he believes that in order for people to be tested and to be held to a standard, then everybody has to have equal access to the same opportunities of curriculum, class size, and structure—everything has to be essentially at the same level. That was his argument, was it not?

Mr. DODD. Will my colleague let me respond without asking a question?

Mr. GREGG. On the Senator’s time I will be happy to.

Mr. DODD. I think I am out of time.

Mr. GREGG. Reserving my time, Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 14 minutes, and the Senator from Connecticut has 3 minutes.

Mr. DODD. Mr. President, on my time, the point I am making—in fact, we debated this yesterday—Is that the words “comparable” and “identical” are not synonymous. “Comparable” allows for great latitude. We have mandated comparability within school districts.

If you take the school districts of Los Angeles and New York, there are more students in each of those school districts than in 27 different States. They have found it very workable to have reached comparable levels of educational opportunity within a very diverse student population, in the city of New York and the city of Los Angeles, to cite two examples.

There are plenty of other school districts that have student populations vastly in excess of the entire student populations of States that have dealt with this requirement for years.

My point is, States bear a responsibility in educating children. This bill, and legislation preceding it over the years, has mandated that teachers, parents, students, school boards, and school superintendents be accountable and responsible. We are asking it of ourselves at the Federal Government. My amendment merely says, should we not also ask our States to be accountable for the equal educational opportunity of all children? That is all.

We have laid out some basic commonsense standards without mandating what the standard should specifically. For example, individual science schools exist in Los Angeles and New York. My colleague mentioned Stuyvesant High School. When the Federal Government said “comparable” in the school district of New York, it did not wipe out Bedford Stuyvesant High School. That school has done well under a Federal mandate of comparability.

We are mandating there be better performance, but if we don’t say to States, as much as we are saying to school districts, that there has to be a comparable educational opportunity, we are setting a standard that poor communities, rural and urban, will not meet.

In New Hampshire, the supreme court decision was most eloquent in

pointing out it was wrong to mandate that a small, poor community be required to increase its property tax fourfold to meet those responsibilities without the State stepping forward.

The court said that "[T]o hold otherwise would be to . . . conclude that it is reasonable, in discharging a State obligation, to tax property owners in one town or city as much as four times the amount taxed to others similarly situated in other towns or cities."

It is an eloquent statement.

In closing, I thank my colleagues from New Jersey and Minnesota for their support and ask all my colleagues to join me, Senator BIDEN, and Senator REED, in supporting this amendment to provide equal educational opportunity for all children in a State. This amendment is supported by the National PTA, the National Education Association, the Council of the Great City Schools, which represents the largest 50 school districts in the country, and the Leadership Conference for Civil Rights, which includes 180 prominent organizations, such as the AARP, the American Association of University Women, the AFL-CIO, the American Federation of Teachers, the American Veterans Committee, Catholic Charities USA, the NAACP, the National Council of Jewish Women, the National Council of La Raza, the National Urban League, the YMCA, the YWCA, and others.

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

Mr. GREGG. I yield the Senator 30 seconds.

Mr. DODD. I am hopeful we can vote on this amendment. We debated yesterday afternoon, we debated yesterday evening, and this morning. I am fully prepared to have a vote and go to the next amendment and get the education bill done. The President wants the education bill to be passed.

I know my colleague, the chairman of the committee, is anxious to move this along. I am confident the Republican leader is as well. I am hopeful this amendment can be considered and voted up or down and that we move to the next order of business.

I ask the question, Can we vote? We have debated the issue. I am prepared to debate longer, but I made my case on why I think accountability and responsibility belong to everyone, including the State.

I ask my colleague and friend from New Hampshire, is there any chance we might have a vote on this amendment some time soon?

Mr. GREGG. No.

Mr. DODD. I appreciate the candor of that answer. People from New Hampshire are noted for their brevity in coming right to the point. He does not gussy it up with trappings and garnishes.

I thank my colleague.

Mr. GREGG. I thank the Senator from Connecticut for his description.

This amendment goes to the heart of this bill. I don't think the impact this

amendment will have on changing the focus of the President's proposals on education as negotiated between a variety of parties involved in the negotiation can be understated.

There was an agreed to set of principles laid down. The basic philosophy of those principles was that we were going to look at how the child did, whether the child actually learned more, whether the low-income child was in a better competitive position relative to peers and educational success. We were going to allow flexibility of the local school systems, subject to assuring through assessment standards and accountability standards that the children were improving.

That was the flow: Focus on the child, flexibility, expect academic achievement, and subject it to accountability so we knew it was working. A lot of work went into this concept. The President's ideas are aggressive and creative and they will take the Federal Government in a different direction. We will go away from command and control and go toward output. We will go away from trying to find out how many books are in a classroom, how big the classroom should be, and how many teachers are in the classroom to seeing how much a child is learning and making sure when that child learns they are learning something relative to them and that they are staying with their peers. We will give parents more authority and flexibility and capacity to participate in the education of their children and to have some say when their children are stuck in schools that are failing.

These are themes that are critical to improving Federal education. This amendment goes in the exact opposite direction. I used the term "nationalization" yesterday. I don't think that is too strong. This is an attempt to assert a national policy essentially on all school districts in this country. That is extremely pervasive and requires a cookie-cutter approach to education and takes away local control. Therefore, the amendment essentially does fundamental harm which is irreparable to this bill, in my opinion. That is why we have such severe reservations.

I yield such time remaining to the Senator from Tennessee.

Mr. FRIST. How much time remains?

The PRESIDING OFFICER. There are 9 minutes remaining.

Mr. FRIST. I will speak and give the floor to the Senator from Maine when she arrives.

I believe this amendment is one that we absolutely must defeat if we stick with the principles of flexibility of local control, of shifting the power of review locally instead of federally. The underlying principle that is critically important to the BEST bill which the President has set out in his agenda, discussed often in this bill, is leaving no child behind.

There are basically two issues that bother me most about this amendment. No. 1, as I mentioned, the power of re-

view has shifted to the Federal Government, the Department of Education, to Washington, DC, and, No. 2, this amendment would broaden the intrusiveness of local control. Those principles are exactly opposite of what President Bush has put forward, what most Americans believe, and that is local control, less Government intrusiveness, and more accountability.

In terms of intent, the amendment is clearly positive. It is honorable. The intent is that every student receives an equal education. The problem is the specifics of how that intent is accomplished—again, more Federal oversight instead of local, and more intrusiveness.

What does it mean? It means in a State such as Tennessee, if there is a rural school that has no limited-English-proficient students, they will still have to have as many bilingual education teachers as a school, say, in Nashville, TN. That sort of vagueness about what comparability means ultimately is translated down into something very specific which simply does not make sense to me when you look within a State—for example, Tennessee.

How will a State measure comparability of teacher qualifications, of seniority, of level of education? I ask, regarding the services identified—teachers, instruction materials, technology service, the school safety services, the bilingual education services—how do we know those are the absolute answers to all students? We simply do not. I believe the only strings attached to Federal dollars should be those that insist on demonstrable results.

I see the Senator from Maine has arrived. We only have about 4 minutes left, so I will yield to her. But let me just close and say instead of funding institutions, instead of concentrating on services and inputs, instead of monitoring progress versus regulations, we absolutely must focus on student achievement—something which this amendment does not do. It aggravates the situation and moves in the opposite direction.

I yield the floor.

Mr. KENNEDY. Mr. President, I am happy to ask consent for 10 minutes evenly divided, if that is agreeable. This is a very important amendment. Would that be sufficient time? I ask for 10 minutes.

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

Ms. COLLINS. Mr. President, the Senator from Connecticut is such a strong advocate for our Nation's children. I have enjoyed working with him on so many issues. But as much as I admire him and share his commitment, I do rise in opposition to the amendment of Senator DODD.

This amendment, although it is very well intentioned, is contrary to the goal of this education reform bill which is to give more flexibility to local schools and to States while holding them accountable for what really

counts, and that is student achievement, ensuring that every child is learning, that no child is left behind.

Comparability of services is a concept that was created to make sure that title I schools get services comparable to those received in nontitle I schools. But the amendment of the Senator from Connecticut simply goes too far. It would, for example, require States to ensure comparability among schools in class size, in qualifications of teachers by category of assignments such as regular education, special education, bilingual education. It would mandate the same courses be offered, the range of courses, and how rigorous they are. It is extraordinarily prescriptive. It really turns on its head the whole idea of leaving to States and local communities the issues of curriculum design and teacher qualifications.

For example, we know very well the needs of schools vary from community to community. My brother, Sam Collins, is chair of the school board in Caribou, ME, my hometown. Through his efforts and efforts of other local leaders, the school system has established a bilingual education program in the elementary schools. It is a wonderful program. But under the Dodd amendment, that program would have to exist in every school in Maine. That is just not practical.

Similarly, in Portland, ME, we have a large number of students with limited English proficiency. That means there is a great need for ESL teachers and bilingual teachers in that school system. But in other more rural parts of Maine that need simply doesn't exist.

This amendment simply is impractical. It is just not workable, in addition to being contrary to the concept of allowing those who know our students best—our local school boards, our teachers, our parents, our principals, our superintendents of schools—to design the curriculum and provide the courses and other needs for a local school.

Schools differ. One school may need a gifted and talented program; another may need to improve its library; still another may need to establish an ESL program. In short, one size does not fit all. Yet that is the implication and the premise of the amendment of the Senator from Connecticut.

This amendment would shift the power away from local communities and local school boards to Washington. We want to, instead, empower local communities to make the right decisions and then, very importantly, hold them accountable for results. We want to change the focus from paperwork and process and regulation and, instead, focus on what really matters, and that is ensuring that every child in America gets the very best education possible.

We want to do that by holding schools and States accountable, not by telling them what courses they need to

have, not by prescribing every rule, every regulation. Let's trust our teachers and our local school board members. Let's trust the local teachers and superintendents. They know best what is needed.

I urge opposition to the amendment of my colleague, Senator DODD. Again, he is a strong advocate for our Nation's schools, and I have enjoyed working with him, but I believe his amendment goes too far and is misguided.

I retain the remainder of our time for our side, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we return to debate on the Dodd-Biden amendment, I want to clarify for Members just what the amendment does and add two points that were not made yesterday.

The amendment conditions title I state administration funds—1 percent of total state funds—on a written assurance that “comparable,” not identical, essential education services, such as teacher quality and access to technology, are provided across districts. States have up to four years to comply. If a state fails to send a simple written assurance to the Secretary, their administrative funds are withheld. Once a state sends a written assurance, any previously withheld funds are returned. All a state has to do is file a piece of paper. I think the amendment is too modest frankly in not allowing the Secretary to engage in a more searching inquiry into whether the written assurance actually reflects a comparable education being offered.

This amendment is still groundbreaking, however. Since 1965, we have required individual school districts to provide a written assurance that they are offering a comparable regular education in title I and nontitle I schools. We have never asked states to assure that comparable services are provided among schools in different school districts. This amendment does. Whereas all title I program funds are conditioned on local compliance currently, only title I state administration are conditioned under the Dodd-Biden amendment.

There are two additional points, which were not raised yesterday, that I would like to add. First, state after state repeatedly has found itself back in state court because of its failure to provide a comparable educational opportunity across districts. A State Supreme Court orders improvement. Some improvement is made. But then progress quickly erodes. And the parents of poor children have to go back to court. Since 1968, there have been five iterations of the Serrano case in California, six of the Abbott case in New Jersey, and five of the Edgewood case in Texas.

This amendment is significant in not just requiring states to provide a comparable opportunity, but in actually reaching into the state's federal pock-

etbook if it resists. Maybe when there are federal financial consequences for state resistance to State supreme courts, states will do a better job of complying with judicial orders.

Second, the Senator from New Hampshire yesterday repeated an old and outdated argument that “education is not a formula where more dollars equal better results.” We have known for a long time though that money well spend does make a difference. In fact, the last time we reauthorized ESEA, we had a series of hearings on this issue.

We heard as far back as 1993, that increased education spending targeted to critical areas like teacher quality have a profound effect on student achievement. This is what we heard from Dr. Ronald Ferguson of Harvard University after studying teacher quality and student assessment results in every Texas school district.

A measure of teachers' literacy skills explains roughly 25 percent of the variation among Texas school districts in students' average reading and math scores on statewide standardized exams. . . . Better literacy skills among teachers, fewer large classes, and more teachers with five or more years experience all predict better [test] scores.

Deep down every United States Senator knows what every parent and teacher knows—that resources matter in education. If resources didn't matter, we wouldn't mind sending our children and grandchildren to the poorest schools. If resources didn't matter, people wouldn't fight “Robin Hood” plans that equalize spending by taking from the wealthy districts to give to the poor. Now I don't think we should equalize spending down by taking money from some communities and giving it to others. I think we should equalize up by sending more targeted education resources to the communities that are deprived. I hope the President and the other side will join us in that effort to boost education spending overall.

Every child deserves a fair chance.

I am rather amazed at these statements that are made on the floor about how this undermines the President's initiatives, because to the contrary, this does not interfere with any of the President's initiatives. I think it gives much more life to the President's initiative, because Senator DODD's amendment is going to encourage States to provide additional focus and attention to the most needy students in the State. That is completely consistent with what the President has stated.

I am rather surprised, frankly, by the reaction of our Republican friends because this has been on a list of amendments to be considered for 3 weeks. This is the first amendment about which I have heard our Republican friends indicate we will not get a vote on it. I do not know what kind of signal that sends. It has been on the list for 3 weeks, and 5 minutes ago I heard for the first time the spokesperson for the Republican Party say we are not going to vote on it.

I do not know what kind of message that sends in our attempt to try to move this legislation, but it certainly is not a useful one or a constructive one.

I ask my friends on the other side to reread the language of the amendment. It says:

A State shall be considered to have met the requirements . . . if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools . . .

All they have to do is file the statement. This is not like the existing legislation that requires the Secretary to have approval on State tests. That is real power. Or that the Secretary has to approve the State's findings in terms of standards. That is real power. Or the fact the Secretary will make a judgment on a State's application for Straight A's authority. That is real power. Those are decisions that will be made here in Washington.

But to confuse that kind of authority and power with the language here is most unfortunate. Why are they so excited about this? I can't understand why they are so excited so early in the morning about this language? All this amendment says is that States have to file a written assurance. That's it. That's compliance.

I reiterate that we have had hearings on this issue in the past. We had days of hearings on school finance. The record of those hearings is printed in Senate 103-254. This is not a new concept. This is not a new idea. We have accepted the concept of comparability at the local levels. All this is doing is saying what I think the President wants to do; that is, he wants accountability statewide.

We want accountability for the children so they are going to work hard and study hard. We want accountability for the teachers to make sure we are going to have teachers who are going to get professional development. We want accountability for States in developing standards, and accountability that the States are going to develop tests that are going to be high-quality tests.

We have accountability here in the Congress to try to afford the resources to be able to help these children.

All the Senator from Connecticut is saying is let's have accountability. Let's have accountability for the States as well to be a part of a team. Most parents would want their children to learn. Learning should be a partnership with the local, State, and the Federal response in areas of the neediest children in this country.

I think this enhances the President's initiative. This carries it to an additional level. I hope he would be on the phone calling our friends and saying let's have a unanimous, favorable vote for this particular provision.

I yield the remaining time to the Senator from Connecticut.

AMENDMENT NO. 459, AS FURTHER MODIFIED

Mr. DODD. Mr. President, first of all, I send a modification of my amend-

ment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

The amendment (No. 459), as further modified, is as follows:

On page 135, between lines 9 and 10, insert the following:

(d) Section 1120A (20 U.S.C. 6322) is amended by inserting the following after subsection (d):

“(e) COMPARABILITY OF SERVICES.—

“(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

“(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

“(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools.

“(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

“(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

“(5) WAIVERS.—

“(A) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection for a period of up to 2 years for exceptional circumstances, such as a precipitous decrease in State revenues or other circumstances that the Secretary deems exceptional that prevent a State from complying with the requirements of this paragraph.

“(B) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under subparagraph (A) shall include in the request—

“(i) a description of the exceptional circumstances that prevent the State from complying with the requirements of this subsection; and

“(ii) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

“(6) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of a State and regardless of whether the State has requested a waiver under paragraph (5), provide technical assistance to the State concerning compliance with the requirements of this subsection.

“(7) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection.”

Mr. DODD. Mr. President, I discussed the amendment with my good friend from New Hampshire. The way I have dealt with the modification is to take out the section that speaks to the specific kinds of comparability issues such as class size, teachers, and the like. My intention was not to suggest we ought to have identical class size standards set by the Federal Government or to

mandate how States should provide equal educational opportunity, but rather to ensure that they do provide it. Therefore, I have left the language basically as it has been for 36 years when dealing with school districts; that is, achieve comparability of educational opportunities, except to apply it to States, as well.

As I pointed out, we have school districts in this country that have student populations in excess of the population of 27 States, and they have been able to deal with comparability, without, to use the example that concerned my friend from New Hampshire, infringing upon charter schools or magnet schools.

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

Mr. DODD. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. GREGG. Mr. President, I ask unanimous consent that the request be modified to add 1 additional minute on our side.

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

Mr. DODD. Mr. President, I appreciate the comments of my friend and colleague from Massachusetts on this issue. He makes the point very clearly. This is not radical. We are asking for accountability and responsibility by everybody when it comes to education. We are assuming it here at the Federal level with the underlying bill. We are requiring it of young children in the third grade and on, their parents, teachers, schools, and school boards. I am only saying that States must be part of this equation. That is all this is—to provide for comparable educational opportunity at the State level as we have required for 36 years at a district level. We leave to the Secretary the discretion about how much to withhold administrative funds—not funds to children—if necessary. For States to provide assurances that they are moving to achieve comparability is not radical. That is common sense. We are asking to test everybody in America. We ought to ask the States to take a little test as well.

I thank my colleagues.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GREGG. 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. DODD. Mr. President, I withdraw my request for the yeas and yeas.

Mr. GREGG. Mr. President, let me summarize the problem. I appreciate the fact that the Senator from Connecticut has modified his amendment.

I appreciate him doing that and taking out some of the language that is most onerous in the amendment. But the amendment still accomplishes essentially the same thing, which is creating a Federal standard requiring every State to set up comparability standards. There are a lot of States in this country and a lot of communities in this country which do not agree that comparability is appropriate; that believe the States should have flexibility from community to community to decide how they operate their school system. Local control is the essence of education. If a State decides it wants comparability, or its supreme court decides that, or the State legislature decides that, fine. That is certainly their responsibility and their right. They operate school systems. They pay for 97 percent of the school systems, and they should be able to do that. They do that. The Supreme Court did that in the area of funding. But it is not the role of the Federal Government to come in after paying 6 percent of the cost of the school system and say to States that every State has to have comparability within their State. It is a huge intrusion of the Federal role in the role of education.

For that reason, it goes, as I mentioned earlier, directly in the opposite direction from what the theme of this bill is. I am not going to reiterate that because I just said it 10 or 15 minutes ago. But that is the problem of the amendment. It is incredibly intrusive, and it goes in the direct opposite direction from where this bill is going.

That is why we on our side strongly oppose it and believe it is inconsistent with the agreement that was reached. We need to think about it a little bit longer before we decide how we are going to dispose of it.

I appreciate the Senator from Connecticut withdrawing his request for the yeas and nays. Maybe as we move down the road, we can figure out a way to more appropriately handle this amendment.

I yield the remainder of our time on this amendment.

AMENDMENT NOS. 356, 401, 434, 513 AS MODIFIED, 642, 643 AS MODIFIED, 363 AS MODIFIED, 638 AS MODIFIED, 354 AS MODIFIED, 418 AS MODIFIED, AND 633 AS MODIFIED EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, we are now going to go to the Nelson-Carnahan amendment. But today I am happy to report that we have another package of cleared amendments. Therefore, I ask unanimous consent that it be in order for these amendments to be considered en bloc, and any modification, where applicable, be agreed to, the amendments be agreed to, en bloc, and the motions to reconsider be laid upon the table, en bloc.

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

The amendments (Nos. 356, 401, 434, 513 as modified, 642, 643 as modified, 363 as modified, 638 as modified, 354 as modified, 418 as modified, and 633 as

modified) were agreed to en bloc as follows:

AMENDMENT NO. 356

(Purpose: To promote financial education)

On page 619, line 6, strike "and".

On page 619, line 7, strike the period and insert "; and".

On page 619, between lines 7 and 8, insert the following:

"(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing)."

AMENDMENT NO. 401

(Purpose: To assist parents in becoming active participants in the education of their children)

On page 479, strike line 8 and insert the following:

for limited English proficient students, and to assist parents to become active participants in the education of their children.

AMENDMENT NO. 513, AS MODIFIED

(Purpose: To expand the permissible uses of funds)

On page 318, strike lines 22 through 25, and insert the following:

"(5) Developing and implementing effective mechanisms to assist local education agencies and schools in effectively recruiting and retaining highly qualified teachers and principals, and in cases in which a State deems appropriate, pupil services personnel."

On page 319, between lines 19 and 20, insert the following:

"(12) Providing professional development for teachers and pupil services personnel."

On page 326, strike lines 9 through 11 and insert the following:

"(3) Providing teachers, principals, and, in cases in which a local education agency deems appropriate, pupil services personnel with opportunities for professional development through institutions of higher education."

On page 327, between lines 10 and 11, insert the following:

"(7) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals, and, in cases in which a local education agency deems appropriate, pupil services personnel."

On page 370, strike lines 12 through 18, and insert the following:

"(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement and student performance;"

AMENDMENT NO. 642

(Purpose: To provide for Indian education)

On page 178, between lines 19 and 20, insert the following:

"(4) RESERVATION FROM APPROPRIATIONS.—From the amounts appropriated under section 1002(b)(2) to carry out this subpart for a fiscal year, the Secretary shall—

"(A) reserve ½ of 1 percent for allotments for the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands, to be distributed among

these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart; and

"(B) reserve ½ of 1 percent for allotments for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs."

On page 272, line 10, strike "and the Republic of Palau" and insert "Republic of Palau, and Bureau of Indian Affairs for purposes of serving schools funded by the Bureau".

On page 776, line 10, insert before the semicolon the following: "or, in the case of a Bureau of Indian Affairs funded school, by the Secretary of the Interior"

On page 807, strike lines 1 through 18.

On page 808, strike lines 15 and 16.

AMENDMENT NO. 434 TO AMENDMENT NO. 358

(Purpose: To revise the definition of parental involvement)

On page 12, strike lines 23 through 24.

On page 13 strike lines 1 through 2, and insert the following:

"(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents in regular, two-way, and meaningful communication, including ensuring—

"(A) that parenting skills are promoted and supported;

"(B) that parents play an integral role in assisting student learning;

"(C) that parents are welcome in the schools;

"(D) that parents are included in decision-making and advisory committees; and

"(E) the carrying out of other activities described in section 1118."

AMENDMENT NO. 643, AS MODIFIED

(Purpose: To provide rural schools with options during the reconstitution process)

On page 99, between line 22 and 23, Title I, Sec. 1116 (8)(B), is amended by inserting:

(1) SPECIAL RULE.—Rural local educational agencies, as described in Sec. 5231(b) may apply to the Secretary for a waiver of the requirements under this sub-paragraph provided that they submit to the Secretary an alternative plan for making significant changes to improve student performance in the school, such as an academically-focused after school programs for all students, changing school administration or implementing a research-based, proven-effective, whole-school reform program. The Secretary shall approve or reject an application for a waiver submitted under this rule within 30 days of the submission of information required by the Secretary to apply for the waiver. If the Secretary fails to make a determination within 30 days, the application shall be treated as having been accepted by the Secretary.

AMENDMENT NO. 363, AS MODIFIED

(Purpose: To enable local educational agencies to extend the amount of educational time spent in schools, including enabling the agencies to extend the length of the school year to 210 days)

On page 67, line 18, strike "and".

On page 67, line 21, strike all after "1118" and insert "; and".

On page 67, between lines 21 and 22, insert the following:

"(11) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools."

On page 161, between lines 9 and 10, insert the following:

SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

“SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—A local educational agency may use funds received under this part to—

“(A) to extend the length of the school year to 210 days;

“(C) conduct outreach to and consult with community members, including parents, students, and other stakeholders to develop a plan to extend learning time within or beyond the school day or year; and

“(D) research, develop, and implement strategies, including changes in curriculum and instruction.

“(c) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

“(1) the activities to be carried out under this section;

“(2) any study or other information-gathering project for which funds will be used;

“(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic areas during the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

“(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productivity of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

“(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

“(6) with respect to any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

“(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section;

“(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

“(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

“(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

“(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

“(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

“(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws.”

AMENDMENT NO. 638, AS MODIFIED

(Purpose: To provide for an annual report to Congress)

On page 69, between lines 9 and 10, insert the following:

“(6) REPORT TO CONGRESS.—The Secretary shall report annually to Congress—

“(A) beginning with school year 2001–2002, information on the State’s progress in developing and implementing the assessments described in subsection (b)(3);

“(B) beginning not later than school year 2004–2005, information on the achievement of students on the assessments described in subsection (b)(3), including the disaggregated results for the categories of students described in subsection (b)(2)(B)(v)(II); and

“(D) in any year before the States begin to provide the information described in paragraph (B) to the Secretary, information on the results of student assessments (including disaggregated results) required under this section.

AMENDMENT NO. 354 AS MODIFIED

(Purpose: To establish a study on finance disparities and the effects of equalization on student performance)

On page 173, between lines 4 and 5, insert the following:

(F) STUDY, EVALUATION AND REPORT OF SCHOOL FINANCE EQUALIZATION.—The Secretary shall conduct a study to evaluate and report to the Congress on the degree of disparity in expenditures per pupil among LEAs within and across each of the fifty states and the District of Columbia. The Secretary shall also analyze the trends in State school finance legislation and judicial action requiring that states equalize resources. The Secretary shall evaluate and report to the Congress whether or not it can be determined if these actions have resulted in an improvement in student performance.

In preparing this report, the Secretary may also consider the following: various measures of determining disparity; the relationship between education expenditures and student performance; the effect of Federal education assistance programs on the equalization of school finance resources; and the effects of school finance equalization on local and state tax burdens.

Such report shall be submitted to the Congress not later than one year after the date of enactment of the Better Education for Students and Teachers Act.

AMENDMENT NO. 418 AS MODIFIED

(Purpose: Protection of Pupil Rights)

On page 64, between lines 2 and 3, insert the following:

“(F) PROTECTION OF PUPIL RIGHTS.—In meeting the requirements of this section, States, local educational agencies, and schools shall comply with the provisions of Section 445 of the General Education Provisions Act.”

AMENDMENT NO. 633 AS MODIFIED

(Purpose: To ensure that grant funds are available for use to enhance educators’ knowledge in the use of computer related technology to enhance student learning)

On page 328, line 21, insert before the semicolon the following: “, including the use of computer related technology to enhance student learning”.

Mr. KENNEDY. Mr. President, for the information of the Senate, these amendments are as follows: Corzine No. 356; Reed, 401; Reed, 434; Voinovich, 513; Enzi, 642; Enzi/Collings/Murray, 643; Torricelli, 363; Nelson of Florida, 638; Hatch, 354; Hatch, 418; and Levin, 633.

We are continuing to process these amendments. I am thankful and grateful to our friends and colleagues on the other side for their help and their good work in making all of this possible.

I yield the floor.

AMENDMENT NO. 385 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 385, on which there will be 60 minutes of debate to be equally divided and controlled.

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN], for herself and Mr. NELSON of Nebraska, proposes an amendment numbered 385.

Mrs. CARNAHAN. 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:

AMENDMENT NO. 385

(Purpose: To limit the application of assessment requirements based on the costs to the State in administering such assessments)

On page 51, between lines 15 and 16, insert the following:

“(4) ASSESSMENTS NOT REQUIRED.—

“(A) IN GENERAL.—A State shall not be required to conduct any assessments under paragraph (3) in any school year if—

“(i) the assessments are not otherwise required under Federal law on the day preceding the date of enactment of the Better Education for Students and Teachers Act; and

“(ii) the amount made available to the State under section 6403(a) for use in the school year involved for such assessments is less than 100 percent of the costs to the State of administering such assessments in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this subparagraph), in the most recent school year in which such assessments were administered.

“(B) DETERMINATION OF TOTAL COSTS.—For purposes of making the determination required under subparagraph (A)(ii), the Secretary shall, not later than March 15 of each year, publish in the Federal Register a description of the total costs of developing and implementing the assessments required under the amendments made by the Better Education for Students and Teachers Act for the school year involved based on information submitted by the States, as required by the Secretary. Such total costs may include costs related to field testing, administration (including the printing of testing materials and reporting processes), and staff time. The Secretary shall include in any such publication a justification with respect to any category of costs submitted by a State that is excluded by the Secretary from the estimated total cost.

“(C) 2005–2006 SCHOOL YEAR.—Not later than March 15, 2005, the Secretary shall make the publication required under subparagraph (B) with respect to the 2005–2006 school year.

“(D) REPORT.—The Secretary annually report the information published under subparagraph (B) to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and Committee on Appropriations of the House of Representatives.

On page 59, line 21, after the period add the following: "No funds shall be withheld under this subsection for any school year in which the Secretary determines that a State has received, under section 6403(a), less than 100 percent of the costs to the State of designing standards and developing and administering assessments for measuring and monitoring adequate yearly progress under this section. The Secretary shall determine the reasonable costs of designing, developing, and administering standards and assessments based on information submitted by the States, as required by the Secretary, except that the Secretary shall provide a written explanation of any category of costs that excluded from the Secretary's calculations."

On page 778, after line 21, add the following:

"(d) MISCELLANEOUS PROVISION.—Notwithstanding subsection (a)(3), there is authorized to be appropriated to carry out subsection (a)(1), such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years."

Mrs. CARNAHAN. Mr. President, we must never let any of our children slip through the cracks of the education system. That's why a yardstick of performance is needed. It's why rigorous accountability and increased testing have become cornerstones of the education debate. I strongly support testing to help us measure the progress of our Nation's students.

Missouri is at the forefront of using testing to drive education reform. Since 1993, Missouri educators have worked hard to shape a testing structure called the Missouri Assessment Program.

These tests measure progress in math, communication arts, science, and social studies as well as a variety of skills. Each of the four core subject areas is tested in three grade levels. In each of these grade levels, every child is tested.

I commend Missouri educators on creating a superb testing instrument.

Each child's development is gauged on an individual, case-by-case basis as well as in relation to other students across the Nation.

By contrast, under President Bush's plan, States would be required to test every child annually in grades 3-8.

In Missouri, this would require tremendous cost.

In communication arts, for example—which tests reading, as well as writing ability, punctuation, spelling, and thought organization—Missouri currently tests kids in grades 3, 7, and 11. Under the new requirement, the State would have to develop new tests for grades 4, 5, 6, and 8. The Missouri Department of Elementary and Secondary Education estimates that initial development costs would be approximately \$3.5 million and ongoing development costs would be an additional \$1.2 million per year.

About another \$5 million would be required to develop new math tests, and a new science test would be even more expensive. These estimates do not even include the costs of implementing, scoring, and analyzing these tests. In the end, the annual costs for Missouri may exceed \$15 million per year.

The ESEA legislation that we are now debating, however, would provide for the entire Nation \$400 million per year for developing and implementing the new tests. But the truth is that we don't know exactly how much the new tests will cost.

The National Association of State Boards of Education has estimated the total national costs to be between \$2.7 billion and \$7 billion over 7 years.

The reality is that when it comes to the cost of these new tests, we are looking at a huge question mark. And we face the possibility that there could be a tremendous gap between funding available for these new tests and funding needed. This uncertainty places an unfair burden on our local districts and schools.

Last month, I joined my Senate colleagues in supporting full funding for the Individuals with Disabilities Education Act, or IDEA.

As did my colleagues, I heeded the cry of local educators and parents who told us that Congress had not fulfilled its promise to fund 420 percent of IDEA. They told us that this failure had drained local districts of already scarce funds. They told us that these circumstances hurt the students in our schools. After years of delay, we raised our collective voice to recognize that Congress cannot place unfunded mandates on our schools.

Now, numerous letters have been pouring into my office from superintendents across Missouri, voicing concern about the cost of the new tests. Let me share some of them with you.

One is from David Legaard, the superintendent in Smithville, who wrote:

The Smithville R-II School District supports your efforts. Our school district cannot afford to pay for mandated federal testing programs.

Don Lawrence, the superintendent in Savannah, MO, wrote:

Rest assured the local school districts in the state of Missouri do not have access to additional funds to pay for national school testing.

We should not make the same mistake with testing as we did with IDEA. We simply cannot put our State and local governments in the position of draining local resources to pay for new, unfunded Federal requirements.

The amendment I am offering today with my colleague, Senator BEN NELSON, will ensure that our schools don't bear an unfair burden. The idea behind this amendment is straightforward: if new tests are required by the Federal Government, they should be paid for by the Federal Government. States would not be obligated to give the tests in any year that the Federal Government fails to provide 100 percent of the funding.

The Carnahan-Nelson amendment builds on the Jeffords amendment, which passed by a 93-7 margin. I was pleased to support that amendment, but in our view it did not provide sufficient protection to State governments and local educators.

The Jeffords amendment provides that States must conduct the new tests so long as the Federal Government provides \$400 million for design and implementation costs. The problem is, what happens if the cost is twice that amount, or ten times that amount, as some groups are estimating? Who will pick up the additional costs?

The answer is that our local schools, supported by local tax dollars, will have to pick up the tab for the federally mandated tests. We think that is the wrong policy.

Some have argued that this is an "antitesting" amendment because it links a State's obligation to conduct the new tests with full Federal funding.

The bill before the Senate already links a State's obligation to test to Federal funding. Our amendment merely changes the amount of Federal funding required from the arbitrary figure of \$400 million to 100 percent of the true cost of testing.

Our schools should not have to forego the purchase of textbooks, or increases in teachers' salaries, or the renovation of classrooms so that they can put in place the new tests. If the Federal Government is going to impose this new requirement, the Federal Government should provide the resources to do it.

In addition, our amendment covers science tests, which the current bill does not.

And, our amendment requires the Secretary of Education to calculate the total costs of complying with the testing mandate so legislators know whether the Federal Government is meeting its obligation to our local schools.

The Governor of Missouri, Bob Holden, has strongly endorsed the Eliminate Unfunded Mandates amendment. He comments:

I feel strongly that implementing new testing requirements without the adequate funds in place would be a disservice to the children in Missouri and across the nation . . . If the Federal Government is going to require new testing measures, then the Federal Government should pay 100 percent of all costs.

Governor Holden's sentiment is echoed in an endorsement letter from the Democratic Governors' Association, which notes that the Carnahan-Nelson amendment would help "fulfill [a] historic commitment to America's children."

Many Senators have extolled the virtues of testing during this debate. Many have spoken in favor of local control over education funds. If you want to ensure that testing will take place and that our local schools can spend their own dollars on their own priorities, then you should vote for the Carnahan-Nelson amendment.

I am pleased that Senator BAUCUS and Senator HOLLINGS support this amendment. I ask unanimous consent that they be added as cosponsors.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE OF MISSOURI,
Jefferson City, MO, May 20, 2001.

DEAR MEMBERS OF THE SENATE: I write in strong support of the Carnahan-Nelson amendment to the Elementary and Secondary Education Act (ESEA).

This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new ESEA testing requirements. If the federal government did not meet this commitment, states would be released from the obligation to implement the new requirements. The amendment also would require the Secretary of Education to commission and annual report on testing costs.

I feel strongly that implementing new testing requirements without the adequate funds in place would be a disservice to the children in Missouri and across the nation. Under these circumstances, state and local governments would be forced to choose between implementing the new testing requirements and cutting costs in other vital education programs. We simply cannot place our schools in the position of choosing between hiring new teachers, purchasing new textbooks, renovating schools and implementing the new tests. If the federal government is going to require new testing measures, then the federal government should pay 100% of all additional costs.

This point is especially germane in states that have already implemented strong testing programs. I am proud to note that Missouri has already made great strides in relation to testing and accountability. The Missouri Assessment Program, which assesses students in six subject areas, is the result of painstaking efforts on the part of Missouri educators. I believe that this testing program makes Missouri a leader in the nation in terms of effective testing.

Thank you for your attention to this critical matter, and I encourage you to vote in favor of the Carnahan-Nelson amendment. I look forward to working hand-in-hand with Congress and the Administration to ensure that our state testing systems are as effective as possible and that we do our utmost to support the education of our nation's children.

Sincerely,

BOB HOLDEN,
Governor.

DEMOCRATIC GOVERNOR'S ASSOCIATION,
Washington, DC, May 22, 2001.

Hon. JEAN CARNAHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CARNAHAN: On behalf of the nation's Democratic Governors, I am writing in support of the amendment being offered by Senators Carnahan and Nelson to S. 1, the Better Education for Students and Teachers Act (BEST). This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new Elementary and Secondary Education Act (ESEA) testing requirements.

The amendment would replace the \$400 million cap authorized for FY 2002 for developing and implementing tests, in the underlying bill, instead requiring the federal government to pay 100% of all state testing costs not currently required under federal law. If the federal government does not meet this commitment, states would be released from the obligation to implement the new testing requirements. The amendment would also require the Secretary of Education to annually calculate the total costs of testing.

In addition, the amendment would add a protection that would prohibit the federal government from sanctioning a state for falling behind schedule in designing and im-

plementing tests if the federal government has not provided full funding.

While we are pleased to support the Carnahan/Nelson amendment, we are hopeful that any final version of legislation to reauthorize the ESEA will apply a funding trigger more broadly, specifically to include Title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

We would also prefer that final legislation link federal funding accountability to consequences imposed on states and local schools unable to meet proposed annual performance measures, such as fiscal sanctions and school reorganization. Relieving states from the cost of implementing new tests does not alter the mandated levels of improvement in student performance.

Democratic Governors urge Congress to fulfill the historic commitment to America's children that the BEST Act represents by fully funding authorized levels of IDEA, Title I, and teacher quality, as well as for testing. We believe that the Carnahan-Nelson amendment helps to ensure this, and we urge that the Senate adopt the amendment.

Sincerely,

Gov. TOM VILSACK,
State of Iowa,
DGA Vice-Chair of Policy.

Mrs. CARNAHAN. I am happy to yield the floor for the Senator from Nebraska to make further comments.

THE PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today to ask the Senate's support for the Carnahan-Nelson amendment. As my colleague has stated, it is a simple, straightforward measure that would require the Federal Government to pay 100 percent of the costs of all new federally mandated tests that would be required by the pending bill.

In any year that the Government fails to provide funding to the States, the States simply would not have to administer the tests, and the States could not be sanctioned for falling behind schedule in developing their systems of assessment.

Six years ago, Congress passed, and the President signed, the Unfunded Mandates Reform Act. The bill passed the Senate by a vote of 98-1. This was cause for celebration among the Nation's Governors. We had been urging Congress for a long time to enact this kind of legislation. I took a great deal of personal satisfaction when the law was signed because as the Governor of Nebraska, I had invested years urging its passage.

As Governor, I testified before committees in both the House and the Senate on the problems that were caused by unfunded Federal mandates.

I became interested in curbing unfunded Federal mandates the very first year I sat down to work on my new State budget. As the years went by, I often wondered if I had actually been elected Governor of Nebraska or simply branch manager for the Federal Government. I cannot count the number of times that I had to cut my part of the budget, say no to a good project or turn

down a group of Nebraskans with good ideas because all my available revenue was tied up complying with yet one more unfunded Federal mandate handed down by Washington.

When the bill passed, I breathed a sigh of relief. In the Senate—also at that time under new leadership—the unfunded Federal mandates bill was designated as S. 1, signifying the priority placed on the legislation. Coincidentally, S. 1 is the designation placed on the bill we are currently considering. Senators from both sides of the aisle at that time praised the unfunded mandates bill. One Senator said:

The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates . . . The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

Another Senator said:

This legislation will increase accountability.

There has been a lot of talk about accountability during the current debate on this bill. We are asking teachers, parents, and schools for accountability. We are going to hold States accountable for the money the Federal Government will be spending. But where is the accountability from Congress and the White House for the dollars that States are going to have to spend for the testing requirements of this bill?

I commend Senator JEFFORDS for his efforts to provide at least partial funding for the testing that this bill will require, but I do not believe it will be enough.

This bill will require the States to administer 12 different tests for students in grades 3 through 8. It will also require each State to participate in the NAEP test annually in grades 4 and 8, which accounts for 4 more tests. That is a total of 16 tests per year. As we can see from this chart, not all States currently administer tests with that kind of frequency. Fewer than a third of the States administer reading and math tests at all six grade levels each year. Another four States conduct reading and math tests at five of those grade levels, three States at four levels, and nine States at three levels. The remaining 19 States test students annually in reading and math at two or fewer grade levels. If we don't count participation in NAEP, we are requiring States to develop and administer another 216 tests. If we add in NAEP, we are requiring the States to administer 316 tests per year. You get the idea of the magnitude of testing involved in this bill.

As the other Senator from Minnesota explained several days ago, if the goal of these tests is to improve education, then you can't give cut-rate tests. An inexpensive, off-the-shelf test will not be able to accurately tell us how well or how poorly our students are doing. Given the stakes involved, States are not going to be able to administer their

testing on the cheap. These tests are going to cost the States a great deal of money, and they should.

In Nebraska, early in my tenure as Governor, we explored the costs of testing students in four core curriculum subjects. We received an estimate that ranged from \$305 million for a basic test, and up to \$13 million for one that would meet the standards for a good assessment in a single test. That was almost 10 years ago.

Our own experts in Congress, the Congressional Research Service, have said that complete information on the costs associated with student testing is impossible to obtain. The National Governors' Association estimated that these testing requirements could cost States at least \$900 million. The National Association of State Boards of Education has estimated that they could cost between, as my colleague from Missouri said, \$2.7 and \$7 billion, well above the \$400 million provided for in the bill.

The chart behind me shows the estimated cost to each State. No one can for sure say how much this will cost the States, as the Senator from Maine acknowledged yesterday with her amendment. I am willing to wager that the roughly \$400 million per year that is in the bill, despite the best efforts of the Senator from Vermont, simply will not be enough.

I understand that the administration has also circulated some numbers that show that the costs might be less than what is contained in the bill. If that is the case, I will be pleased. But if it isn't the case, I hope the Senate will in fact adopt the amendment Senator CARNAHAN and I have proposed.

Our amendment simply requires the Federal Government to pay 100 percent of the cost of all new federally mandated tests. If 100 percent of the cost is less than what is currently in the bill, then perhaps we can use the leftovers to hire and train more teachers, which many think might be a good answer to the problem in any event. If 100 percent of the cost is more than the \$400 million in the bill, then we have a real dilemma.

As the bill now stands, States will be responsible for every additional penny that these tests cost. As we have seen, potential costs can be very high.

In my State of Nebraska right now, there is not a lot of extra money available. I am sure there is not a lot of money available in the State of Missouri or the State of Florida, but there is no shortage of critical needs in the education field in every State. We are facing a teacher shortage in Nebraska that is of crisis proportions. Forty percent of our teachers, more than 8,000 of them, are going to be eligible to retire in the next 10 years. Our State won't be able to replace the excellent teachers who are retiring if too much of our State's money for education will be used to give tests instead of raising teacher's pay and other educational priorities.

Nebraska won't be able to meet these critical needs because the extra money simply isn't there and won't be there. The only alternative in my State may be to shift the cost to the taxpayers through higher property taxes. I am here to tell my colleagues that isn't acceptable in Nebraska.

In talking with some of my colleagues about this amendment, I have heard some additional concerns that I will address. I would like to be clear that neither I nor the Senator from Missouri oppose testing or setting high standards for students. While I was Governor, I severed as chairman of the National Education Goals Panel, which is part of the Goals 2000 effort, which called for setting high and measurable standards for students. I led in the State, despite some determined opposition, for developing strong educational standards in Nebraska.

Nor do we have any desire to weaken the accountability provisions of this bill. Our amendment doesn't do that. If our schools aren't preparing every child to succeed in the 21st century, then we are obligated to fix them.

I have no doubt that Nebraska's teachers, students, and schools can compete with any of those in any State in our Nation. This amendment would only prevent the Federal Government from sanctioning a State for falling behind schedule if it doesn't receive full funding for the cost of testing.

I have also been told that some Senators are worried about writing a blank Federal check to the States. They are concerned about a race to the top in terms of cost.

As the bill is now written, the Senate doesn't seem to be concerned about writing a blank check on each of the State's bank accounts without their permission. I see the irony of that, and I hope others do, too. But to address the concerns of my colleagues, we have added provisions that require the Secretary of Education, as my colleague has pointed out, to provide a report every year to both the authorizing and appropriating committees that details the costs of testing. If States are somehow gaming the system, we will know about it the first time it happens, and then we can correct it if it is necessary.

As I said at the beginning of my remarks, this is a simple, straightforward amendment. It requires the Federal Government to pay the full cost of the tests mandated by the bill. Unless we commit to do so, States will have to sacrifice funding for their own identified priorities or be forced to once again shift the cost to taxpayers in the form of higher property taxes.

I opened my remarks with a quote from a Senator who was describing the Unfunded Mandates Reform Act that this body passed 6 years ago. I think it might be worth repeating, as I come to a close. The Senator said:

The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the pub-

lic, and to ultimately charge higher taxes and utility rates . . . The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

I do not think I could say it better, and I may not have said it better today.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend Senator CARNAHAN and Senator NELSON for bringing this amendment to the attention of the Senate. What we are focusing on, which is enormously important, is the issue of testing and accountability.

Their amendment brings to focus whether we are going to give assistance to the States and local communities to develop good quality tests. We have had a good debate on the issue of quality of tests. The Senate has gone on record in a bipartisan way to make sure we are going to have good quality tests. The Senators rightfully raise the question of whether our testing requirements are affordable and how are we going to make sure the States are not going to be in the situation where they will be left holding the bag, so to speak. It is a very important policy issue.

Having said that, I do think we have made some progress on this issue. I know it is not sufficient for Senator CARNAHAN and Senator NELSON, but I want to briefly review how we reached the figures that are included in the legislation. We listened to the recommendation of the NASB, the National Association of School Boards.

They made the recommendation that the development of these tests were going to amount to anywhere from \$25 to \$125 a student. The legislation provides some \$69 per student. NASB said that development costs could be anywhere from \$25 to \$50. In this legislation, we provide only \$20 per student.

What have we done? We accepted the Jeffords amendment that says, unless we are going to have the funding for the testing program at NASB recommended levels, we will not expect the States to have to comply with that program. That is currently included in the Jeffords amendment, and there was very broad support for the Jeffords amendment.

Under the Wellstone amendment, we have also added additional resources of some \$200 billion a year that will come to \$2.8 billion to make sure we are going to get quality. It is a legitimate question of whether we are going to get the appropriations.

The two Senators are making a very important point that if we are going to do this right, we have to get the resources to do it right. There is no guarantee we will get those additional

funds, but there is a sufficient guarantee with the amendment of Senator JEFFORDS that we will get the figures which I referred to earlier.

We have accepted the Collins amendment which requires a GAO report by May of 2002. That will provide an estimate of test development costs, as well as administration costs, and we will still have 3 years before the requirements for these tests are actually implemented to use that information if we are finding we are going to fall further behind. That is an additional protection.

A final point I will make is in the development of this approach which puts us squarely in the middle of the NASB recommendations at \$69, when they have estimated the range goes from \$25 to \$125—it is right in the middle—and it is at the low end of administrative costs, there is a recognition that there has to be involvement of the State because the evaluations are an important additional ingredient in the States interest in making sure the children learn and have productive results.

Therefore, their recommendation understands there is a considerable amount of State staffing and teachers' time which would normally be used that the Federal Government does not necessarily require under the administration's proposal.

I think we are addressing this issue. I commend the Senators because it is an enormously important issue, to make sure we are going to get this right. The last thing we want to do is discourage a lot of children and find out these tests are being used as punishment. There are instances currently where they are being used as punishment, rather than detecting what the children do not know and then using those tests to provide supplementary services and changes in the curriculum to help advance the children in education.

I am satisfied we have sufficient protections for the development of these tests. We have the stopgap protection of the GAO report that will come in a reasonable period of time, so if we are falling further behind, we will be able to take action.

I have in my hand the current annual spending on tests per student by the 50 States. Under this proposal, it is \$69. There is not a single State that is even close to \$20 today. There are some States as low as \$1.37. I will not read the names of the States, but reading from the bottom of the page: \$1.37, \$2.93, \$6.65, \$17.16, \$12, \$14, \$8.69, \$2, \$15, \$12, \$9, \$15, \$7, \$5, and the list goes on. That reflects all 50 States.

We are at least quadrupling, maybe as much as quintupling financial support for quality testing with the guarantee under the Jeffords' amendment.

No matter how this vote comes out, I give assurance of our strong interest in this. We will continue to work with my two colleagues on this issue because it is incredibly important and it reaches the heart of this whole issue of accountability.

We want to get it right. We are going in a different direction, and we are going into uncharted waters. We do not want to have the children bear the burden of our mistakes. This is something we needed to address. I hope they feel we are addressing it. I know they prefer to have the absolute guarantee. I respect that position, but I hope our colleagues will feel that in the legislation, as we have developed it, we have responded to their concern.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in opposition to the underlying amendment and to support and reinforce many of the comments the Senator from Massachusetts made on this particular amendment.

I, too, applaud the authors for this amendment because it is clear that in our goal to leave no child behind, it is going to require more assessments, measurable standards. You have to examine to make the diagnosis, and to do that, and do it effectively, it is going to require a series of assessments that can be compared year to year in a longitudinal way to track. It can be used to compare whether it is school to school so we know what works and does not work, or State to State. Those tests are going to require something.

The concern of both Senate sponsors of this amendment is that those resources be available because they are mandates, and they are new mandates. They are mandates that we in a bipartisan way agree with in assessment, expectation, and accountability of leaving no child behind. That being the case, and that being the goal, the questions are twofold: No. 1, is there adequate funding proposed? And that is the essence of this bill; there is a fear that there is not. No. 2, have we been able to improve the bill, through the amendment process in the underlying bill, to such a degree that such funds are available? We clearly believe so.

The underlying amendment I speak in opposition to, says, "a State shall not be required to conduct any assessments under paragraph 3 in any school year if"—and the provisions are listed after that. I will stop right there. "A State shall not be required to conduct any assessment under paragraph 3 . . . if"—and I will stop there.

That brings to heart two arguments: No. 1, is testing important, is measuring results important, is assessment important? I believe very strongly they are important.

In a bipartisan way, we worked aggressively to underscore that these assessments are important and there should be no "if" after it.

No. 2, is the funding adequate itself? It comes back to their provision that 100 percent of the cost of the assessments must be guaranteed or you do not do the assessments. That comes to the question to which Senator KENNEDY spoke. We believe the bill has been improved and those funds are available.

The first point, we should do nothing in the amendment process in the bill that will in any way say we are anti-achievement, anti-measurable standards, anti-accountable, anti-high expectation. I believe this amendment is just that. The Carnahan-Nelson amendment potentially nullifies any new testing requirements for a State. These testing requirements, the measurable results have been arrived at through the Committee on Health, Education, Labor, and Pensions, through much debate and a bipartisan working group, debated regarding establishing importance and how these would be carried out and what sort of standards would be met. By potentially stripping away those provisions we are tearing out the heart of this bill, tearing out the heart of what President Bush feels so strongly about, that we leave no child behind.

Remember, the amendment says, a State shall not be required to conduct any assessments . . . if. That is enough for me to argue against this amendment.

Annual measurements are important. In the underlying bill, we start in the third grade. It is third through the eighth grade, giving an opportunity to make sure the money we invest in this bill is spent properly. Over the last several weeks we have invested huge, huge amounts of money through the authorization process, and we will see a lot more in appropriations. The President of the United States is committed to spending more in education this year than any President in the past if it is coupled with reform. Those accountability provisions cannot be gutted, cannot be torn out of this bill. There should be no "if."

Second, is the question of funding. Again, we should never put dollars in front of children. The Senator from Massachusetts mentioned the Jeffords amendment which passed on the second day the bill was brought to the floor. He mentioned the Wellstone amendment. He mentioned the Collins amendment which looks at a GAO study to look at the specific issue of testing what should be required in terms of those tests and the evaluation of those tests. In the Jeffords amendment and the Wellstone amendment, again, over \$2.8 billion will be made available for this testing.

We have an amendment which addresses the fundamental concern, a legitimate concern, that this is a serious mandate, so serious that, first and foremost, there should be no "if" after the clause.

Second, the hypothetical that if Congress does not end up with appropriate funding as required by what we passed in the way of reform in the bill itself—I share concern with my colleagues, in the bill as amended, the States may delay, already, implementation of the tests, are not required to conduct any assessments because assessments have to be in there, but delay implementation of the tests until the appropriate funding is available, and this is already in the bill.

Every State is addressing this issue of funding and the requirement of having assessments in a different way. In my State of Tennessee, we already test students for math and reading in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. At least \$50 million will be coming to Tennessee for these assessments. Tennessee will have the flexibility today to use that \$50 million. It could be more than that, but we can improve the test and make it longitudinal to compare a student and see how they progress over time. That flexibility is there.

Last, and I will close, I think we all agree on the importance of measurable results and the assessments so we will know how our children are doing. This amendment is unnecessary to my mind. The \$2.8 billion added in the amendment process already addresses this issue.

Every State has the opportunity in the amendment to opt out of standards, measurable results, achievement, the high expectations that are the heart and soul of the bill.

I urge my colleagues to vote against this amendment when it comes to the floor.

Mr. GREGG. I yield myself such time as I may consume.

I associate myself with the Senator from Tennessee. It was an excellent statement summarizing the views I also hold. I associate myself with the statement of Senator KENNEDY.

We are ready to yield back our time and go to a vote if the other side is prepared. We yield back our time.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I suggest to the Senator from Tennessee that he has already announced this was, in fact, a mandate. It is an inadequately funded mandate at that. I reiterate, what we have in cost is a best guess estimate. There is no certainty. The current bill provides protection only if \$400 million is all that is needed. Beyond that, we have no guarantee. We have no guarantee that the Wellstone amendment or others will have money appropriated.

This amendment, I might also suggest, is not an anti-testing amendment. The only circumstances where States will be released from the testing requirement is if the Federal Government fails to provide full funding. Anyone who makes an anti-testing argument about this amendment is implicitly saying that the Federal Government is not going to pay the full cost of the tests. If you say the Federal Government is not going to pay the full costs of the tests, I ask in return, what part of local budgets do you plan to cut to make up the difference? Are you going to cut teachers' salaries or textbooks or other resources that are stretched too thin?

The PRESIDING OFFICER. All time is expired. The question is on agreeing to amendment No. 385. The yeas and

nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "nay."

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—43

Allard	Dayton	Miller
Allen	Dodd	Murray
Baucus	Durbin	Nelson (NE)
Bayh	Edwards	Reed
Biden	Feingold	Reid
Boxer	Graham	Rockefeller
Breaux	Harkin	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Kerry	Stabenow
Carper	Kohl	Torricelli
Cleland	Leahy	Voinovich
Clinton	Levin	Wellstone
Conrad	Lincoln	Wyden
Corzine	McCain	
Daschle	Mikulski	

NAYS—55

Akaka	Fitzgerald	McConnell
Bennett	Frist	Murkowski
Bingaman	Gramm	Nelson (FL)
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Helms	Sessions
Byrd	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cochran	Inouye	Snowe
Collins	Jeffords	Specter
Craig	Johnson	Stevens
DeWine	Kennedy	Thomas
Domenici	Kyl	Thompson
Dorgan	Landrieu	Thurmond
Ensign	Lieberman	Warner
Enzi	Lott	
Feinstein	Lugar	

NOT VOTING—2

Crapo Hatch

The amendment (No. 385) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Massachusetts.

Mr. KENNEDY. We have an amendment from the good Senator from New Hampshire, and then after we address that amendment and dispose of it, the Senator from Minnesota, Mr. WELLSTONE, has a very important amendment where he intends to address the Senate for a period of time.

So we are making some progress now. We have already included a number of amendments, about 15 amendments that were cleared earlier in the day. We are continuing to make progress. We are grateful for all the support we are receiving from all of our Members. We are going to continue to press ahead.

I look forward to the consideration of the amendment offered by the Senator from New Hampshire.

AMENDMENT NO. 487 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized to call up amendment No. 487, on which there shall be 40 minutes of debate to be equally divided and controlled.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, I call up amendment No. 487.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 487.

Mr. SMITH of New Hampshire. 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: Expressing the sense of the Senate to urge that no less than 95 percent of Federal education dollars be spent in the classroom.)

At the appropriate place, insert the following:

SEC. ____ SENSE OF SENATE ON THE PERCENTAGE OF FEDERAL EDUCATION FUNDING THAT IS SPENT IN THE CLASSROOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Effective and meaningful teaching begins by helping children master basic academics, holding children to high academic standards, using sound research based methods of instruction in the classroom, engaging and involving parents, establishing and maintaining safe and orderly classrooms, and getting funds to the classroom.

(2) America's children deserve an educational system that provides them with numerous opportunities to excel.

(3) States and localities spend a significant amount of education tax dollars on bureaucratic red tape by applying for and administering Federal education dollars.

(4) Several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds.

(5) According to the Department of Education, in 1998, 84 percent of the funds allocated by the Department for elementary and secondary education were allocated to local educational agencies and used for instruction and instructional support.

(6) The remainder of the funds allocated by the Department of Education for elementary and secondary education in 1998 was allocated to States, universities, national programs, and other service providers.

(7) The total spent by the Department of Education for elementary and secondary education does not take into account what States spend to receive Federal funds and comply with Federal requirements for elementary and secondary education, nor does it reflect the percentage of Federal funds allocated to school districts that is spent on students in the classroom.

(8) American students are not performing up to their full academic potential, despite significant Federal education initiatives and funding from a variety of Federal agencies.

(9) According to the Digest of Education Statistics, only 54 percent of \$278,965,657,000 spent on elementary and secondary education during the 1995-96 school year was spent on "instruction".

(10) According to the National Center for Education Statistics, only 52 percent of staff employed in public elementary and secondary school systems in 1996 were teachers, and, according to the General Accounting Office, Federal education dollars funded 13,397 full-time equivalent positions in State educational agencies in fiscal year 1993.

(11) In fiscal year 1998, the paperwork and data reporting requirements of the Department of Education amounted to 40,000,000 so-called "burden hours", which is equivalent to nearly 20,000 people working 40 hours a week for one full year, time and energy which would be better spent teaching children in the classroom.

(12) Too large a percentage of Federal education funds is spent on bureaucracy, special interests, and ineffective programs, and too little is effectively and efficiently spent on our America's youth.

(13) Requiring an allocation of 95 percent of all Federal elementary and secondary education funds to classrooms would provide substantial additional funding per classroom across the United States.

(14) More education funding should be put in the hands of someone in a classroom who knows the children personally and frequently interacts with the children.

(15) Burdensome regulations, requirements, and mandates should be refined, consolidated or removed so that school districts can devote more resources to educating children in classrooms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Department of Education, the States, and local educational agencies to work together to ensure that not less than 95 percent of all funds appropriated for carrying out elementary and secondary education programs administered by the Department be spent to improve the academic achievement of our children in their classrooms.

Mr. SMITH of New Hampshire. Madam President, I rise today to discuss my amendment, which is a sense-of-the-Senate amendment, but it has a very important point to make. It states that not less than 95 percent of all funds that are appropriated for carrying out elementary and secondary education, administered by the Department of Education, be spent to improve the academic achievement of our children in the classroom; in other words, 95 percent of the money in this bill should go to the classroom for our children, which is where it should go.

As a former teacher, I think I would understand perhaps as well as anyone in this body how important it is to get those funds directly into the classroom where the kids can benefit.

I thank Representative SAM GRAVES of Missouri for offering a similar amendment to the House education bill over there which ensures that 95 percent of education money is spent locally.

Congressman GRAVES' amendment was passed overwhelmingly in the House. I believe the Senate should go on record supporting local control of Federal education dollars as well.

It might sound like an anomaly—local control of Federal education dollars—but if the Federal education dollars are going to be sent to the State, then give the State the flexibility to spend them. Let the local people make the decisions wherever possible.

The other side of the aisle has been offering up amendment after amendment after amendment calling for more funding for numerous education programs. Many of these amendments have been adopted over the past several days and hours. But if we are going to allocate more money for education, then I think we need to make a statement, which I do in my amendment, that it is vital to ensure that the money be spent in the classroom for the children. That is the appropriate way to spend those dollars.

After all, if the Federal Government is going to spend billions of dollars on education, then those dollars should go not to some bureaucracy, not to establish some mechanism to send those dollars into the local schools, but, rather, getting the money directly to the local schools.

I think we all know the cost of getting dollars into the State from the Federal Government—what it costs you to send the money to the local community—is pretty high. In fact, in New Hampshire it is about 47 cents on the dollar, which is not a good return.

As a former New Hampshire teacher and school board chairman, I had the opportunity to see this on both sides, both as a board member and as a teacher—and also as a parent for 26-plus years. I am convinced that decisions regarding education are best executed at the local level and that we should not run our public schools from Washington, DC. We do not need a national school board.

Some will say: With all these Federal dollars, how do you do it? We can provide Federal dollars, if we must, but let's do it with as few strings as possible to allow the local boards and the local parents to make the decisions, the local communities.

Our public schools—and I say this as a former public school teacher—hold so much promise. I want to make sure the Senate goes on record today that a minimum of 95 cents of every education dollar should go directly to those classrooms.

We need to give 95 cents of every dollar. It is a shame we can't give 100 percent, a dollar for every dollar, to those teachers and students in New Hampshire and not to some bureaucrat or bureaucracy in Washington, DC.

We need to support education, not regulation, if we are going to spend the money. My amendment simply directs the Department of Education to join our States and local school districts in an all-out effort to direct 95 percent of our Federal education dollars to the place in which it belongs—the classroom. I don't think that is unreasonable.

It is important to understand that the Department of Education has not been entirely responsible with the billions of dollars in taxpayers' money we have been giving to them over the years. Some of it has been spent responsibly, but a lot of it has not. Let me give a few examples of some of the waste at the Department of Education.

I hate to bring it up, but it is important to understand that if you just continue to throw good money after bad, you never correct the problem. There were 21 cases where grant checks were issued twice to the same recipients, for a total cost to the taxpayers of America of \$250 million. Auditors were able to recover the money eventually, but how much time and how much cost was involved in recovering the \$250 million? That is the point. It should not have happened. We are careless.

We can eliminate a lot of these kinds of mistakes—and maybe some of it is deliberate; I don't know—by simply stipulating that it is the sense of the Congress and the Senate that 95 cents on every dollar go to the classroom, so when these kinds of things happen, these people know they are going to be held accountable, that we mean business, that the Senate means business, that 95 cents of every dollar is going to go to the classroom, not for this kind of nonsense with the duplication of grant checks.

Some will say that was just a mistake; 21 mistakes is not a big deal. Maybe it was a mistake, but it is a careless mistake. If the bureaucracy knows it can be held accountable, they will be a little more careful. What would happen if we hadn't found the mistakes? If we had not had an auditor finding that mistake, it would have cost the taxpayers \$250 million.

I say to every American who is listening to me now, think of any school district, yours in particular, wherever you live in America, and think about the classroom, perhaps the one where your child is. Could you use a little bit of that \$250 million in your classroom, if you are a teacher, or your child's classroom, if you are a parent? I can think of a lot of things I could have done with a few million dollars in my classroom when I was teaching, whether it was more textbooks, perhaps raising teachers' pay. It is better than throwing it away in mistakes made by a bureaucracy that has run roughshod over the whole educational system.

Let me cite another example of waste at the Department of Education. Twenty-one employees were allowed to write checks of up to \$10,000 without supervision—no accountability—from May 1998 to September 2000; 19,000 checks totaling \$23 million were written by these people. Who is checking on that? Who is making sure that those 21 employees who wrote checks of up to \$10,000 without supervision—who is checking to find out whether that \$23 million was the right amount of money?

We also have the example of 141 unapproved purchases in the Department of Education totaling more than \$1 million—purchases that were made on Government credit cards for software, cell phones, Internet, computers. Even though DOD guidelines—Department of Defense guidelines—specifically say these things are not to be purchased on credit cards, you have \$1 million worth

of purchases, 141 purchases totaling \$1 million.

The point I make here is, the more rein and flexibility you give to the bureaucracy, the more dollars you throw away; without a firm accountability, the more it is going to be wasted. If we pass this amendment and we say the Senate has now spoken and has said that 95 cents will go to the classroom, when we hear about such things, people will be a little bit concerned about it. They will be more self-conscious. They will be more careful. It is going to be a win-win, a win for the kids in the classroom and a win for the taxpayers.

This year tax freedom day was May 3, 2001, according to the tax foundation. Tax freedom day is the average day that Americans start working for themselves as opposed to the Government. President Bush's tax cut package will certainly help in that regard, but as it stands now, from January 1, 2001, to May 11, 2001, Americans work for their respective local and State governments and the Federal Government. That is, from January 1 to May 11, every dollar you earn went to one of those governments, local, State, or Federal. You didn't earn anything for yourself. You started earning money for yourself on May 12.

I want every American to know that the money spent by the Federal Government should not be wasted, including the Department of Education. If we put this restriction on, we are making a very strong statement that we expect you to be accountable. We don't want to hear any more stories about 141 purchases totaling more than \$1 million in unapproved credit card purchases or grant checks issued twice to the tune of \$250 million. We don't want to hear about it. We are not going to tolerate it. That is what we are saying if we support this amendment.

If you don't care, if you don't want the bureaucracy to be accountable and you couldn't care less whether we waste \$250 million, even though taxpayers work hard until May 11 just to pay their bills, then you should vote against my amendment. I encourage you to vote against my amendment if that is what you believe. If you think it is OK that taxpayers can work until May 11 and not get a dime for themselves and you don't care about waste, fraud, or any other abuse in the bureaucracy, then vote against my amendment. But if you care about taxpayers saving their hard-earned money and putting it to use for themselves and you care about getting money directly to the classroom, to the kids, then you should vote for my amendment.

That is exactly the way the amendment should be evaluated. You are either for kids getting the money and saving taxpayers money, or you are in favor of wasting taxpayer money and do not care whether the kids get the money in the classroom or not. It is pretty simple.

The American people work very hard for that money. The Federal Govern-

ment should not squander one cent of it. Actually, too many of our tax dollars are spent on bureaucracies at all levels of government, not just the Department of Education. That waste is not going to end tomorrow. We must pledge to do better. We must tell the Department of Education to give the money to the localities. Let them spend it as they see fit. Don't spend it here in Washington, DC, with some bureaucracy to funnel the money.

Federal education dollars should not be spent to expand some bloated bureaucracy here in Washington. Lord knows, we have enough bloated bureaucracies here. Those precious dollars should go right to the educational opportunities of our kids. More education dollars should be spent directly in the classroom, and we need to shift the focus of our education system back to the students.

This is a great way to do it. It is a simple statement. It is a sense of the Senate. It is not binding, but it is a sense of the Senate that says: We want you to do that. We expect you to do that. If you don't do it at the Department of Education, then we may just have to come after you. We expect you to save the money for the taxpayers and get the money to the students.

My amendment supports the proposition that the best education is the education left to the local decision-makers and that the best way to be accountable to our taxpayers is to eliminate the bureaucracy and the high cost of getting the money to the local community and getting it there quickly and cheaply.

The Heritage Foundation issued a report recently titled "U.S. Department of Education Financing of Elementary and Secondary Education, Where the Money Goes." It is a very interesting report. It found that as the United States prepares to enter the 21st century, its educational system is in crisis, the public education system. I agree with that. We talk about the crisis in energy and in other matters. There is a very interesting finding in this report. I will just give a brief quote from it:

The vast majority of all Federal education funds does not go to schools or school districts.

Think about that.

The vast majority of all Federal education funds does not go to schools or school districts.

That seems to be a dichotomy if I ever heard one. Why wouldn't it? Where is it going?

In 1995, 33 percent of the total \$100 billion the federal government allocated for education was spent by the Department of Education . . . 40 percent of Department of Education funds went to local educational agencies, 13.1 percent of total federal education spending. Contrary to what many Americans believe, the Department of Education funds very few elementary and secondary education programs in their local communities.

That is an outrageous finding—they are funding very few elementary and secondary education programs. What is

the purpose of the Federal Department of Education if it is not going to give money to local communities for elementary and secondary education?

How do we get it to the classroom? What actually makes it to the classroom? What gets to the classroom? Let's find out.

According to the Heritage Foundation:

Audits around the country have found that as little as 26 percent of school district funds is being spent on classroom expenditures.

Classroom expenditures are defined as expenditures for teachers and materials for their students—26 percent.

If that is acceptable to my colleagues, vote against my amendment. Please vote against it because I want to be honest; I want to be straightforward. If my colleagues think it is OK to take a dollar from the taxpayer for education and 26 percent of that dollar goes to the kids and the rest does not, if that is OK with them, then please vote against my amendment. But if my colleagues really believe we ought to get the money to the kids, then vote for my amendment.

Do my colleagues want to increase the bureaucracy and have a lot of people sitting around making decisions they should not be making and wasting money and having all these findings we just discussed a few moments ago? Then vote against my amendment. If they want to eliminate that and get the money directly to the kids, then they should vote for it.

My amendment makes several findings to support the conclusion that 95 percent of all funds we are going to spend on the Elementary and Secondary Education Act be spent to improve the academic achievement of our children in their classrooms.

My amendment, in finding 4, states that:

Several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds.

Fifty percent of the paperwork is associated with the Federal funds. We always hear this talk about we are going to eliminate the bureaucracy, we are going to clear up the paperwork. It never happens. We are going to reinvent Government.

How many times have we heard all these phrases? It is very simple. Just accept this resolution that it is unacceptable for anything less than 95 percent to go to the classroom and then enforce it. When my colleagues see all those bureaucracies popping up, let's get rid of them and put the money into the classrooms.

We need to make sure that education money is not wasted on paperwork and administrative personnel. There always has to be a commission or a board or a bunch of people sitting around juggling papers to determine this requirement or that requirement, how much money goes here and who has to administer it,

and then another bureaucracy pops up to administer the previous bureaucracy.

Take a look at this. The Department of Education started less than 30 years ago at \$2 billion, \$3 billion. It is now in the tens of billions of dollars to run it. Unfortunately, only 26 cents on the dollar gets to the kids.

My amendment, in finding 11, states:

In fiscal year 1998 the paperwork and data reporting requirements of the Department of Education amounted to 40 million so-called—

Only in Government would we hear a phrase such as this—

burden hours, which is the equivalent of nearly 20,000 people working 40 hours a week for one full year. Time and energy which would be better spent teaching children in the classroom.

Burden hours, only in Washington. It is like getting on an elevator in Washington. Only in Washington does one get on an elevator to go up to the basement. If you do not believe me, get on the elevator anywhere around here and you find that to be true. Only in Washington, only in Government, do we have these kinds of phrases. It is nonsense. Burden hours, the equivalent of nearly 20,000 people working 40 hours a week for 1 full year.

The Federal Government needs to decrease paperwork requirements and data reporting. We have to stop talking about it and start doing it. Those Federal requirements may make for nice Government reports. There is a report right here. Here is the report on the bill. I am sure every Senator has read this word for word, sitting back in their offices at night. They read it before they go to bed. They get up in the morning and read every word of it. Look at this stuff. There are tens of thousands of pages of background that go into this report.

Here is another one. Here is the bill. That is the report. This is the bill. This is even bigger and larger. Look, page after page after page—more bureaucracy. The Department needs to look at reducing regulations and how Federal money is spent, reducing paperwork.

Madam President, I ask that the Senate go on record that not less than 95 cents of every Federal education dollar be spent or used in the classroom, and I do not think that is an unreasonable request.

Has my time expired?

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

Mr. SMITH of New Hampshire. I ask for the yeas and nays before I yield the floor.

Mr. REID. This side will be happy to yield back our time.

The PRESIDING OFFICER. The Senator has requested the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. If I may be heard briefly. Madam President, we are willing to take a voice vote after listening to the Senator's statement to the Senate.

However, it appears he wants to have a recorded vote. We have no objection to that if the Senator wants a recorded vote. We happen to second his request.

Mr. SMITH of New Hampshire. The Senator is correct; I request a recorded vote. I yield the floor, Madam President.

Mr. REID. We yield back our time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 487. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Montana (Mr. BURNS) would each vote "yea."

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—96

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

NAYS—1

Enzi

NOT VOTING—3

Burns Crapo Hatch

The amendment (No. 487) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NOS. 791 AS FURTHER MODIFIED, 363 AS FURTHER MODIFIED, AND 356, AS MODIFIED

Mr. KENNEDY. Madam President, I ask unanimous consent that the previously agreed to amendments, No. 791 by Mr. BINGAMAN, No. 363 by Mr. TORRICELLI, and No. 356 by Mr. CORZINE, be further modified with the

changes at the desk in order to conform to the underlying Jeffords substitute amendment.

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

The amendments (Nos. 791 as further modified, 363 as further modified, and 356), as modified, are as follows:

AMENDMENT NO. 791, AS FURTHER MODIFIED.

On page 7, line 21, insert "after consultation with the Governor" after "agency".

On page 8, line 1, insert "after consultation with the Governor" after "agency".

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

"(c) STATE PLAN.—Each State educational agency, in consultation with the Governor, shall prepare a plan to carry out the responsibilities of the State under 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies."

On page 35, line 20, insert the following: "prepared by the chief State school official, in consultation with the Governor," after "a plan".

On page 706, line 8, insert ", after consultation with the Governor," after "which".

On page 706, line 16, insert "after consultation with the Governor, a" after "A".

On page 707, line 2, insert "after consultation with the Governor, a" after "A".

AMENDMENT NO. 363, AS FURTHER MODIFIED

On page 71, line 24, strike "and".

On page 72, line 3, strike all after "1118" and insert "; and".

On page 72, between lines 3 and 4, insert the following:

"(11) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools."

On page 175, between lines 16 and 17, insert the following:

SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency may use funds received under this part to—

"(A) to extend the length of the school year to 210 days;

"(C) conduct outreach to and consult with community members, including parents, students, and other stakeholders to develop a plan to extend learning time within or beyond the school day or year; and

"(D) research, develop, and implement strategies, including changes in curriculum and instruction.

"(c) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

"(1) the activities to be carried out under this section;

"(2) any study or other information-gathering project for which funds will be used;

"(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic

areas during the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productivity of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

"(6) with respect to any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section;

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

"(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

"(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws.

AMENDMENT NO. 356, AS MODIFIED

On page 684, line 6, strike "and".

On page 684, line 7, strike the period and insert "; and".

On page 684, between lines 7 and 8, insert the following:

"(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing)."

Mr. KENNEDY. Madam President, we are moving along. I am very appreciative of the cooperation we are getting. We now have a very important amendment by Senator WELLSTONE which is one of the most important that we will have during this debate. We have some good time allocated for a very good discussion. Senator WELLSTONE will open and, obviously, respond to questions. It is our intention, following Senator WELLSTONE, to consider the amendment of the Senator from New York, Mrs. CLINTON, dealing with dilapidated schools, and Senator FEINSTEIN dealing with school construction. And Senator KERRY, my col-

league, has two on principals and alternative placements. Those are listed in the list of amendments. I understand there may be amendments from the other side related to those. But we are trying to move this.

Obviously, if there are amendments related to it, we will deal with them the way we have in the past, but I wanted to at least give our Members an idea about what is coming up this afternoon. We are hopeful to continue to make good progress through the course of the afternoon.

Mr. GREGG. Madam President, I also believe Senator HUTCHISON has an amendment.

Mr. KENNEDY. I appreciate that. Senator HUTCHISON has a very important amendment. A number of our colleagues have been interested in that subject matter. That has been going on for a number of days. They have been very constructive resolutions. I hope perhaps after Senator CLINTON we might be able to consider that amendment. We will be in touch with the Republican leader, and we will give her as much notice as we can, but we will try to see if we can't dispose of it after the Clinton amendment.

Mr. REID. Madam President, Senator DASCHLE last night in the closing minutes of the Senate indicated that one of the things he wanted to do was hold the votes as close to 20 minutes as possible. Today we have done fairly well in that regard. The votes have run over. The first one was 25 minutes and this one was 26 or 27 minutes. We are trying to make the 20-minute mark that the majority leader has given us. I say to all the staff listening and Senators who are watching, I hope they understand the 20-minute rule Senator DASCHLE is going to try to get us trained to respond to. We have wasted so much time waiting for people to come. It is going to be necessary for some people to miss votes. I hope everyone will understand that this is the only way we can be considerate of others. There shouldn't be hard feelings. This will be applied as we are trying to do everything here on a bipartisan basis.

Mr. KENNEDY. Madam President, I know the Senator will be here momentarily. I will request the absence of a quorum until he is here to present his amendment. 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. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 466 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Mr. WELLSTONE, is recognized to call up amendment No. 466, on which there shall be 4 hours to be equally divided and controlled.

Mr. WELLSTONE. Mr. President, I am going to send the amendment to the desk on behalf of myself and Senator DODD, along with Senators DAYTON, FEINGOLD, CLINTON, HOLLINGS, MURRAY, REED, and CORZINE.

The PRESIDING OFFICER. The amendment is currently at the desk. Are you modifying this?

Mr. WELLSTONE. The amendment is at the desk. I am sorry. I ask unanimous consent that the additional Senators be added as cosponsors.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. DODD, Mr. DAYTON, Mr. FEINGOLD, Mrs. CLINTON, Mr. Hollings, Mrs. MURRAY, Mr. REED, and Mr. CORZINE, proposes an amendment numbered 466.

Mr. WELLSTONE. 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 limit the conduct of certain assessments based on the provision of sufficient funding to carry out part A of title I of the Elementary and Secondary Education Act of 1965)

On page 48, between lines 14 and 15, insert the following:

"(iii) no State shall be required to conduct any assessments under this subparagraph in any school year if, by July 1, 2005, the amount appropriated to carry out this part for fiscal year 2005 does not equal or exceed \$24,720,000,000."

Mr. WELLSTONE. Mr. President, this amendment, I think in a lot of ways, is kind of a test case of whether or not we are passing a reform bill. I will have a lot to say about this, and other Senators will as well. I am certainly hoping that colleagues on the other side—whether they are Republicans or Democrats—who disagree will come to this Chamber to express their dissent so that I can know what possible arguments can be made against this amendment.

There are many Senators who have said publicly in this Chamber, and back in their States, and in interviews with the media, that we have to have this testing for the accountability—we can talk more about that later—but that, in addition, we also have to have the resources to make sure that the children, the schools, and the teachers have the tools to do well.

The testing is supposed to assess the reform. The testing is not supposed to be the reform. I remember at the very beginning, a long time ago, I said: You cannot realize the goal of leaving no child behind or you cannot talk about an education reform program if it is on a tin cup budget; you have to have the resources.

I have heard many Senators say: We are for the testing for the accountability, but we are also going to invest in these children and make sure there are the resources. That is point 1.

Point 2: Senator DODD and Senator COLLINS came to this Chamber with a very important amendment which authorized a dramatic increase in resources for the title I program. It was a bipartisan amendment. There were, I believe, 79 Senators who voted for this amendment.

This amendment was a Paul Simon amendment. It turns out the Senator from Illinois is in the Senate Chamber. This amendment was an education amendment by Senator DODD and Senator COLLINS. I say to the best friend I ever had in the Senate—Senator Paul Simon of Illinois—who is here, that what I am now saying to every Senator is: 79 Senators voted for an authorization, but that is not money. That is fiction.

This amendment says that by 2005—we committed in that amendment that we would spend \$24.72 billion for title I which would go to the benefit of children for extra reading help, for after-school, for prekindergarten, all of which is critically important.

So what this amendment says is that the tests we are authorizing need not be implemented unless we, in fact, appropriate the money at the level we said we would. This was the amount the Dodd amendment authorized. We have been saying to our States: We are going to get you the resources. So what we are saying in this amendment is that States do not have to do this unless we make the commitment to the resources.

I have heard people talk about the need to walk our talk. I have heard Senator after Senator say that they are for accountability but they are for resources. I do not know how Senators can vote against this proposal. We said we were for authorizing this money. This amendment is a trigger amendment. It says that we make this commitment to \$24.72 billion for title I. And this amendment says, if we do not do this, then the new tests need not be implemented.

If the States or school districts want to say we do not want to do this because you have not lived up to your commitment, they do not have to do it.

I look back because sometimes our staff do the best work. So I am looking back at Jill Morningstar to make sure I am right about this.

Now just a little bit about what this really is all about. This is the heart of the debate. Right now, title I is a program for children from disadvantaged backgrounds. It is the major Federal commitment. We are funding it at a 30-percent level. The title I money is used for extra reading help. It can be used for prekindergarten. It can be used to help these children do better.

What this amendment is saying is, it does not do a heck of a lot of good to test the children all across the country when we have not done anything to make sure they have the best teachers; that the classes are smaller; that the buildings are inviting; that they come to kindergarten ready to learn; that they get additional help for reading.

The testing is a snapshot. It is one piece of the picture. It does not tell us anything about what happened before or what happens after. What good does it do to have so many children in America right now who are crowded into dilapidated buildings, into huge classes, who have four teachers a year, who do not have the same resources and benefits as a lot of other children, who come to kindergarten way behind, and we are going to test them and show that they are not doing well, which we already know, but we are not going to have the resources to do anything to help them after they don't do well on the tests. Or even more importantly, we are not going to have the resources to help them to make sure that when we hold them accountable, they have the same opportunity as every other child in America to do well.

I am on fire about this amendment because this is the amendment that holds people accountable for the words they have been speaking. We must not separate the lives we live as legislators from the words we speak. We have been saying that we were going to have the resources, that we were going to get them to the teachers and the schools and the children. And that is what this amendment says. This amendment says: Don't fool people by just doing an authorization.

This was so important what Senator DODD did, so important what Senator COLLINS did, so important that 79 Senators voted for it, but really what makes a difference is if we go on record and make it crystal clear that unless we live up to what we already voted for and provide the money—this would be \$24 billion plus in the year 2005—then in Rhode Island or Minnesota or other States, schools can say: You didn't provide the money you said you were going to provide. You didn't provide the resources you said you were going to provide. We choose not to do the testing.

They should have that option. Otherwise, this testing is an unfunded mandate. You are setting everybody up for failure.

I will quote a recent study by the Center for Education Policy. Here is the conclusion:

Policymakers are being irresponsible if they lead the public into thinking that testing and accountability will close the gap.

They are right. Do you think by jamming a test down the throats of every school in every school district in every State in America—by the way, I am going to ask my conservative friends. I don't get this. Right now, I haven't made a final decision, but I lean pretty heavily in the direction that the Federal Government should not do this. I don't know where the Federal Government gets off telling school districts and schools they have to test every child age 8, age 9, age 10, age 11, age 12, and age 13. What a reach on the part of the Federal Government.

It is quite one thing to say all of us in America live in a national commu-

nity and when it comes to discrimination, when it comes to human rights, when it comes to civil rights, when it comes to a basic diet that every child should have, no State, no community should be able to fall below that. That is one kind of argument. But now we are going to tell every school district they have to do this? It is absolutely amazing to me that we are doing so.

The point is, don't anybody believe that the test we make every child take means that child now is going to have a qualified teacher. It doesn't do anything about that. A test doesn't reduce class size. A test doesn't make sure the children come to kindergarten ready. Part of the crisis in education is the learning gap by age 5. Some children come to kindergarten, then they go on to first grade, second grade, third grade. Now we are going to test them, age 8.

One group of children, to be honest with you, actually has had 7 years of school. They came to kindergarten. Then they had the 3 years plus that. Now they are third graders. Before that, they had 3 years of enriched child care. They came to kindergarten having been widely read to. They know colors and shapes and sizes. They know how to spell their name. They know the alphabet. They are ready to learn. They have had the education. And then a lot of other children haven't. And they are behind, way behind. This is during the period of time of the development of the brain, the most critical time. Then they fall further behind.

Testing doesn't change any of that. Testing doesn't do anything about making sure there is the technology there. Testing doesn't do anything about whether or not you have 40 or 50 kids crowded into a classroom. But if we were to make a commitment to some title I funding, then we could get some additional help for reading; some additional help for after school; for teachers to have assistance helping them with children, one-on-one help; prekindergarten.

How can Senators possibly vote against this amendment? They can't, not if they have said they are committed to getting the resources to these schools.

The Association of American Test Publishers, the people who develop virtually every large standardized test used in our schools, say the same thing. I quote from the Association of American Test Publishers:

In sum, assessments should follow, not lead, the movement to reform our schools.

What they are saying is that the testing is supposed to assess the reform. The testing isn't the reform. And the reform is whether or not we are going to have the resources to make sure these children have a chance to do well.

Senators, if we are going to say that it will be a national mandate that every child in America will be tested and we will hold the children and the schools and everyone else accountable,

then it should be a national mandate that every child should have the same opportunity to learn and do well in America. That is what this amendment is about.

I ask unanimous consent that a letter from the Democratic Governors' Association be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. WELLSTONE. They say:

While we are pleased to support the Carnahan Nelson amendment, we are hopeful that any final version of legislation to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

These Governors are saying this is part of your major Federal commitment. With all due respect, you have to back accountability with new investment, and we support the idea of this trigger amendment.

They are absolutely right. For some reason, these Governors are a little worried that we are going to mandate all this testing and then not live up to our commitment of resources, for very good reason.

I would like to quote from an article given to me by my good friend from Florida, Senator GRAHAM. This is by a Walter R. Tschinkel. He discusses Florida's system of grading schools. The Presiding Officer is one of the people in the Senate most immersed in education. What does Mr. Tschinkel find is the single most important variable in determining how children do on test scores? Would anybody here be real surprised to hear that it is poverty? He found that for every percent that poverty increases, the school score drops by an average of 1.6 points. He showed that the level of poverty in a school in Florida predicted what the school's achievement score would be with 80-percent accuracy.

May I ask, what are we doing here with this bill that is called BEST?

What are we doing? We are not doing anything to reduce poverty. We have not made any commitment to title I money being there, which is what this amendment calls for. We are not doing anything when it comes to a commitment in prekindergarten and child care.

We are still funding Early Head Start at the 3-percent level and Head Start for 3- and 4-year-olds at the 50-percent level.

We are not doing anything about rebuilding crumbling schools. Shame on us.

We are not doing anything about reducing class size. Shame on us.

Now what we are going to do is test these children and show these children in America again how little we care about them.

I have to cool down. It would be better if we had some debate. I want to

hear how people justify not providing resources.

I am not surprised by a recent study by the Education Trust Fund which shows the extent of the gap between low-income and high-income districts. There are not too many Senators who have children in low-income districts.

The study found that nationally low-poverty school districts spend an average of \$1,139 more than high-poverty school districts. In 86 percent of the States, there is a spending gap favoring wealthier students. The widest gap is in New York where the wealthiest districts spend on average \$2,794 more per student.

As the Center for Educational Policy concludes:

Policymakers on the State and national levels should be wary of proposals that embrace the rhetoric of closing the gap but do not help build the capacity to accomplish this goal.

That is what this amendment is about. This testing is nothing but the rhetoric of closing the gap. We are not closing the gap because we are not providing the resources. This amendment says we go on record, we are committed, we are going to say to any State and school district: If we do not live up to our commitment and provide the resources in 2005, which we have gone on record in supporting, then you do not have to do the testing.

This amendment starts to take us in the direction of putting the money where our mouth is. Seventy-nine Senators agreed to authorize title I so that it would be fully funded in 10 years. Seventy-nine Senators should support this amendment.

By the way, I am being pragmatic. I do not even understand why we are not providing the funding now. Why 10 years? What good does it do a 7-year-old to provide funding in 10 years? She will be 17.

Childhood is only once. We should not steal their childhoods. In 10 years we are going to do it. How does that help the 7-year-old? We are going to test her when she is 8 and show her—surprise—that she is not doing well, but we may not be helping her for many years later.

I am just starting on this. This is 4 hours of debate now. Next week, there might be 36 hours of debate on another amendment.

Again, we went on record. We said we were for this authorization. This amendment just says let's do it. My colleagues say tests have their place. By the way, I want to also print in the RECORD—I hope every Senator will read this. This is a high stakes testing position statement. This is a statement by health care professionals which include people such as Robert Coles, a psychiatrist who has written probably 40 books about children in America. The man has won every award known to humankind; Alvin Poussaint, another talented African-American psychiatrist; Debbie Meyer who has done more good work in inner-city New York City than anybody in the country.

Do my colleagues want to know what they say in the statement? They say two things. One, which ties into this amendment, is that we must make sure we live up to the opportunity-to-learn standard; that every child has the same opportunity to learn.

What I want to point out is they say from a public health point of view: What are you doing to these kids? They are talking about the stress on 8-year-olds taking all these tests, and they point out what is happening to schools.

I do not know; there must be 30 people who have signed this. They are the best educators, the best child psychologists, award-winning authors, and they say: What in God's name are you doing to these children? That is another amendment about testing next week with Senator HOLLINGS. For right now, at the very minimum, what they are saying is we ought to at least make sure we provide these children with the opportunity to learn.

One hundred percent of major city schools use title I to provide professional development and new technology for students; 97 percent use title I funds to support afterschool activities; 90 percent use title I funds to support family literacy and summer school programs; 68 percent use title I funds to support preschool programs.

The Rand Corporation linked some of the largest gains of low- and moderate-income children doing better in education to investment in title I.

In my home State of Minnesota, the Brainerd Public School system has had a 70- to 80-percent success rate in accelerating students in the bottom 20 percent of their class to the average of their class following 1 year of intensive title I-supported reading programs.

My colleague, Senator HATCH from Utah, cited important research by the Aspen Institute:

In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparity in resources for education across districts and States. It is not unusual for per student expenditure to be three times greater in affluent districts than poor districts in the same State.

Mr. President, do you know that in my State of Minnesota, in St. Paul, schools where we have less than 65 percent of the students who are eligible for the free or reduced school lunch program, receive no title I money. We have run out. I could not believe it. I heard the Secretary of Education and some of my colleagues saying we have spent all this title I money; we have thrown dollars at the problem.

First of all, we are not funding it but at a 30-percent level and, second, title I represents about one-half of 1 percent of all the education dollars that are spent, but it is key in terms of the Federal Government commitment. I am suggesting that it can make a huge difference.

The problem is, we have had a dramatic expansion in the number of children who need help. The GAO study said that, but a lot of States, such as

the State of Minnesota, in a school that has 64 percent of the children who are low income or who qualify for the reduced or free school lunch program get no help. Can my colleagues believe that?

I want to quote from Linda Garrett who is assistant director of title I programs in the St. Paul schools. This is the irony of what we are doing. We are pounding ourselves on the chest. This is bumper-sticker politics. It is called the BEST. Test every child, say we are for accountability, and we are not going to provide the resources for the children, all the children, to have the same opportunity to do well. It is unconscionable.

Linda Garrett says:

The title I entitlement from the Department of Children and Families Learning have remained level for the past 2 years, and we have been notified to expect the same for the next year. While the funding has remained level, the number of St. Paul schools entitled to receive title I funding increased and the number of eligible children increased. In 1998-1999 the per pupil title I funding was \$720; 1999-2000, \$540; 2000-2001, \$515; 2001-2002, we are now going to \$445 per pupil.

We have surpluses; we say we are for children; we say we are for education; and we are providing less money.

There are 79 Senators who voted for the Dodd-Collins amendment. If you voted for that amendment, you have to vote for this amendment. It is almost insulting. We are saying to these parents, we need to test your children every year so you can understand how they are doing and what is working and what is not.

We are saying to the teachers: Teachers, you are afraid to be held accountable, so now we will hold you accountable with these tests. Teachers are not afraid to be held accountable. And the teachers and the parents and the schools, especially the schools with low- and moderate-income children, already know what is working and what is not working. They already know they don't get the resources. They already know the children come to kindergarten way behind. They already know the buildings are dilapidated. They already know the classes are too large. They already know they don't have beautiful landscaping. They already know they don't have the support assistance they need from additional staff. They know all of that. They are just wondering when we will live up to our words and provide some assistance. That is what they wonder.

In my opinion, we are playing politics with children's lives. We all want to have our picture taken next to them; we all want to be in schools with them; we are all for them except when it comes to reaching in the pocket and investing in resources.

I believe what we are doing to poor children in America, unless we pass this amendment, is we are going to test children and show they are not doing as well. Why would anybody be surprised?

The children in the inner city of south Minneapolis or west St. Paul are not doing as well as the children in the affluent suburbs with a huge disparity of resources and a huge disparity of life chances. It is staring us in the face in terms of what we need to do. We have not made a commitment to them, and now we are going to club them over the head with tests and humiliate them. I want Senators to debate me.

I yield the floor and I reserve the remainder of my time.

EXHIBIT 1

DEMOCRATIC GOVERNORS' ASSOCIATION,
Washington, DC, May 22, 2001.

Hon. JEAN CARNAHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CARNAHAN: On behalf of the nation's Democratic Governors, I am writing in support of the amendment being offered by Senators CARNAHAN and NELSON to S. 1, the Better Education for Students and Teachers Act (BEST). This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new Elementary and Secondary Education Act (ESEA) testing requirements.

The amendment would replace the \$400 million cap authorized for FY 2002 for developing and implementing tests, in the underlying bill, instead requiring the federal government to pay 100% of all state testing costs not currently required under federal law. If the federal government does not meet this commitment, states would be released from the obligation to implement the new testing requirements. The amendment would also require the Secretary of Education to annually calculate the total costs of testing.

In addition, the amendment would add a protection that would prohibit the federal government from sanctioning a state for falling behind schedule in designing and implementing tests if the federal government has not provided full funding.

While we are pleased to support the Carnahan/Nelson amendment, we are hopeful that any final version of legislation to reauthorize the ESEA will apply a funding trigger more broadly, specifically to include Title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

We would also prefer that final legislation link federal funding accountability to consequences imposed on states and local schools unable to meet proposed annual performance measures, such as fiscal sanctions and school reorganization. Relieving states from the cost of implementing new tests does not alter the mandated levels of improvement in student performance.

Democratic Governors urge Congress to fulfill the historic commitment to America's children that the BEST Act represents by fully funding authorized levels for IDEA, Title I, and teacher quality, as well as for testing. We believe that the Carnahan-Nelson amendment helps to ensure this, and we urge that the Senate adopt the amendment.

Sincerely,

Gov. TOM VILSACK,
State of Iowa,
DGA Vice-Chair of Policy.

Mr. FRIST. How much time is under the agreement on either side?

The PRESIDING OFFICER. There are 2 hours under the control of each side.

Mr. FRIST. Mr. President, I rise in opposition to the Wellstone amend-

ment. I look forward to the debate over the next several hours. I think the amendment comes back to some of the fundamental questions asked about this bill. It will give Members on both sides of the aisle the opportunity to address the fundamental concept of the bill, the structure of the bill, the why of the bill.

It comes down to accountability, to flexibility, being able to figure out what the problems are. We all recognize there is a problem with education in this country. After diagnosing it, we need to intervene in a way that we can truly leave no child behind.

This amendment addresses two issues: the whole concept of accountability using assessments and dollars and cents. The amendment states that no State shall be required to conduct any assessments in any school year by 2005 if the amount appropriated to carry out this part for fiscal year 2005 is not equal to or exceeds \$24 billion.

That summarizes the amendment. It can be broken into two arguments. One is money and how important money is, and is money the answer. The other is assessment and the testing. It is a useful component of what is proposed by President Bush and what is in the underlying bill today, as amended, accountability and assessment—that measuring success or failure is important if you want to intervene and make a difference.

The Senator from Minnesota asked essentially the question, as he addressed those issues, why test if we already know children won't do well? There is not much disagreement today over whether we are leaving children behind. That has been the thrust of what President Bush campaigned on, the thrust of the principles for education reform he has given to this body, and the thrust of the underlying BEST bill. I thought, as a body of Congress, we generally agreed it is important to make a diagnosis if we are going to improve our student's education.

The comment of the Senator from Minnesota is, why test somebody if you know they are not doing well? The implied corollary is, forget the test, dump more money and make that cure the system—as if throwing more money will make sure we leave no child behind.

On the first part of that argument, I think testing is important. I say that as somebody who has a certain parallel, and the parallel of my life, obviously, is medicine. The symptoms are there. The symptoms today are, we are failing, by every objective measurement we use today, versus our counterparts in other countries internationally. Whether we look at the 4th grade or the 8th grade or the 12th grade, we are failing as a society in educating our children. I suppose that is what the Senator from Minnesota meant when he said we know we are leaving children behind.

As a physician, when someone comes to your office and complains of fatigue,

they do not feel quite right, perhaps shortness of breath, as a physician and as a nation, it is hard for you to know how to address the symptoms of a problem until a diagnosis is made.

We know children are being left behind. By any measure, there is a huge achievement gap, which is getting worse in spite of more money, in spite of good intentions, in spite of additional programs. That gap is getting worse, and we are leaving the under-served behind.

How do we correct that? Our side of the aisle worked with the other side of the aisle in a bipartisan way, to pass a bill through the Health, Education, Labor, and Pensions Committee, that injects strong accountability into the bill.

I thought we had gone long beyond the accountability argument. Apparently we have not. I think it is important to go through this diagnosing, the assessments, so we can intervene and improve the education of our children. We need to be able to determine through assessments how well each child progresses, or, unfortunately, does not progress and falls behind—from the third to the fourth grade; from the fourth to the fifth grade; from the fifth to the sixth grade; from the sixth to the seventh; from the seventh to the eighth.

We all know those early years are important. We used to think maybe you could catch up in college, or in high school you could catch up in math or in science. I think now there is pretty much agreement if we need to intervene, we need to intervene early so no child is left behind.

Why do we need more assessments? If you assess a student in the seventh grade—say a young girl in the seventh grade—and that test shows she is not only last in the class, but last in the community. You find out in the seventh grade that she cannot read because she has been last in the class, and because she has been ushered along and advanced from year to year. Or you find she cannot add and subtract in the seventh grade.

People say: Come on, everybody can read and everybody can do fundamental math in the seventh grade. But we know from the national statistics, in the fourth and eighth grade a significant number of our children are falling behind, both as we compare them to each other and as we compare them to other people globally, internationally, other developed nations.

Therefore, I argue it does make sense to have these tests on a yearly basis from third to eighth grade because you need the continuity. Also you need tests designed in such a way that they are comparative—you need to be able to compare what a child has learned in the third grade with what he or she has learned in the fifth grade versus the seventh grade versus the eighth grade.

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

Mr. FRIST. Let me just finish for a few minutes and then I will be happy to

yield. I want to walk through several of these concepts.

As a physician what is it similar to? I mention somebody coming through that door to see, not Senator FRIST, Dr. FRIST; they come in and have these vague complaints. If I don't do tests—I can take a pretty careful history. But until I do the physical exam, until I do some tests—noninvasive tests, very simple tests—EKG, a scan called a MUGA scan, fairly simple tests today—I am not going to be able to specifically know whether the problem is with the lungs or with the heart or whether that the problem is due to lack of conditioning or if it is due to general fatigue.

So if I have the seventh grade girl there, not only should we have made the diagnosis earlier, but we need a test that can sufficiently make the diagnosis: Is it mathematics? Is it reading? Is it lack of resources? Is it lack of an ability to use a computer or type on a keyboard? We have to make the assessment. Then once, with that patient coming in, I identify the heart, I know how to intervene. I have taken the blood pressure, I find it is high blood pressure, there is something I can do to intervene. But if it is just fatigue, until I know their blood pressure is up, how can I give a pill to bring the blood pressure down?

You can argue there is not enough money in the world to treat everybody's hypertension, and you can argue you cannot give everybody the full battery of tests and give everybody a heart transplant or everything they need. But that is not an argument to me, or it defies common sense to say you should not come back and do the tests in the first place and ask the question and make the specific diagnosis. In fact, I argue if you have dollars, or a pool of dollars—it doesn't even have to be a fixed sum—if you want the best value for that dollar, instead of taking all that money and throwing it at the fatigue of the patient with a whole bunch of potential treatments that may make you feel good, or invent programs to put them in, why not step back, invest that \$1 in making the diagnosis, in figuring out the problem, because that will set you, I believe, in a much more efficient way to determine treatment over time.

It means you make the diagnosis early enough so it might prevent that heart disease from progressing, that fatigue, maybe a little bit of chest. Maybe, if you diagnose it at age 40 and you find the blood pressure because you have done the test and you intervene, that stops the progression of the heart disease and that patient will live longer because of early intervention. It is therapeutic but also it is preventive medicine.

I say there is absolutely no difference with how we should address our education system today—if we look at accountability, we want better results, we want better value, we are failing, today, to say assessments are impor-

tant, measurable results that can be looked at, that can be used and thrown into our own individual database at a local level in order to decide how to address that specific problem, whether it is the seventh grade girl or whether it is a school we see is failing miserably year after year, in spite of putting more resources in and getting more teachers and smaller class size and better books and more technology—that is the only way to get the answer.

Then you start drawing this linkage between dollars. We always hear from the other side of the aisle—this is a good example. I looked at this. I don't know if it is \$24 million or \$24 billion or \$24 trillion. To me, it doesn't matter. But it really drives home the point that there is a perception that you can throw money at a problem without making a diagnosis, without figuring out what the fundamental disease is—not the symptoms, we know what the symptoms are—but without figuring out what the disease is you will never have enough money.

Although you can always argue for more money and, boy, I tell you, we have really seen it in this bill. If there is one very valid criticism of this bill it is that every amendment that comes down here, we come down to vote on, every amendment coming from the other side requires more money. It is more money for programs, more money for technology, more money for teachers, more money for assessments.

Focusing on money as the only response takes the target off what the American people care about. It takes the spotlight off what the President of the United States cares about, what the President of the United States has demonstrated the leadership at the highest levels about, and that is the child. That is the seventh grade girl who is sitting in that classroom who is failing and we are not willing to come in and do the reform.

Reform is a scary word. Reform means change to some people. But we have to recognize when you say improve accountability, or reform, or measurable results—all of that basically says we have to change what we are doing, figure out what is wrong, and fix it. And you cannot just say throw money at the problem. You have to have the reform. That is where the assessment, accountability, measurable results, the figuring out what the problem is, is so critically important.

So to be honest with you, I am not surprised but, as I said earlier, I thought we had gotten beyond the fact that you have to have strong accountability in order to know how to improve a situation that we all know is miserable. It is miserable. Today we are not addressing each child. Today we are leaving people behind. It is going to take doing something different. It is going to take bringing true reform to the table and that is why the assessment comes in.

We cannot argue with what is underlying this amendment, that you don't

do the test because somebody has the symptoms. I argue you have to do the test. That is first and foremost in order to figure out what the disease is, to treat it, to get the best value for the dollar that we put in, that we make available. When we hear the rhetoric on the floor of playing politics with children's lives, they have to be very careful, again, because the debate is so much further along than where it was 6 months ago, I think in large part because of President Bush and his leadership, putting this issue out front.

Let's not use that language of playing politics with children, but get reform and improvement in the system by putting additional resources in as we go forward, which this President and this Congress clearly have shown a willingness to do. But let's not just put more money in and then do away with tests, which in essence is what this amendment does.

The latest results of the National Assessment of Educational Progress have shown—they show it again and again—that money is not the answer and that new programs are not the answer.

One of the great benefits and advantages and, I think, very good parts of this bill is that it has an element of consolidation and streamlining to reduce the regulatory burden, the inefficiencies, and the sort of deadweight of having hundreds and hundreds of programs out there—that there is an element of consolidation in the underlying bill.

We have heard it on the floor again and again. We spent \$150 billion on literally hundreds of Federal elementary and secondary education programs over the last 35 years. In terms of progress compared to others, we have not seen it.

That is why this bill is on the floor. That is why it is critical that we address it in a way that recognizes not just the money but the modernization, the demanding of accountability, the raising of expectations for all children, for all schools, and for all teachers. The answer is not just more dollars.

President Bush really led the debate or led the issue so that now we are back here debating accountability again and how important that accountability is. He called for strengthened accountability based on high State standards. Yes, it is annual testing of all students. And, yes, it starts with the third grade and goes through the eighth grade.

In the bill, there are also rigorous corrective actions for schools that fail to meet those standards. Again, Senators have worked very hard in a bipartisan way to make sure that accountability is fashioned in such a way that you just do not make the diagnosis but you set up a system in which there can be early intervention and treatment.

We have several formulas on yearly progress, and indeed in a bipartisan way the initial formulas we used showed that we needed to focus a little bit more on the underserved and on the

less advantaged. We changed those formulas just enough, I believe, to appropriately refocus where it wasn't quite right in this initial underlying bill.

Yes, it is the State that sets the standards. Again, one of the big fundamental arguments that will come out again and again—and it has over the last several weeks—is whether it should be Washington, DC, or the Federal Government running it out of Washington, or whether it be should at the State, or local, district, or individual level. Again and again, you can have Republicans saying it should be at the local level, and on the other side of the aisle—I don't want to overly generalize, but if you look at the amendments and the way the voting is going, it is more the answer, here in Washington, A, for more regulations and programs; and, B, more money—the flip side of where this bill is moving, and maybe not quite as far as some of us would like. But that is local control, flexibility at the local level, trusting people back in counties all across Tennessee and in the State of Tennessee to be making decisions rather than here in Washington, DC.

Luckily, much of the debate has gone back to that individual child. That is important because it involves parents. All of us know how important it is to have parents involved in children's education and that ultimately nobody cares more about that child than the parent. We are going to have opportunities later to talk about choice and, if a child is either failing or if the child is locked in a failing school, or if a child is locked in a disadvantaged or unsafe school, whether the parents be given the opportunity to participate in the welfare of their child by giving them an option to move that child to a safer school.

We will have an opportunity to come back and debate that either later this week or next week.

In the same way, when we come to this underlying question of measuring what one is learning or not learning, I would argue that it is necessary. We haven't been doing it in the past. We have to make the diagnosis. Again, it comes back to the individual child. It comes back to the parent. That is why we need to step in. That is why, when people use the word "mandate," I think it is important for us to say at least the value of testing is agreed upon, and the individual child or that individual parent will know where the deficiencies are and how they can improve. Is it math—adding or subtracting? Is it science? Is it how to use a computer? We don't know today.

How we can we intervene and help? How can parents help? Again, I will bet that will happen, once these assessments have been made available, that the first people to look at them will be that parent, that school, and that community. Why? Because the value is there. They will know that.

Annual testing is simply the only way to get away from the symptoms of

things not going quite right. To be specific, fortunately we know what can be done.

If you have \$1—whatever it is, a Federal, or a local dollar, or a dollar at school—you know how best to invest that dollar, and not just throw a dollar at the symptoms. But you will know how to invest that dollar, and it can be accomplished through this legislation. It is already in the legislation.

I want to make sure we don't, with this particular amendment, allow the opportunity to strip away all accountability in the bill. That is the heart of this bill.

We are going to talk flexibility and local control and decisionmaking at the local level involving the parents. But the heart of this bill comes back to accountability.

This amendment basically gives the opportunity to say, let's just cut the heart out of this bill; let's cut out the accountability provisions; get rid of it, and we can feel good; and let's in fact throw a lot more money at it. That is simply not the approach of the President of the United States, which says spend more money but link it to modern situations and accountability.

These assessments we talked about before. We allow individual States to participate. It is not a Federal test.

As I go across the country to talk to people, they ask, Are you doing a standardized test out of Washington, DC? No. It is coming down at the local level. These tests are at the State level.

I believe these accountability provisions increase choice for students. They increase the opportunity to empower people to make decisions that will benefit their education, again from the standpoint of the parents, and the education of a family as we go forward so that we can truly leave no child behind.

Let me simply close by saying that money is not the answer. That is what we come back to. We talk a lot about the accountability. Money is important. But as we look to the past, and Federal education, State education, and local education, spending has increased dramatically. Total national spending on elementary and secondary education has increased by about 30 percent over the last 10 years. Federal spending on secondary and elementary education has increased by 180 percent. Federal spending is only 6 percent of the overall pie. The Federal role has increased by 180 percent over the last decade. Over the past 5 years, Federal funding for elementary and secondary programs has increased by 52 percent.

Yet in spite of all of those increases—people can say that is not near enough, or maybe some people would say that is way too much—over time, test scores have been national. The achievement gap between the served and the underserved, the rich, the poor—however, you want to measure it—has gotten greater in spite of this increased spending.

I, for one, believe we are going to have to inject—I agree with the President of the United States, we are in the short term going to have to put more into public education K–12 than we have at any time in the past. I am confident we will do that. The President has said that. This Congress has said it.

The authorization levels the Senator from Minnesota talked about have gone sky high, and it looks as if next week they will go higher and higher. There is no way. There is not enough money around to be able to fulfill all the pledges that are being made. That is what an authorization is. But when it comes back to the appropriation process that works pretty well in this body, I am confident that under the leadership of this President and the commitment that has been made, we will put more into education than has been put in in the past.

Again, the debate, I am sure, will go on for several hours. It is a good amendment to have a debate on because it does link the importance of accountability with money. It focuses, I believe, on the fact that, yes, it is going to take some more money, but I do not want to have this element of—not bribery; that is too strong of a term—but basically saying, if you cannot meet this figure of \$24 billion, we are going to cut the heart out of the education bill that the American people believe in, that clearly a group of bipartisan Senators, who put these accountability provisions in the bill, believe in, and that this President believes in.

I believe that is a disservice to the underlying bill and to the intent of what this Congress and this President has in mind; and that is, to leave no child behind.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know my colleague from Nevada needs to speak, too, so I will just take a couple minutes to respond.

First of all, the Senator from Tennessee talks about the importance of accountability. I was an educator, a college teacher for 20 years. I do not give any ground on accountability. The point is not to confuse accountability, testing, and standardized tests as being one in the same thing.

We have had two amendments that have been adopted which I think will at least make the testing, and hopefully the assessment, accurate and done in a better way.

This amendment does not say that you do not do the testing. I may have an amendment next week that goes right to the heart of that question with Senator HOLLINGS, and others, but that is not what this amendment is about.

Everybody in this Chamber has been saying they are for accountability and that we are also going to get the resources to the kids. We have to do both. You can't do this on a tin-cup budget. We have to walk our talk. Sev-

enty-nine Senators voted for this authorization. But that is a fiction. It does not mean anything in terms of real dollars.

This amendment says that with the accountability comes the resources. We make a commitment that, unless we live up to what we said we would do by way of title I money for our school districts and our children, then those school districts and States do not have to do the testing. That is all it says.

That is my first point. So the argument that somehow this is an amendment that declares null and void testing is just not accurate. I am just trying to get us to live up to our words.

The second point I want to make is that my colleague said—and I have to smile—somehow this is all about decentralization, whereas Democrats tend to look to the Federal Government. I have to tell you one more time, I do not know where the conservatives are, or whether the whole political world is being turned upside down, but I seem to find myself being a Senator who—I have not resolved this question, but at the moment I do not think it is appropriate that the Federal Government mandate, tell, insist, require that every school district in America test every child every year.

This is radical. It is amazing to me. I am surprised others have not raised this question. Human rights, civil rights, antidiscrimination, yes, but this? I think we are going to rue the day we did this.

There is a rebellion right now in the country that is developing. People are going to say: You voted to make us do this? Where did you get off thinking you were the ones who had the authority to do that? I think this is a real Federal reach.

My third point is, this is a real disagreement we have with my colleague from Tennessee. My colleague is a very gifted doctor, and everybody gives him full credit, of which he richly deserves, but this is not trying to find out if a child has a heart problem.

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

Mr. WELLSTONE. I will be pleased to yield for a question. But with all due respect, we already know—I have been in a school every 2 weeks for the last 10½ years. We know what is not working and what needs to be done. It is absolutely no secret.

We know that children, when they come to kindergarten, are way behind. We know children who have had no pre-kindergarten education. We know of the dilapidated buildings. We know of the overcrowded classrooms. We know of kids having three or four teachers in 1 year. We know of kids who are taught by teachers who aren't certified. We know kids go without afterschool care. We know of the disparity of resources from one school district to another. We know what the affluent children have going for them versus what the poor children have going for them. We know all that. We know we fund Early Head

Start at 2 percent, 3 percent. And we fund Head Start at only 50 percent for 4-year-olds. We know we fund affordable child care for low-income children where only 10 percent can participate. We know all that.

What do we need to know? Why do we need the test? I ask my colleague from Tennessee, what I just said, are these not realities? Is there one thing that I have said that is not a fact, that is not empirical, that is not a reality in the lives of children in America? If you can tell me, Paul, there is something you just said that is not accurate, then you can argue against this amendment. If you cannot, then you cannot. This amendment does not say no to testing. It just says with the testing and accountability come resources.

Mr. FRIST. Mr. President, will the Senator yield for a very brief question?

Mr. WELLSTONE. I am pleased to yield.

Mr. FRIST. Mr. President, the question I want to address to my colleague from Minnesota has to do with the testing. I think it is worth talking about because I have done the very best I could to make the case that for the individual child it is important to make the diagnosis. Just throwing money at it is not going to do it.

The question I would like the Senator to respond to is, having children assessed from the third to the eighth grade, what is wrong with that? I will argue you have to do it. And that is my side of the argument, which I tried to make. But what is wrong with it? Why will we rue the day that we give the opportunity for a third grader or a fifth grader or a seventh grader the opportunity to figure out why they are not being served well? Why do you object to having third, fourth, fifth, sixth, or seventh graders assessed?

Mr. WELLSTONE. I thank my colleague for the question because then I think Senators can have a clear picture of the amendment on which we are going to vote.

This amendment does not say it is wrong to do that. This amendment does not say it is wrong to do the testing. This amendment does not say it is wrong to do the testing every year. This amendment says, if you are going to have a Federal mandate that every child is going to be tested every year, you better also have a Federal mandate that every child is going to have the same opportunity to do well.

One of the major commitments we have not made is the title I money. That is why the Governors in their letter said we favor this trigger amendment. We want to make sure that they also, with the tests, get the resources. That is all this amendment says.

Mr. FRIST. Mr. President, will the Senator yield for another brief question?

Mr. WELLSTONE. I am pleased to yield.

Mr. FRIST. First, the Senator from Minnesota just said he thinks we will rue the day we decided to assess the

students. My assumption was that he feels all students should not be tested, that we already know what the problem is. I thought that was what he said. And I asked him was he against the assessment because there was not enough money going for it, but that he agrees assessments are the right way to go? If so, that is very important. I do not believe that is what he implied in his earlier comments.

Mr. WELLSTONE. I say to my colleague, fair enough. I will say to my colleague publicly, I have a couple different views.

First, the amendment. First, let's be clear about the amendment. The amendment, you will be pleased to know, does not say no to testing at all—not at all. It simply says we ought to live up to our commitment on the resources. That is all. That is all it says. That is it. If we do not, it says to States: Look, if you do not want to do it, you do not have to. That is the amendment.

Above and beyond that, I will say two other things to my colleague from Tennessee, who I know has shown a very strong interest in education over the years. In our State—I am sure it is the case in Tennessee—we are doing the testing. In fact, by the way, by what we passed for title I several years ago, we are just starting to get the results of that testing, for which I voted. We are doing the testing. The only thing I am telling you is that there is a difference between our school districts and our States deciding they want to do it because it is the right thing to do and the Federal Government telling them they have to do it. I just think it is an important distinction. I do not know where I come down on that final question yet. I just think it raises an important philosophical question.

Then the second point I make is that there is also a distinction between what we did several years ago with title I, which is a Federal program, saying we also want to see the testing and the accountability versus telling every school district in Tennessee and every school district in Minnesota you will test every child every year—not every other year—but every year. That is sweeping.

My amendment is not about that question. I just raised that question. I haven't resolved that question. I will tell you one thing I have resolved, which is what this amendment is about. The worst thing we can do is to pretend we don't know what the problems are and not make the commitment with both the IDEA program and title I, which are two of our major program resources, so that we basically set everybody up for failure. That is the worst thing we can do.

If you want to argue that money is not a sufficient condition, I agree. I think it is a necessary addition. We can go through the Rand Corporation assessment of title I and other assessments of title I programs. I can talk about Minnesota. You can talk about

Tennessee. A lot of these resources are key to prekindergarten, key to extra reading help, key to afterschool programs. This is really important. That is all this amendment says.

Did I answer my colleague's question?

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Tennessee.

Mr. FRIST. Madam President, I would like to ask the Senator to clarify again. The amendment is set up such that if \$24 billion is not appropriated—for people not in the Senate, that is where much of the action really is, and I agree with the Senator in terms of the importance of appropriations and authorization—this President has basically said he is going to put more money into education than any other President has in the past. I think that is important.

But from the assessment end, the ransom for the assessments is that if \$24 billion is not appropriated, the amendment cuts the heart out of the education reform bill, which means we will not be able to determine with assessments whether that seventh grade girl has learned how to read.

I am asking, if it is really just the money, why is he linking it to the heart and soul of the bill?

Mr. WELLSTONE. We have a letter from the Democratic Governors that says:

[Above and beyond] the Carnahan/Nelson amendment, we are hopeful the final version of the legislation to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I. This is the main source of federal assistance for disadvantaged students, and the Federal Government needs to back its efforts to strengthen accountability with adequate new investment.

The reason they are tied together is that they go together, for God's sake. You can't test every child without also making sure these children have an opportunity to do well on the tests. Of course, they go together. This amendment simply says that the tests authorized need not be implemented until after the title I appropriation has reached the level we said.

We said, 79 of us, we are going to appropriate this money; we are going to make sure that with the accountability comes the resources for the kids to do well. We went on record.

Now I have this amendment that says we make the commitment to Minnesota, Michigan, Tennessee, and everywhere else, if we don't live up to our end of the bargain and you decide you don't want to do the test, you don't have to. By the way, many States are doing it. It is up to them.

I am becoming a decentralist. I am becoming the conservative Republican in this debate, apparently.

Mr. FRIST. My great fear is, if this amendment passes, let's say we put \$22 billion in, you have destroyed the accountability, the heart and soul of this bill, the opportunity to give that seventh grader the opportunity to have the diagnosis made of why she is failing.

I don't understand the relationship. Why would you punish the child and eliminate the opportunity to diagnose her problems based on funding? Again, why would one hold this ransom for, again, huge amounts of money, if you are not trying to link the two directly? Unless you are trying to bring down the whole bill.

Mr. WELLSTONE. Madam President, if I wanted to try to bring down the whole bill, I would have an amendment out here to bring down the whole bill. Maybe I will, and it won't be successful. I am still trying to actually improve the bill, just as we did on testing. I say to my colleague, we already have accountability with title I. That is law right now that is on going.

My second point is, this is an honest difference. My colleague's concern is that we won't have a test, that somehow that will be nixed. My concern is that if we just do the tests and make every school, every school district, every child take the test every year, 8, 9, 10, 11, 12, and 13, but we do not live up to our end of the bargain of providing the resources so that the children can do well on the test—extra help for reading, prekindergarten, after school—then the only thing we have done is we have set them up for failure. I don't want to do that. I think that is cruelty.

I cite again the study from Senator GRAHAM which showed that poverty predicts 80 percent of the students' scores right now. I am not surprised. I have been to school every 2 weeks for the last 10½ years. I know that. So far, I haven't heard any compelling reasons against this.

For Democrats, our party, we have been out publicly saying that we are committed to the resources that go with the testing. It is time to walk the talk.

I know there are going to be some other Senators who will speak. I want to go on to another aspect of this. I have spent some time on this, but this is a little different. This has to do with why testing actually can do more harm than good if we don't give the schools the resources to do better. I have not made that argument yet.

I will start out quoting the Committee for Economic Development, which is a strong protesting coalition of business leaders who warn against test-based accountability systems that lead to narrow test-based coaching rather than rich instruction. I will tell you what happens. We don't give the schools the resources. In this particular case, I am talking about title I. That is a real commitment on our part. They are going and you are going to do the testing, and the testing is also going to determine consequences for those schools, whether they are sanctioned, whether principals are removed.

Do you know what happens when they don't have the resources and this is what you do? It leads, I say as a teacher—I am not a doctor; my colleague is a doctor—it leads to the

worst kind of education. Do you know what they are going to do? It is what they are doing right now. You drop social studies. You drop poetry. You don't take the kids to the art museum. And you have drilled education where the teachers are teaching to the tests because they are under such duress. That is exactly what happens.

For example, in Washington State, a recent analysis by the Rand Corporation showed that fourth grade teachers shifted significant time away from arts, science, health and fitness, social studies, communication and listening skills because they were not measured by the test.

I do not know if I am making the case the way I want to make the case, but the schools that are going to be under duress are the ones where the children have not had the same opportunity to learn. They came to kindergarten way behind, and we are not making a commitment to early childhood.

Now what happens is because of this—and I see my colleague from New Jersey, and I will finish in 3 minutes so he can speak; I thank him for being here—now because of this duress, what we have is these schools are dropping social studies, art, trips to museums because they are not tested and the teachers are being asked to be drill instructors.

Guess what. Some beautiful, talented teachers are leaving teaching today because of this. This is crazy. We better give them the resources.

I say to my colleague from New Jersey, this is a classic example. The Stevens Elementary School in Houston pays as much as \$10,000 a year to hire Stanley Kaplan to teach teachers how to teach kids to take tests. According to the San Jose Mercury, schools in East Palo Alto, which is one of the poorest districts in California, paid Stanley Kaplan \$10,000 each to consult with them on test-taking strategies.

According to the same articles, schools across California are spending thousands to buy computer programs, hire consultants, and purchase workbooks and materials. They are redesigning spelling tests and math tests all to enable students to be better test takers.

Forget sense of irony. Forget childhood. Forget 8-year-olds experiencing all the unnamed magic of the world before them. Forget teaching that fires the imagination of children. Drill education to taking tests: it is educationally deadening. That is another reason why without the resources this is not a big step forward. This is a huge leap backwards.

Madam President, I yield the floor and reserve the remainder of my time. My colleague may want to respond.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. If I can take 2 or 3 minutes. Madam President, as I spelled out earlier, this amendment is the heart of what President Bush put on the table:

strong accountability to ensure that we do not leave any child behind.

If this amendment is adopted, we are in a significant way putting at risk the entire bill because accountability is the heart and soul of the bill. This is where I think the real progress will be made; that is, making the diagnosis so we know how to invest education dollars and resources. This is the spirit of reform.

All of it depends on knowing where students are and being able to follow their progress over time so we can intervene at an appropriate time.

It is interesting. We talk about dollars. We will be talking about assessments and dollars, and in the amendment they are linked together. I do not think some sort of ransom should be placed over this bill. We have the appropriations process that is going to deal with the reforms we put into place.

If we go back to 1994, the Democrats passed a law which required States to develop broad comprehensive reforms in content, curriculum, and performance standards. To align those reforms with all of the new assessments, much more would need to be added to the bill we are debating today.

Immediately after passage of that law, the President's request in 1994 for discretionary education funding included a \$484 million spending cut. The Democratic President's request to cut spending was coupled with those new reforms. In the end, the Democratic Congress passed an appropriations bill that contained a tiny 0.012-percent increase. That is tiny. That is essentially flat, and therefore provided no new funding for those new reforms.

I say all of that because they established new reforms in assessments and testing but did not match investment with assessments. This is the issue we have been talking about the last couple of hours.

The provisions in this bill are more modest. I favor what is in the bill now. I favor the principles the President put on the table, and I think we are going to benefit children greatly with it. We have the commitment of the President of the United States and at least this side of the aisle to increase education funding by 11 percent. It may be a little bit less; it may be a little bit more, but it will be about 11 percent.

It is ironic to me as we talk about assessments and measurements, that the broad reforms in 1994 under different leadership had essentially flat funding. Yet under this President, we have reforms which are not quite as ambitious in terms of testing, but we have an increase in education funding of over 11 percent. People ought to remember this historic perspective as we continue this debate.

I am thankful for the opportunity to talk about the assessments, the heart of this bill. Again, money is not the answer. We have tried it for the last 35 years, and we are failing. We are failing our students; we are failing the next

generation. We have to couple reform with a significant increase in spending to which we have agreed.

I yield the floor.

Mr. WELLSTONE. Madam President, 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First, for my colleague to say if Senators vote for this, the testing might not take place is as much as saying, therefore, we are not going to live up to our word. If my colleagues vote for this amendment, the testing will take place because I assume we are going to live up to our word. Seventy-nine of us already voted for this.

All this amendment says is we are going to be clear to States and school districts that we are going to live up to our commitment of resources. That is the first point.

The second point—my colleague from Tennessee left—to say this is more modest than in 1994, my God, we are telling every school district in every State they have to test every child, every year, ages 8, 9, 10, 11, 12, 13. That is not modest in scope.

At the very minimum, transitioning to the Senator from New Jersey, what I am saying is, if we are going to have a national mandate of every child being tested, then we ought to have a national mandate of every opportunity for every child to do well. I reserve the remainder of my time.

Mr. CORZINE. Madam President, I could not agree more with my distinguished Senate colleague and friend from Minnesota. I rise in support of his amendment which ensures we not only test our kids, but we actually provide promised resources we have talked about over and over in this body to improve educational quality. He believes and I believe, and I think common sense argues, that unfunded mandates that are put upon our local school districts only aggravate disparities we already have about how our children are educated. We ought to make sure we start putting money where we are putting mandates on our communities.

Before I discuss the amendment, let me thank Senator WELLSTONE for his leadership on a whole host of these educational matters. It is terrific how he has spoken out about leaving no child behind. I am very grateful for his dedication to quality education for all of our kids, and I am sure the country benefits.

I agree we need to build more accountability into the system. Students, teachers, and administrators need to be held accountable for results. I come from the business world. We look at bottom lines. We ought to get to stronger and stronger results. Congress should be held accountable, too, and that is the purpose of this amendment.

Accountability measures focused only on our kids, schools, teachers, and administrators just do not seem enough to assure that our children get an adequate education.

As the Senator from Minnesota has spoken about several times today, 79 Senators supported an amendment to increase the authorization for the title I provisions in this bill to move that up to \$24 billion-plus in the year 2005. Seventy-nine Senators voted in support of that. With that vote, we made a promise to millions of children who live in disadvantaged areas that those promises of better schools and greater opportunities would be real. We need to make sure that was not an empty promise, political rhetoric, or cynical posturing.

We have been underfunding the title I program for years. Never in the entire history of the program, which began in 1965, has Congress fully funded the program. Then we hear we are not getting the results we are supposed to be getting when we do not put the resources that actually deliver the goods on preschool or afterschool programs or reading programs and the other issues about which people are talking. We complain but we do not put the resource there to make sure we can deliver in those places where they don't have the resources to provide the educational opportunities other places in the country have.

We have seen the educational dollar that the Federal Government provides for education shrink from 12 cents to 7 cents, with some talk about 6 cents. We shrink that and we wonder why we get disparate results.

Title I is a critical program if we are to ensure all children in our society are provided with meaningful educational and economic opportunity. Title I is the engine of change for low-income school districts across this country. The program is used to train teachers, to provide new technology for students, to support literacy and afterschool programs, and to promote preschool programs, a whole host of items that will make a difference and to make sure every child has a comparable education from one community to the next.

Together, these initiatives have proven effective where they have been applied, raising test scores and improving educational achievement. But we have to have the resources. It has been underfunded for far too long and too many kids have been left behind. The engine of reform needs fuel.

Let me be clear. I support testing. I think it is a good idea. I am not sure much of what we are putting in place is a good idea, but I support testing. By itself, testing is not enough. I am sure it gets our priorities right. What good does it do to test kids if we do not provide the tools needed to respond to bad test results and, more importantly, even prepare for the tests. It would be similar to diagnosing an illness and refusing to prescribe the drugs needed to cure it. That does not make sense.

This amendment stands simply for truth in legislation. It is easy for Congress to authorize funding for programs. It makes political campaigning a lot easier to go out and say: I stood

in there and I stood for authorizing title I funds for all our kids. Many people in the country hear we have done that and they think we have fully funded it. As my colleagues know, an authorization is little more than a promise, and all too often it is an empty promise.

In my view, when it comes to providing quality education for all of our children, we need to make sure the promise is real. We need to put the money where the authorizing words state they should be. We must provide our schools with the resources to help students achieve their full potential. We must address the glaring disparity in resources that undermines America's sense of fairness and equal opportunity. We want to hold every child to high standards. We must provide every child with the opportunity to meet them. We have to hold ourselves to high standards.

I urge my colleagues to support the amendment of the Senator from Minnesota. Let's test our kids but get real and provide the resources we have been promising to ensure quality education for all.

Mr. WELLSTONE. I will give the Senate a bit of background. This amendment tracks the amendment that Senator DODD worked on with Senator COLLINS. The Senate went on record—79 Senators—saying we would make this commitment to title I and over a 10-year period we would have funding.

I don't think the Senator would disagree, as much as I was for it, in some ways I very much regret we could not have said full funding in 1 year. For a 7-year-old, 10 years is too late.

In any case, this amendment says by 2005 the Senate went on record saying we ought to be spending \$25 billion on title I because that puts us on track for full funding, gets more resources to schools and our children, more help for reading. It can be prekindergarten; it can be technology; it can be more professional training for teachers; it can be afterschool programs.

This amendment says, if we do not live up to our commitment, the States and school districts, if they do not want to do the testing, do not have to. It is up to them. No one is telling them they can't do it, but it is entirely up to them. We have been saying over and over and over again, with accountability comes resources. I wanted to give my colleague a bit of background.

My other point is, if we are going to have a mandate of every child being tested, we better also have a national mandate of every child having the same opportunity to do well. Since the title I program is one of the major ways we at the Federal level make a commitment to low-income, disadvantaged children, we ought to live up to our word. That is what this amendment says.

I yield the floor.

Mr. DODD. I thank my good friend and colleague from Minnesota and ex-

press my appreciation to him for raising this amendment. This is not a unique approach. We have taken on matters where we linked financing with obligations. One of the constant complaints we receive as Members when we return home to our respective States and speak with our mayors and Governors, our local legislators, we often hear, regardless of the jurisdiction—Minnesota, Connecticut, Michigan, New Hampshire, Massachusetts—you folks in Washington like to tell us what we need to do, but you rarely come up with the resources to help us do what you tell us we have to do.

We have gone through an extensive debate as part of this discussion on special education. We made a commitment as the Federal Government years ago that said every child ought to have the opportunity for a full education, as much as they are capable of achieving, and that special education students would be a part.

We promised we would meet 40 percent of the cost of that as a result of a Federal requirement. That commitment was made 25 years ago. It took 25 years, until just recently, as a result of the efforts of the Senator from Massachusetts, the Senator from Vermont, Mr. JEFFORDS, Senator COLLINS, my colleague from Minnesota, and many others, who said we were going to have to meet that obligation, financially supporting the special education needs of the country. As a result of their efforts, we have included in this bill a mandatory spending requirement to meet those obligations.

I raised the issue about 12 years ago in the Budget Committee and lost on a tie vote.

Why do I bring that up and discuss it in the context of this amendment? If we fail to adopt this amendment that the Senator from Minnesota has suggested, in 5, 10, 15 years, we will have a similar demand made by the very people asking us today to fulfill the financial obligations that we owe as a result of mandating special education needs.

People may not like that comparison, but that is a fact. We are saying to these students, across the country, disregarding States and in a sense localities, here are some standards we expect you to meet. We are willing to authorize, as we did by a vote of 79-21, some substantial sums of money to allow for full funding of title I as a result of the heroic efforts of my friend and colleague from Maine, Senator COLLINS, along with 78 others in this Chamber. We went on record, with a rather overwhelming vote. This was not a 51-49 vote. Almost 80 Members of the body said full funding of title I is something we ought to do.

If this bill is going to work, we ought to fully fund this program. We said over 10 years.

I would have preferred if it was a more brief period of time, but we have to accept the realities. I think it is important to note that it occurred. It is a

true expression of the desire of Members here, regardless of party or ideology. As a result of the demands we will make in this legislation, we are fully prepared to do something that kids on the corner often say to each other: Put your money where your mouth is.

We have had a pretty good mouth when it comes to telling the country what they ought to do. The question is whether or not we will put the money up to back up and support the demands we are making here.

I think the amendment offered is one that is important. It says, obviously, if you want to live up to those commitments—we are asking schools to be accountable, to be responsible—then we should as well. We cannot very well demand a third grader be responsible or fourth grader or fifth grader or some impoverished rural district or urban district—as we demand accountability from a superintendent of schools, a principal, a teacher—and then we duck our responsibility here.

There is a long and painful history where demands have been made by this government on our localities and our States and then we have failed to back up those demands by failing to provide the resources to accomplish them.

This is about as critical an area as can be, education. I do not want to see us coming out of this with a self-fulfilling prophecy of failure. I don't want us to know going in, as a result of the paucity of resources, that young children living in some of the toughest areas of the country are deprived of the resources necessary so they can maximize their potential. As we begin this testing process, year in and year out, as we watch the scores not improving because the title I funds are not there—and by the way they work. Title I funds work as we know based on all sorts of examinations and studies that have been done. Therefore, it seems to me we want to have funding.

My colleagues and I were at recent meetings at the White House. I don't believe we should go into the details of those meetings. The President was gracious enough to invite us to those. He cares about education a lot. I have no doubt that President Bush cares about it. He made that point when he was Governor. He provided evidence of it. He has spoken out about it numerous times and gone to schools all across the country. So the fact that we are of different political parties or persuasions is not the point, obviously. I am willing to believe that his slogan that he used a lot during the campaign of "leave no child behind" is sincerely and deeply felt.

All I am suggesting, as are the Senator from Minnesota and others who support this, is to see those achievements. I believe this President wants to see these kids do better. That is what we all want.

We spend less than 2 percent of the entire Federal budget on elementary and secondary education—less than 2

percent. I think that would probably come as a shock to most Americans who send their tax dollars to Washington to discover that less than 2 cents on every dollar the Federal Government spends actually goes to elementary and secondary education. I am excluding higher education.

We have all heard the speeches given around the country of how important this is, that any nation that ever expects to improve or grow has to have an educational system that creates the opportunities for its people. So this is about as important an issue as there is. When you talk about economic growth, economic stability, education is about as important an issue as you can discuss. If we fail to have an educated generation, all the rhetoric, all the decisions by the Federal Reserve Board, all the decisions by the Treasury, all the decisions made by Wall Street, will not mean a lot if we do not have an educated population able to fill the jobs and perform the work needed to keep this economy and our country strong.

This is the first step. If we get this wrong, then the likelihood we will succeed at every other point is reduced dramatically, in my view. I do not think that is a unique perspective. I suspect if you were to ask the 100 Members of this body whether or not you could have true economic development and true economic stability and success without a strong educational system, I do not know of a single Member of this body who would accept that as a likely conclusion.

What we are saying is, if that is the case, then should we not link this issue of providing the resources necessary to the title I program, which has proved to be so successful, and to say that before we start demanding these tests and so forth we are going to see to it that these young people, and these communities, are going to have the resources to get the job done? That, it seems to me, is only fair and right. If the resources are not going to be there, does anyone doubt, can anyone stand up and say if the resources are not there, that these children, the most needy in the country—in rural and urban America, most of them—are going to be able to do better on these tests?

If you do not have the resources to make these environments better, there is no doubt about the outcomes. You are not going to hire the teachers who are qualified. You are not going to have the tools necessary. That is just a fact.

There is more empirical evidence to support that statement than anything I know of. Over and over again we are told it will not work if you do not have the tools. No matter how strong the desire, no matter how ambitious these parents or these children may be, they have to have the tools. You cannot be in a classroom with 40 kids and learn. A teacher cannot teach.

You cannot get ready for the 21st century economy without a wired

school and the ability to access the technology available.

You cannot have teachers who know nothing about the subject matter teaching math, science or reading. They cannot do it. Don't expect a child anywhere to learn under those circumstances.

The fact is, in more schools around the country, those are the realities. I wish I could magically wave a wand and automatically guarantee that there will be these tools available. But none of us possesses that kind of power. You have to have the resources to do it.

So to go out and test a bunch of kids who have not had the support and backing necessary for them to be accurately tested has structured a very cruel arrangement for this Congress and this administration to impose. It is going to produce predictable results. So I think the Senator from Minnesota has properly asked us to do what any mayor, any Governor, any school board or principal or superintendent would ask of us. I think what they are saying to us—my colleague from Minnesota can correct me—they are saying: Look, we accept the challenge you imposed on us. I know my friend from Minnesota and I have heard from a number of people who have questioned the wisdom of this annual testing idea as a way of somehow proving whether or not kids are doing better. I get very uneasy about what teachers are going to be teaching. It is what I call turning our schools into test prep centers where you spend half the year or more of it getting the kids ready to do well on the tests because the teachers, the superintendent, the principal, the Governor—everybody wants to look good and pass the test. I don't know whether you learn anything or not, but you pass the test. I get nervous about an educational system that is more geared to passing some test so more of the "political" people can have bright stars attached to their names.

I think testing is valuable, but your educational system is geared toward those testing requirements rather than educating children. I certainly think math and reading are very important—but I also think science is important, I think history is important, I think geography is important, I think languages are important. My fear is in some ways we are going to get so focused on a couple of disciplines which are critical—very critical, essential, Madam President—but at the expense of a lot of other areas which are also critical for the full and proper development of a child's educational needs.

You do not have to be an educational genius to know what can happen if you are just geared to getting the class to pass the Federal test in order to keep the school open. I am very worried about that.

But I will put that aside. I will put my worries aside for a minute. I am not the only one worried. This is not just Democrats and Republicans who

are worried. I think parents out there who may not know all the nuances of this bill are worried. People who work hard in school every day will tell you they know what they are going to end up doing. But we will put that aside for a second.

At the very least, if we are going to demand this in tests, it seems we have to have the kid prepared, at least give them a chance to do well.

If the resources are not there for them to do well, then I think we all know what the results are going to be. That is really what this amendment is all about. Maybe it is more complicated than that. But I don't think it is.

Take the environment, or transportation, or any subject you want. No one would suggest that you can anticipate high performance without the resources being there to help you achieve it. Yet in the education field we seem to be indulging in a fiction that somehow we can set the standard and demand the test, hold back the resources, and expect the students to reach it. I don't know where else you could ever imagine that kind of result to occur.

We seem to be anticipating 50 million children around America, if the bill is passed and signed by the President shortly thereafter, having to meet these tests. It is fewer than 50, because we are talking about grades 3-8. Whatever that number is of kids in elementary and secondary school—perhaps it is 30 million who are in our elementary schools. So 30 million kids will start to be tested. You are not going to have the resources necessary to help the hardest hit schools in America ensure that the children are well prepared.

I realize this amendment is troublesome to people. They prefer that we don't demand this. But just as we demanded special education for children without resources, until finally people were banging on the doors of Washington and saying, "You people promised to help us do this," I suggest we get ahead of their argument and provide the resources as a result of the amendment of the Senator from Minnesota, and then go forward with it.

I am prepared to support this. But I say to my friend from Minnesota, as hesitant as I am about supporting testing in the third, fourth, fifth, sixth, seventh, and eighth grades—by the way, if it were one test, I wouldn't mind. This is Federal. Forget about the State and local. On average, there are about five tests that kids have to go through during a year. I am willing to accept that. But I have the outrageous demand that we provide the resources to these schools so these kids have a chance to demonstrate what they are capable of.

If you are telling me that I can't have the resources to at least give them a chance to prove how bright they can be, don't ask me to require a kid to take a test that they can't possibly pass and set them up for failure in life.

We only debate this bill once every 6 years. I suspect many of us on the floor today may not be here the next time the Elementary and Secondary Education Act is debated. If it were debated every year, I might wait until next year to try it. But if we don't provide the funding in the language here that provides for it, a half a decade or more will go by before we are back again discussing this.

I don't want in this last debate for the next 5 or 6 years, where we mandate this testing and mandate these standards from Washington to every school district in America, to then stick our hands in our pockets and walk away and tell them we are not going to give them the resources necessary to achieve success. I am confident they can achieve.

We have no obligation to guarantee any American success. But we do have an obligation to guarantee every American the opportunity to achieve his or her potential. That is a responsibility that I think I bear as a Member of this body. I am going to be hard pressed to vote for a piece of legislation that demands success without giving these kids the opportunity to prove what they are capable of.

The Senator from Minnesota has offered us an amendment which would complete the circle by requiring the tests but providing the resources that will allow us to judge fairly whether or not these children, their parents, and their schools are meeting their obligations. I thank my colleague for offering the amendment.

THE PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. I know other people desire to speak. I would like to take 20 seconds to say to the Senator from Connecticut that, try as I might, I cannot say it as well as he did. I thank him. We thank each other all the time. But what he said was so powerful. Honest to God, it was so powerful. I really do believe having national testing without any guarantee of equal opportunity to pass the test, and the opportunity to do well, is ethically unjust. What we are trying to say with this amendment is let's give these children the opportunity to do as well as they can. I thank him.

I yield the floor and reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from Massachusetts.

MR. KENNEDY. Madam President, I yield to no one in this body in my battle to seek full-funding for the title I program. I joined with the Senator from Connecticut and the Senator from Maine on the amendment to authorize full funding for title I. I have supported additional funding in this bill, in terms of professional development, bilingual programs, afterschool programs, school construction, and the other programs. We are going to make every effort to ensure that reforms are accompanied by resources.

But I have to really take issue with some of the points that have been

raised this afternoon, including the statements from my good friend from Connecticut. We are already testing. Forty-six States currently administer annual reading and math tests in two or more grade levels.

Adequate yearly progress in current law, as well as in this legislation, will be based upon the tests that were held last year. That legislation is currently in place. It is happening in my State. I will spend some time later in my conversation to go through the scores of States that already test in grades 3-8. That is already taking place.

No one argues with the point about ensuring that all students will be prepared to take these tests. However, it is not quite that easy, even with the full funding for title I. We are not providing full funding for the Head Start Programs—only 40 percent. We are not providing full funding for the Early Start Programs. All are enormously important for our children to progress. But a number of States are doing a very good job.

On the idea that we were going to effectively end any assistance to those States after we accepted the amendments from the Senator from Vermont in terms of effectively saying if we don't get the funding for effective tests, that we are not going to be obligated to do it, we have accepted the Wellstone amendment in terms of quality; we have accepted the Wellstone amendment for increased funding; we are going to make the battle in terms of funding for those programs.

But those tests which the States are using under this legislation are happening today in 46 States. The question is, How are we going to have those tests? What I think the Senators from Minnesota and Connecticut, and I think on all sides of the aisle, want is not punishment for students but instruments by which we can determine what children are learning and what they are not learning. We want tests that will be responsive to curriculum reform with well-trained teachers in those classrooms. It is going to take some time. But we have recognized that we are going to try to use quality tests in an effective way to enhance children's learning.

I am not going to take a good deal of time, although I had the good opportunity in Massachusetts last week to appear at a conference sponsored by Mass Insight, and also to meet with Achieve—a nationally known organization that has been working on accountability for several years.

When I met with Achieve, they reported that 22 schools in Massachusetts have made significant progress using tests and demonstrating, with measurable results, how students have been making progress. Those tests are being used well and effectively. No one stands to defend poor quality tests that may, in fact, be detrimental to children. But, the Senator from Minnesota's premise that if we do not get to the full funding for the Title I program within 4 years, that we cannot

provide for high-quality tests and good school reforms, is flawed. Choosing not to commit to developing good instruments of educational assessment and high standards that will drive curriculum reform, teacher reform, educational reform, and accountability in those communities, I think, just misses the point.

Our bill in the Senate requires States to develop assessments in grades 3 through 8 in math and literacy, with the understanding that those subjects are vital to the future educational success of children. If students do not know how to read, they cannot learn. If they do not know mathematics, they cannot continue their education, and they will not be able to survive in the modern economy. So, we have made a commitment in this bill to ensure that States develop and implement tests in those subject areas.

But in the 1994 reauthorization of ESEA, we required States to administer tests for school accountability at least three times: one in grades 3-5, once in grades 6-9, and once in grades 10-12. Some States have done a very good job of developing these assessments. Some have not done so well. But this bill seeks to build upon the progress made by those States who have developed high-quality assessments, and ensure that the additional assessments developed by States are of the highest quality.

I question the logic of discouraging high-quality assessment that will provide data to help improve education, if in Congress may not be able to secure 100 percent of the resources for reforms across the board in Title I. I cannot understand this, as much as I fight for increased funding for enhanced professional development, afterschool programs, technology, literacy programs, and scores of other reforms essential to improve student achievement.

There are not many Members of the Senate who like increased funding as much as I do. However, we should not use tests as a scapegoat if we are not able to achieve all that we advocate for. We should not take out our frustrations that stem from insufficient funding for Title I, on what have been recognized as effective instruments that measure student achievement, and help teachers tailor instruction to meet the needs of students. That should not be our goal.

I respect the opinion of my friend from Minnesota, and understand that he does not regard assessments as having a critical role in school reform. I know that he feels too many teachers teach to the test, and that too many tests are used punitively, rather than constructively. I believe that his concerns are at the heart of this amendment. However, good tests can play an important role in school reform.

Earlier in our consideration of this bill I mentioned examples of assessments working in tandem with efforts to reform schools, as has occurred in my own State of Massachusetts, at the

Jeremiah Burke High School. The Burke school lost its accreditation 6 years ago because of the low-level of education that was being offered at that school. This year, the school has one of the lowest dropout rates in the city of Boston. And every single student has been accepted to college. High expectations, high standards, and the assessments needed to measure progress.

At the Burke school, they use tests to identify student weaknesses, and develop what is almost an individualized curriculum and academic program for each student in need of extra help. This is not a school that has great financial resources, but to the credit of the principal, the Burke school was received with great excitement by parents and the local community for the academic progress that has been made in the school.

I am not prepared to accept an amendment that would propose to throw away meaningful and important tools to gauge student achievement if Congress cannot secure full-funding for all of the reforms included in this bill. I do not think that is wise education policy. I think such an amendment effectively undermines this legislation.

I take a backseat to no one in the fight to increase funding for Title I and other programs. But no member in this body thinks we'll meet the rate of increase for Title I called for in this amendment.

We should not discard the tools that can help promote school success. I think that we should accept the basic assessment provisions in this legislation, and take steps to monitor and watch State's progress toward fulfilling the promise of those provisions. We are going to have to ensure that States develop and implement effective, quality tests.

We have taken steps, with the Collins amendment, to review and financially evaluate the costs associated with producing effective tests. I can commit that as long as I am chairman of the Education Committee, we will have vigorous, vigorous oversight on this particular issue. We will take the steps that are necessary to alter and change this situation if States do not have the resources to effectively develop or use assessments.

But to eliminate provisions to provide for instruments that are being used as tools for reform by teachers throughout the country would be wrong. We should promote teachers' understanding of what children are learning, and we should promote parents' understanding of what children are learning. Denying parents the opportunity to understand how their children's school is performing makes no sense.

At the appropriate time, I intend to vote no.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, first of all, let me be real clear. I have

said that in my own mind it is an interesting question as to whether or not the Federal Government ought to be telling every school district in every State to do this. I have never said I am opposed to accountability. I was a college teacher for 20 years, and I do not tend to give ground on this issue.

The reason I have had amendments to try to make this testing of high quality is because, if this is going to be done, it has to be done the right way. But there is more to this legislation.

My colleague from Massachusetts says we are already doing this with title I. That is right. This legislation requires every school district to test every child—not just title I children, every child, every year.

I have heard Senator after Senator after Senator say we ought to, along with the mandate of testing every child, have the opportunity for every child to do well. That is all this amendment says.

I cannot believe what I have heard in this Chamber, which is that we are not going to live up to what we said. Seventy-nine Senators voted for the authorization. We were going to fully fund title I in 10 years. It was going to be up to the level of \$25 billion in 2005. Right now we are only funding 30 percent of the children who are eligible. And now my colleague comes to the floor and says that is all fiction, that it is never going to happen.

If it is never going to happen, why, in God's name, do we want to pretend it is going to happen? Whatever happened to the idea that every child should have the same opportunity to succeed and do well?

I will say it one more time. I have heard a million people—I am the one who first said it—say you cannot achieve the goal of leaving no child behind on a tin-cup budget. You cannot pretend to have education reform on a tin-cup budget. I have heard Senator after Senator after Senator say we are going to do both accountability and resources. All this amendment says is, not that States and school districts cannot test—they can; not that they don't want to go ahead with testing—they can. What we are saying is, if we do not live up to our commitment to provide the money for more help for kids for reading, more prekindergarten education, more afterschool education, then the State can say they do not want to do the testing.

We ought to live up to our end of the bargain. I cannot believe we are acting as if the test brings about better teachers; that testing leads to smaller class sizes; that testing means kids come to kindergarten ready to learn; that testing means children get the help they need. None of that is happening the way it should. And title I is part of our commitment.

Can't we at least live up to our words? That is all this amendment says. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). Is the Senator from Minnesota

yielding time to the Senator from Rhode Island?

Mr. WELLSTONE. How much time do we have?

The PRESIDING OFFICER. Thirty-five and one-half minutes.

Mr. WELLSTONE. I am pleased to yield 10 minutes to my colleague from Rhode Island. I also say, in 30 seconds right now, for month after month after month, I have been hearing how we are going to get a commitment from the administration of resources. We have no commitment of any resources in this bill when it comes to title I. I am trying to make sure we live up to our promises.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise as a cosponsor of the Wellstone amendment and a strong supporter of the amendment. I believe what Senator WELLSTONE is doing is calling our collective bluff. We talk about high standards, high accountability for every school in America. We talk about not leaving any child behind. We talk about authorizing significant amounts of money for title I. In fact, we have all come together, 79 of us, to vote for a substantial increase in title I spending—authorization, not appropriation, under the leadership of Senator DODD and Senator COLLINS.

What he is saying is, if we are all in favor, if we have all voted for it, let's make sure we do it. Let's make sure we do it in conjunction with the testing, not after the fact, not testing first, money later. Let's do it together.

That is very wise public policy. It reflects what we have all been talking about for weeks and weeks now. I have heard in the course of the debate analogies to other realms of endeavor, talking about the efficacy, the importance of testing. We know testing is important. There is no one in the Senate who does not recognize that if you test students to see if they are making progress, you have to evaluate the test scores of schools to see if they are adequate. No one is arguing with that logic.

Let's look at, for example, a medical situation. If you showed up in one hospital, you would get the same test as another hospital across town. But in one hospital, you are discovered to have a serious heart problem. They don't have a lot of money, so they give you some chewing gum. The other hospital across town has lots of money, so they give you beta blockers and all sorts of exercise counseling, nutrition, everything under the sun. You are besieged by counselors and therapists, people organizing your life so that you can deal effectively with this discovery. It is the same test, however, with much different results. Senator WELLSTONE is arguing, we will have those tests, but we want the same results.

Frankly, it is about money. It is about resources. The difference, as he pointed out so well, between the per-

formance of students on tests is inextricably, invariably linked to the income levels of those students and, as a result, the income levels of those schools. We all know the basic source of funding for public education in the United States is the property tax. Inner cities with declining property values put less into their programs than affluent suburbs. The reality is, if we really want the system to work, if we want the tests to work, to do more than just identifying failure, if we want to guarantee success, we have to put these resources in. That is the heart of the amendment.

I have also heard—and we hear this every time we engage in a debate on education—we are doing so much worse compared to other countries, particularly European countries. We very well may be. The answer, however, might not be testing. The answer might be having a comprehensive health care system for every child. It might be to have a program of daycare for every child, a very elaborate parental leave program for every family. Maybe if we did those things, our test scores would look very good relative to France or Germany or Great Britain or other countries. So be very careful and wary of these comparisons internationally.

We know that we can improve the quality of our education if we have accountability, and that requires some testing. But we also should know and recognize, as Senator WELLSTONE does, that accountability in testing without real resources won't make the difference we want to achieve. That is not unique to Senator WELLSTONE.

A recent Aspen Institute report noted:

In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparities in resources for education across districts and states. It is not unusual for per student expenditures to be three times greater in affluent districts than in poorer districts of the same state.

That accounts for many of the reasons why some students succeed and others fail. The real test, in fact the essence of democracy in America, is not what we say but where we send our children to school. Many parents recognize that when they purchase homes in areas that have good public schools versus those areas that are not funded as robustly.

Now, in addition, the Center for Education Policy concludes, in a recent report, that policymakers "should be wary of proposals that embrace the rhetoric of closing the gap but do not help build the capacity to accomplish that goal."

Testing is just one aspect of that capacity building. We have to have good professional development, good parental involvement, and resources so that the school building itself is a place that children will want to go to and not try to shun and leave as quickly as they can.

The Wellstone amendment is very straightforward. It simply states that

the new tests authorized under title I need not be implemented unless title I appropriations have reached \$24.72 billion by 2005. That was the amount authorized by the Dodd-Collins amendment for the year the tests are scheduled to go into effect, also 2005.

This amendment has widespread support: The American Association of School Administrators, the Council of Great City Schools, the Hispanic Education Coalition, the Mexican American Legal Defense and Education Fund, the NAACP, the National Association of Black School Educators, the National Council of La Raza, the National Education Association, the National PTA, and the National School Boards Association—all of these groups representing those individuals closest to the issue of education. The school boards, the PTAs, they recognize the logic and the wisdom of the Wellstone amendment.

I hope we can recognize that logic, that we can support this amendment. And, frankly, if our intentions are good, and I believe they are, this amendment will be merely hortatory. If our intentions are good, we will appropriate the money. We will reach those targets. Testing will go into effect. But if it is the intention or the mishap that we vote for testing but we don't vote for resources to title I, then rather than ruining that day, we should vote for this amendment and provide a real check.

I urge all of my colleagues to support the amendment. I yield back my time to Senator WELLSTONE.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield such time as he may consume to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, let me say a few words about this amendment. Then I will speak on the bill in general.

Just reading the Wellstone amendment helps to clarify the argument and the signal this amendment sends. It says:

No State shall be required to conduct any assessments under this subparagraph in any school year if, by July 1, 2005, the amount appropriated to carry out this part for fiscal year 2005 does not equal or exceed \$24,720,000,000.

That is, let's fully fund—however we define "fully fund"—title I before we require this accountability and these assessments. The signal of this amendment, the not-too-subtle message is that the problem in our educational system in this country is there is not enough money. That is the less-than-subtle message the Senator from Minnesota would send out to school districts across this Nation: We are not going to have accountability; we are not going to require testing; we are not going to have assessments under this title until we triple the funding.

If money were the issue, if simply spending more money would solve our education problems in this country, we would have no education bill before us.

If one looks at the last decade, particularly in terms of the Federal Government's involvement, it has been about a 180-percent increase over the previous decade. Nationally, we have increased spending on education by about 30 percent, if one looks at every source of spending on education.

There have been dramatic increases in education spending, but there has been no—I repeat—there has been no correlation to increased test scores and increased student achievement.

While I do not doubt the sincerity of the Senator from Minnesota, I question the logic and the message this amendment sends forth.

In the 1994 ESEA reauthorization, Congress required assessments in three grades. Those provisions were in effect no matter how much or how little Federal funding was provided. The fact is, we did not pay for the testing that we at that time required. In the bill before us, I believe we are more than increasing spending sufficient to meet the new mandates that are being placed upon the States.

The Senator from Minnesota says we are setting schools up for failure. I suggest that what we are really doing is freeing schools and freeing States to make the kind of reforms to focus resources where real academic achievement can be realized.

I have talked to education officials in the State of Arkansas. I have talked to education officials in our State department, and they support the President's education initiative. They support the provisions regarding testing. It does not scare them. They realize this is the way we measure; this is the way we assess; this is the best means we have to really demonstrate that education is working, that children are learning, and that the investments being made in Federal, State, and local resources are good investments.

This amendment strikes at the very heart of the President's plan. We currently provide almost \$9 billion for title I, and since title I has been around, we have seen no correlating rise in test scores among students being served. Why then would it be suggested we should require that we eliminate the most important accountability provisions of the bill and not put those accountability provisions in effect until we triple title I funding?

Total national spending on elementary and secondary education has increased 129 percent over the last decade, but Federal spending has increased by over 180 percent over the last decade. Since Republicans gained control of the House and Senate in 1995, Federal spending on elementary and secondary education has increased from \$14.7 billion in 1996 to \$27.8 billion in 2002. That is an almost doubling of the Federal funds for elementary and secondary education.

I suggest we should not try to portray one party or another party as being committed to education but look at the facts, look at the commitment

that has been demonstrated in resources. But increasing funding is simply not the answer in and of itself. There are a lot of statistics that can demonstrate that. Let me share a few of them.

These statistics came from the most recent 1998 National Assessment of Educational Progress, the NAEP test, demonstrating that with the \$120 billion that has been invested, poor kids still lag behind those of more affluent backgrounds in reading. In 4th grade, 8th grade, 12th grade, the areas in which we require testing, we can see that gap is as real and as evident as it ever was.

The whole reason the Federal Government involved itself in local education was justified by our commitment to narrowing the gap between affluent homes, advantaged children, and those from less affluent homes and disadvantaged backgrounds. The experiment has been a monumental failure. We have invested billions of dollars, and yet we have not narrowed that gap. It is not time to reduce the resources but to ensure with those resources there are genuine and real reforms that accompany the resources.

This is a graph demonstrating ESEA funding versus the NAEP reading scores. A chart such as this clearly demonstrates there is a lack of correlation between increased spending and automatic improvement in reading scores or academic achievement. The appropriation for ESEA programs is in the billions of dollars. The red line demonstrates how dramatically those increases have occurred. The green line demonstrates the national fourth grade reading scores, which have effectively, since 1991, been level. There has been increased spending without a comparable increase—in fact, any demonstrable increase—in reading scores nationally.

If we look at math, we find exactly the same story. These are ESEA funding versus NAEP math scores. There is a flat line on math achievement and a dramatic increase in appropriations for ESEA. We simply cannot find the evidence which shows that with increased spending, given the resources, the results are going to be there.

This bill dramatically increases spending, but to its credit and to the President's credit for taking the lead on this issue, it says increased resources must be accompanied by real reforms, real assessments, real accountability. That is what this legislation does.

The United States spends more per student than most other advanced nations in the world. This chart clearly demonstrates, even if we look at advanced nations in Europe—Denmark, Switzerland, France—and Australia, we are expending more money, sometimes dramatically more money, than other developed nations.

If spending were the answer, if the more we spent per student the better the test scores were going to be, the

greater the academic achievement, hence, the greater opportunity those children would have in the future, then we should be leading the world in academic achievement. After all, we are spending more per student than any other advanced nation in the world.

What are the academic results internationally? A 1999 chemistry knowledge achievement on the TIMSS eighth grade test shows we are lagging way behind Hungary, Finland, Japan, Bulgaria, Slovak Republic, South Korea, Russian Federation, Australia—we are way down in our achievement in the area of chemistry. We are spending more, but we are not producing more.

This chart shows the 1999 algebra knowledge achievement test in the area of math in the eighth grade. Once again, we are near the bottom of the industrialized nations of the world. South Korea cannot compare with how much we are spending per student in this country, and yet they dramatically outperform American students. There simply is not the correlation between spending and academic achievement that many would like to draw.

This next chart is 1999 geometry knowledge achievement in the eighth grade. Once again, looking at the industrialized nations around the world from Japan to Australia, they far outperform American eighth grade students in math and in science.

Does it mean we should spend less? No. It means we should spend more wisely. It means we must accompany increased spending with real reform, with accountability, with assessment, with local control and flexibility. Truly one size does not fit all.

There is one message the Arkansas Department of Education sent to my office: Do not handcuff us; do not continue down the road of prescriptive national formulas on what we must do. Give us the flexibility to make local reforms and, hence, improve student achievement.

The evidence is clear that this amendment, well intended as it may be, is greatly misguided. We have a bill before us that, if we were to enact it without undermining its very underpinnings and pulling its very heart out, could move us in a dramatically new and better direction on education.

It provides important provisions on greater parental choice, not as much as many would like but greater parental choice. The charter States and the straight A provisions, although much watered down, still provide a new and bold opportunity for a few States to experiment with real reform, unhindered by Federal prescriptive programs.

New standards; the requirement of testing grades 3-8; participation in the NAEP; testing 4 and 8; ensuring that not only are the States testing but the tests they are utilizing are meaningful and are giving an accurate depiction of what schools are succeeding and what schools are failing; what States have reforms that are working and what States are not doing the job.

On improvement in teacher quality, I applaud and commend the distinguished Senator from New Hampshire for his lead on improving teacher quality and ensuring that money is wisely invested in professional development, not giving a one-size-fits-all but providing a flexible funding stream to meet the particular teacher quality needs that school districts have across this country.

Finally, with those reforms, with increased parental flexibility, local school flexibility, with attention on individual children, with the requirements on testing, with the consolidation of the plethora of Federal programs, with all of those reforms, there is the increase in spending. That should be the proper Federal role.

We have a great opportunity before the Senate. We have been on the bill for weeks and weeks. We have debated scores of amendments. The genuine and real thrust of the President's education program has thus far been kept intact. The challenge before the Senate this week and next will be to beat back those amendments that turn back to the failed practices of the past, turn back to the misguided notion that more money means better education. That is our challenge, to keep that part of this bill alive, to honor the pledge the President of the United States made to the American people to take us in a new and dramatically better direction on education. I am still hopeful and optimistic, but amendments such as this threaten a return to the failed status quo.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 5 minutes from the opposition.

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

Mr. WELLSTONE. I also ask unanimous consent the Senator from Michigan be allowed to speak for 5 minutes, followed by the Senator from Washington.

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

Mr. KENNEDY. I indicated my opposition to the Wellstone amendment, but I take a moment to correct the record of my good friend from Arkansas.

We spend \$400 billion a year in K-12; and \$8 billion on title I. The fact that some students have not made progress is not the fault of the Title I program. Instead, it is a reflection of the fact that States have not provided the leadership in terms of assistance and resources. That is where accountability comes in.

No one is saying money is the answer to everything, but it is a clear indication of a nation's priorities. Although we have a difference in terms of this particular legislation, I stand shoulder to shoulder with the Senator from Minnesota and others who say we ought to work for the full funding because we are only reaching a third of the students.

I remind my friend from Arkansas what happened in Texas. Look what has happened in school funding from 1994 to 2001. Texas has increased their funding for education statewide by 57 percent. Look at the student achievement. Student achievement has increased by 27 percent. Resources have been expended in developing standards and assessments, academies that assist low-achieving students, professional development, and smaller class sizes. That is how the resources have been spent. They have been getting results.

I agree what we want to do is, with scarce resources, give the tried and true policies which have demonstrated effectiveness in the past and make them available to local communities so they make decisions and hold them accountable within that community. That is what this legislation will do.

The testing is also a part of this process. I agree it should be. I am not prepared to put it at risk because we don't reach the actual dollar figure included in the Senator's amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Under a unanimous consent, the Senator from Michigan is recognized.

Ms. STABENOW. Briefly, Mr. President, I will respond to my friend from Arkansas and his charts, comparing our country to other countries.

One of my concerns in comparing countries is that we in the United States do not stress that we have very different values regarding universal free education for all children, kindergarten through the 12th grade. We take all. Whatever child walks in the door, whether that child has had breakfast, whether they have had a good night's sleep, whether they even had a bed or home in which to sleep the night before. We take all children. I believe that is a strength of the United States of America.

I have had the opportunity to travel around the world and speak with those involved in education in other systems and know if we were to make certain adjustments and only let children over the eighth grade who have met a certain level proceed, or do as done in other countries, that would have a different effect from what we do in the United States.

Mr. HUTCHINSON. Will the Senator yield?

Ms. STABENOW. Certainly. I ask it come from the opposition time.

Mr. HUTCHINSON. Would the Senator from Michigan concede that although there are differences between European nations and the students they educate in the upper grades, the statistics I showed giving international comparisons in the eighth grade in both Europe and the United States, all students are being educated, that it demonstrates we are achieving less on those international test scores than comparable student bodies in European nations?

Ms. STABENOW. If I may reclaim my time, I concur, from watching the

study and what has been done, that we, while doing well at the fourth grade level in the TIMSS international studies, by the eighth grade we are losing children. We need to be toughening curriculum and we need to focus on accountability. Many times comparisons that are done are not fair and accurate given the value we have on public education.

Two further comments. First, saying resources should not be coupled with accountability and don't make a difference is to ignore what has happened today for our children in schools. It is not about the dollars. It is about lowering the class size. I have a friend in Grand Rapids, MI, who teaches high-risk students and last year had over 30 students; this year, 15. Surprise, the children went from F's and D's to A's and B's. That is because there was more time for the teacher to teach and the children to learn. It is not about money; it is about children learning and teachers being able to teach smaller classes.

As an example, that same school has books that have situations that don't exist anymore, countries that don't exist anymore, discussions about NASA from years ago. They need to be updated.

I have one final point in support of the amendment of my colleague. I was not here 25 years ago when IDEA passed, when special education was brought forward. However, I do know as someone who has been in a State legislature and has been an active parent with my two children growing up, special education, while setting very important requirements, had, also, the promise that the Federal Government would pay 40 percent of the costs to help the schools so they would not have to take dollars away from other programs, other children, in order to provide these important special education services.

What happened? The Federal Government has never hit 15 percent—never hit 15 percent—even though the promise was 40 percent. The reason I believe this amendment is important is we cannot do this again to the schools. The fact we are not keeping our promise on special education costs my Michigan schools \$420 million this year—\$420 million that is taken from the ability to lower class size, the ability to upgrade our technology and focus on math and science in our schools, to fund critically important special education programs.

We should not do this again. This amendment will guarantee that, in fact, we will not just talk about requirements; we will make sure the resources are there so our children can truly succeed.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from Washington is to be recognized.

Mr. WELLSTONE. Mr. President, I ask how much time we have?

The PRESIDING OFFICER. The proponents of the amendment have almost

23 minutes, the opponents of the amendment have just over 60 minutes.

Mr. GREGG. Will the Senator from Minnesota allow us, Mr. President, after the Senator from Washington speaks, to set aside his amendment so the Senator from Texas could offer her amendment? And then after offering her amendment we could go back to the Wellstone amendment?

Mr. WELLSTONE. Could I ask how much time the Senator from Texas requires?

Mrs. HUTCHISON. Mr. President, I would like to take about 7 minutes, and the Senator from New York would be speaking on the amendment as well for about 5 minutes. Could we have, perhaps, 15 minutes? Because Senator COLLINS from Maine is going to try to come down. After 15 minutes, then we would go back to the Wellstone amendment, close that, and our amendment would be voted on afterwards.

Mr. WELLSTONE. Mr. President, my understanding is this would be after the Senator from Washington speaks? That will be fine.

Mr. GREGG. I ask unanimous consent that after the Senator from Washington speaks, the Senator from Texas be recognized to offer her amendment, that we set aside Senator WELLSTONE's amendment, that she offer her amendment and be on her amendment for up to 15 minutes. Then we will return to Senator WELLSTONE's amendment.

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

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, Senator WELLSTONE brings us an amendment today that really gets to the very heart of this bill, helping our schools ensure that no child is left behind. Some seem to think the heart of this bill is testing, but I have to say as a parent and former educator I know testing alone will not ensure that one additional child learns to read. Testing alone will not help our Nation's students learn to add and subtract. The heart of this bill must be a true effort by the Federal Government to serve as a partner to our States and to our local communities, offering every child a high-quality education and true chance to succeed.

In 1965, when the Federal Government first recognized its special responsibility to provide additional resources to help the most disadvantaged students, we determined a level of support that was necessary to ensure that every child would succeed. Since that time, we have failed over and over again to really give them that support. That is what this Wellstone amendment is about: ensuring we finally meet our commitment to those children.

Over the course of this debate, many of my colleagues have said that title I has failed to help our children over the past 35 years. They cite stagnant test scores as proof that additional invest-

ments in title I are a waste. Frankly, that is ridiculous. The reality is, after adjusting for inflation, title I spending has been almost flat. Meanwhile, the job of our public schools has gotten much more demanding, serving not only more students overall, but more students with challenges in limited English proficiency and disabilities.

But these glib statements about title I having failed our disadvantaged students are perhaps most disingenuous and frustrating when one considers the chronic underfunding of title I. Let me talk about that for a moment and illustrate the absurdity of this argument that title I has failed.

Let's assume that Congress decides we must build a bridge from the House to the Senate side of the Capitol; after building a third of that bridge, we begin sending people over that bridge. Not surprisingly, no one makes it to the other side. Some Senators come to the floor and express shock and dismay that no one has crossed the incomplete bridge. After years of this kind of folly, we finally declare on the floor of the Senate that the bridge is clearly a failure and it has to be torn down.

That is what we have done with title I. We have determined that a need exists. We have developed a solution. We have failed to implement that solution. And then we have declared that the solution is not a good one.

The promise of title I has never truly been fulfilled, and because of that, the promise for millions of children has also not been fulfilled. But this is not a matter of getting people across the Capitol. This is about our children's lives. This is about giving them a true chance to succeed. Title I has not failed our most disadvantaged children; we have failed them by not fully funding title I. Title I provides some of the most targeted and flexible funding. This is the kind of funding we need to offer if children are going to have any chance of passing these tests.

Last week, when I was home in my home State of Washington, I met with 31 superintendents in one meeting, and then I talked with countless other parents who stopped me in the grocery store or on the street or anywhere else they found me to express their enormous concern about this bill. They know we are sending them a huge unfunded testing mandate, but they are not sure whether we are sending them much else. Frankly, neither am I.

I know this bill does not provide smaller classes. It doesn't provide support for school renovation or even all the money they will need to develop and implement the tests we are requiring. I also know this bill imposes serious consequences based on the results of these new tests, but this bill does not give our children or our teachers or our schools the tools they need to help the kids pass these tests.

What is our goal in this bill? Is it to impose an enormous unfunded testing mandate on our schools? Is it to declare our schools are in need of im-

provement or to shut them down? Is it to set our children and their teachers up for failure or is it to ensure that no child is left behind by, yes, measuring their progress but also providing the resources that will help them make that progress?

I have heard my colleagues claim over and over again that the testing in this bill is simply a measure and it will help us identify the needs. Will anyone really be surprised if these new tests show that many children in our most poor schools are not succeeding? When will they have sufficient evidence that the problem exists and be willing to then take the steps necessary to solve it? We keep hearing people say this bill is about accountability. I have news for them. Most of our Nation's teachers, principals, and educators have always felt accountable to the people they serve in their own communities.

What about our accountability? When will we be held accountable for following through on our commitments? We have gotten away with not following through on this one for 35 years. Isn't it time we held ourselves accountable and stopped picking on the teachers and the parents and the students who are struggling every day with insufficient resources?

About a month ago, 78 of our colleagues came down to this floor and voted to invest this amount of funds in our most disadvantaged children. Was our goal that day just another empty promise? I expect at least some of those same 79 votes will be registered in favor of Senator WELLSTONE's amendment since it simply affirms the commitment we have made to these children.

This vote is a test. Are we willing to put our money where our mouths are? Any Senator who voted for the Dodd amendment but votes against this amendment will have some explaining to do—not to me, by the way, but to the children they are deceiving with false promises of help backed up with only another test, not a smaller class, a well-prepared teacher, or an after-school program.

I urge my colleagues to support the Wellstone amendment and show the Nation's most disadvantaged students that we are committed to offering more than just words of encouragement. We are committed to offering them the support they need to succeed.

Mr. WELLSTONE. Mr. President, if I could take a moment, I thank the Senator from Washington. Her work as a State legislator, as a school board member and teacher, her familiarity with children and what is happening in schools, with kids, with teachers, and for the amendment, comes through all the time.

I thank her.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Texas is recognized for 15 minutes on her amendment.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside

any pending amendment and to call up amendment No. 540.

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

AMENDMENT NO. 540 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 540.

Mrs. HUTCHISON. 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 provide for education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes)

On page 684, strike liens 1 through 5, and insert the following:

“(L) education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes;”.

AMENDMENT NO. 540, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send to the desk an amendment to amendment No. 540, a modification to be substituted for the text of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 540), as modified, is as follows:

(Purpose: To amend the provisions relating to same gender schools and classrooms)

On page 684, strike lines 1 through 5, and insert the following:

“(L) programs to provide same gender schools and classrooms, consistent with applicable law;

On page 684, between lines 16 and 17, insert the following:

“(c) AWARD CRITERIA AND OTHER GUIDELINES.—Not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall issue specific award criteria and other guidelines for local educational agencies seeking funding for activities under subsection (b)(1)(L).

Mrs. HUTCHISON. Mr. President, this is an amendment that several of us have worked on for quite a while trying to come up with the right formula.

I thank Senator KENNEDY, and I especially thank the cosponsors of my amendment, Senator COLLINS, Senator MIKULSKI, and Senator CLINTON, for trying to come up with a solution to a problem that we have seen over many years; that is, obstacles put in place against public schools being able to offer single-sex classrooms and single-sex schools.

We are trying to open more options to public school than are available in private school because we want public schools to be able to tailor their programs to what best fits the needs of students in that particular area.

Most of the time coeducational classes in schools are going to be the an-

swer. But sometimes in some circumstances we find that girls do better in a single-sex atmosphere and boys do better in a single-sex atmosphere. We want parents who might not be able to afford private school or might not have the option of parochial school to be able to go to their school board and say: We would like to offer a single-sex eighth grade math class for girls or we would like to offer a single-sex chemistry lab for boys or we might want a whole single-sex school, such as some that have had wonderful results.

I imagine my colleague, the Senator from New York, will mention this because one of the great success stories in single-sex public schools is the Young Women's Leadership Academy in East Harlem, NY, which just saw its first high school graduation and schools such as Western High School in Baltimore that has been in place since the 1800s.

These are the kinds of schools that have weathered all the storms, faced the lawsuits, and have gotten over it. We don't want those kinds of barriers.

If people want that kind of option, and parents come to the school boards wanting that option, that is easily obtain. Our amendment simply says, under applicable law, schools can offer, under title VI, which is the creativity title—the title that we hope will open more options for public schools, single-sex schools and classrooms—we want to particularly have the Department of Education, which is provided in this amendment, to have 120 days to issue guidelines so the public schools that are interested in offering this kind of option will have clear guidelines on how they must structure the program to meet applicable law. That is simply what the amendment does. It has been agreed to by all of the entities that have been working on this issue.

I think this is very exciting. It is something I have worked on since Senator Danforth of Missouri left the Senate; he tried to get an amendment passed when he was here that would have allowed single-sex schools and classrooms and made it easier to do that. But the Department of Education, frankly, has been the barrier. They have put the roadblocks in front of the people who want to try to do this around the country. Most people have been persuaded. Ones such as the East Harlem Young Women's Leadership Academy have prevailed, and they have done very well.

However, we shouldn't have to overcome hurdles. We want public schools to meet all of the tests and all of the individual needs of students without having to go through a lot of redtape, a lot of bureaucracy, and many barriers. That is what this amendment will do.

I call on my colleague from New York, who has worked with me on this amendment. I talked to her about my observations of the leadership school in Harlem when we first put this amendment forward. She has been a real lead-

er in helping me work through the amendment and getting everyone to agree on what we could do to go forward. I appreciate that help. I yield to my colleague, the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my good friend and colleague from Texas for her leadership on this and so many other issues. The remarks she made very well describe why I stand in support of this amendment.

I believe public school choice should be expanded and as broadly as possible. Certainly, there should not be any obstacle to providing single-sex choice within the public school system. I thank the Senator from Texas for being a leader in promoting quality single-sex education and for working with me, as well as our colleagues from Maryland and Maine, and with the chairman of the Education Committee, to find a compromise that would further the ability of our school districts around the country to develop and implement quality single-sex educational opportunities as a part of providing a diversity of public school choices to students and parents but in doing it in a way that in no way undermines title IX or the equal protection clause of the Constitution.

We know, as the Senator from Texas has said, that single-sex schools and classes can help young people, boys and girls, improve their achievement.

In New York City, we have one of the premier public schools for girls in our Nation. In fact, yesterday the New York Times reported that the first class of girls graduating from the Young Women's Leadership Academy in East Harlem in New York City—all 32 of the seniors—have been accepted by 4-year colleges, and all but one are going to attend while the other young woman has decided to pursue a career in the Air Force, which we know is also an opportunity for young women.

We have to look at the achievements of a school such as the one in New York City that I mentioned, the Young Women's Leadership Academy, or other schools that are springing up around the country. We know this has energized students and parents. We could use more schools such as this.

With the negotiations we have engaged in over this amendment, there was some disagreement that we had to work out about how to comply with title IX and with the Constitution because there has been confusion around our country in school districts about how they can develop single-sex educational opportunities without running afoul of the law or a constitutional prohibition.

This amendment clearly states that school districts should have the opportunity to spend Federal educational funds on promoting single-sex opportunities so long as they are consistent with applicable law. It also makes

clear that the U.S. Department of Education should clarify to our school districts what they can and cannot do. Their guidance should be developed as soon as possible. The Senator from Texas and I will watch closely to make sure this guidance is available to school districts.

Both title IX and the equal protection clause provide strong protections so schools cannot fall back on harmful stereotypes. For example, we have done away with the prohibition that used to keep girls out of shop classes. I can remember that—even out of prestigious academic high schools because they were boys only. We have broken down those barriers. We don't in any way want this amendment to start building them up. We are trying to be very clear that we uphold title IX and the Constitution while we create more young women's leadership academies that will make a real difference in the lives of young women and young men.

For example, we do not need another situation as we had with VMI, where young women were first prohibited from attending the school and then were provided with an alternative that was not in any way the same as what was available to the boys.

The language offered here strikes the important balance between providing flexibility to offer single-sex educational opportunities and providing the legal safeguards pursuant to the VMI decision, and key title IX protections, to ensure that we do not turn back the clock.

What the Senator from Texas and I want to do is to provide more and more opportunities for our young people to chart their own courses, to make it clear that they are able to have their own futures in their hands by getting the best possible public school education.

So I am very grateful that we have come together today on behalf of this important amendment which will send a clear signal that we want public schools to provide choices. We want to eliminate sex-based stereotyping. We want to make it clear that every young girl can reach her fullest potential and should be able to choose from among options that will make that possible; and the same for our young boys as well.

So I thank the Senator from Texas for not only putting forth this amendment but for working so hard on making it really do what we intend it to do, so there will be the kind of opportunities for our children that we in this Chamber favor and that we hope this bill will bring about.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the time.

There are approximately 5 minutes remaining.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 4 minutes to my colleague and cosponsor of the amendment, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I commend the Senator from Texas for her superior work on this issue. She and I have been working on it for a very long time. I am delighted to see the bipartisan compromise amendment reached today.

This action is long overdue and would correct a misinterpretation of title IX of the education amendments of 1972 that clearly was never intended.

Our amendment would ensure that local school districts can establish single-sex classrooms. I would like to share with my colleagues a wonderful example from Presque Isle High School in northern Maine of what can be accomplished with a single-sex classroom.

A gifted math teacher in Presque Isle by the name of Donna Lisnik believed that an all-girls advanced mathematics class would result in higher levels of achievement by women. She was absolutely right. Donna established an all-girls math class, and the results were absolutely outstanding. Both the achievement of the girls, whether measured on SAT scores or by other tests, and the results, the number of girls participating in the class, soared. Everything was a plus.

I had the privilege of visiting Mrs. Lisnik's class. I saw firsthand the enthusiasm the girls had for mathematics, how comfortable they felt, and how they were accelerating.

However, unfortunately, in the previous administration, the Department of Education concluded that this very worthwhile and effective course did not correct historical inequities and, thus, deemed it to be a violation of title IX requirements. As a result, Presque Isle had to open the course to both boys and girls. It was unfortunate that the school was prevented from pursuing a strategy that was resulting in very high achievement levels for the girls attending those classes.

Senator HUTCHISON's bipartisan compromise amendment will ensure that schools with innovative education programs, designed to meet gender-specific needs, will not face needless obstacles.

This amendment is a great example of our working across party lines to do what is best for our children and for educational reform. It will give schools the flexibility to design and the ability to offer single-gender classes when the school determines that these classrooms will provide students with a better opportunity to achieve higher standards.

That is a goal we all share.

I see the Senator from Delaware is also seeking to speak on this issue, so I yield back to the Senator from Texas the remainder of my time. Again, I commend her for her hard work on this issue. It has been a pleasure to be her partner in this regard.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I do want to say we would not have gotten to this point without Senator COLLINS' leadership and help. We adopted this amendment before. We are now back adopting it again because the bill that we passed before did not end up with a Presidential signature. So I thank her for being with us because of her experiences in Maine and appreciate her support very much.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator has half a minute.

Mrs. HUTCHISON. I ask unanimous consent the Senator from Delaware be yielded 1 minute, and then that I be recognized for 30 seconds to close.

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

The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Texas very much for providing me the 1 minute. And I thank the Presiding Officer for sitting in for me so I might speak.

Mr. President, I ask unanimous consent to be added as a cosponsor to the amendment that is being offered.

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

Mr. CARPER. We in the Senate should be concerned foremost with what is going to work to raise student achievement. We want to provide the resources that will enable and foster and nurture that achievement. We also want to make sure we take away barriers to that student achievement.

When I was sitting as the Presiding Officer during the debate, I realized the nature of the amendment being offered, and I felt compelled to applaud what we are endeavoring to do.

It reminds me that 10 years ago we faced a roadblock in my own State of Delaware because we were unable to do, on a small scale, what we seek to do with this amendment. I know it is not just our State but in the 49 other States young men and young women will benefit if we are able to include this in the legislation that goes to the President, and then if we follow up in the 50 States of America.

I applaud each of you for offering the amendment and thank you for the opportunity to speak on its behalf.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the distinguished Senator from Delaware, the distinguished former Governor, who obviously has another example of how these big barriers have hurt our ability to allow students to get the best education for their particular needs.

So I just close by saying, now it is up to the Department of Education. What we are saying in this Chamber today is: Drop the barriers. Open the options for public schools. Give parents a chance to have their child in public school have all the options that would fit the needs of that particular child.

I again thank Senator MIKULSKI and Senator COLLINS who have been with

me on this amendment from the very beginning, and I thank our new cosponsors, Senator CLINTON, Senator CARPER, and Senator KENNEDY, for working with me to form this compromise.

The bottom line is that the Department of Education must step up to the plate. I have discussed this with Secretary Rod Paige. He agrees. He has committed to me that he will open the spigot, open the floodgates, to allow this to be one of the options that will be available to the parents of public schoolchildren in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator's time has expired.

Mr. KENNEDY. If it is agreeable to the Senator from Minnesota, we could dispose of the amendment on a voice vote now. Would that be agreeable to the Senator?

Mr. WELLSTONE. That would be fine.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 540, as modified.

The amendment (No. 540), as modified, was agreed to.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. KENNEDY. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I yield myself just 3 minutes on the amendment of the Senator from Texas.

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

Mr. KENNEDY. Mr. President, I want to join in thanking the Senator from Texas. This issue is one of enormous importance. We have heard very eloquent comments and statements about the opportunities that this type of amendment can provide for young Americans.

We want to take advantage of those opportunities. As one who has been here for some time, I have often seen where there appear to be opportunities, and where there has also been discrimination against individuals. That has been true in a variety of different circumstances. None of us wants to see this. We know that that is not the intention of any of us who is supporting this particular program.

The Senator was enormously helpful and positive and constructive, as was the Senator from New York, Mrs. CLINTON, Senator COLLINS, Senator MIKULSKI, and others, in making sure that we were, to the extent possible, not going to see a reenforcement or a return to old stereotyping which has taken place at an unfortunate period in terms of American education. They have done that, the Senator has done that with the amendment. That has been enormously important.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the amendment under consideration be set aside.

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

Mrs. CLINTON. Mr. President, I did not realize that the Senator from Minnesota wanted to continue at this moment. I yield to him.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Does the Senator have an amendment she is trying to dispose of?

Mrs. CLINTON. I am trying to propose the amendment, but I will lay it aside, and I am not asking for a vote.

AMENDMENT NO. 466

Mr. WELLSTONE. I think we should probably go ahead and finish up on the other amendment. How much time do we have?

The PRESIDING OFFICER. Fifteen minutes and 57 minutes 30 seconds for the other side.

Mr. WELLSTONE. May I ask the other side how much time they intend to use?

Mr. KENNEDY. Mr. President, if the Senator wanted to yield the time back, I would urge my colleague from New Hampshire to yield his time back.

Mr. WELLSTONE. I have a little time to summarize. If you all are going to use a few minutes, then at the end I will go ahead and finish. If you have a lot to say, I want to respond to your comments. All right.

I thank the Senator from Massachusetts and the Senator from New Hampshire.

Mr. President, I thank all of my colleagues who have come to the Chamber and spoken on the amendment; quite a few Senators have. I thank each and every one of them for some very powerful words. I almost forget everybody, but Senator DODD, Senator MURRAY, Senator REED, Senator CORZINE, Senator STABENOW, I thank all of them.

This amendment says that the tests that are authorized under title I need not be implemented until after we live up to our goal of appropriating the \$24 billion for title I. This is the amount the Dodd amendment called for in authorization. I am not saying that Minnesota or any other State can't go forward. They can do whatever they want. What I am saying is, States have a right to say to us, if you don't live up to your word to get us the resources to go with the testing, then we decide whether we want to do this. The testing that is being done post-1994 goes on. I am talking about the testing in this bill.

This amendment has endorsements from, among others, the Hispanic Education Coalition, Mexican American Legal Defense and Education Fund, NAACP, National Council of La Raza, National Education Association, National Parent Teacher Association, National School Board Association. In addition, we have a letter from Democratic Governors basically saying, while we support the Carnahan/Nelson amendment, we are hopeful that any final version to reauthorize ESEA will apply a funding trigger more broadly,

specifically to include title I, the argument being that the Government needs to strengthen its accountability with adequate new investment.

Colleagues, there is a reason that all these organizations that represent the education community on the ground—I didn't include the National Education Association as well—support this amendment, because what they are saying is: Don't set us up for failure. If you are going to mandate that every child in every grade will be tested every year, grades 3, 4, 5, 6, 7, and 8, then how about a Federal mandate that we will have equality of opportunity for every child to be able to succeed and do well on these tests? To not do so is ethically unjust.

This bill, right now, without the resources, without this amendment passing, will test the poor against the rich and announce that the poor failed. Federally required tests without federally required resources for the children amounts to clubbing children over the head after we have systematically cheated them. We already know in advance which children are going to fail. This is a plan, without this amendment passing, not for reform, not for equality, but for humiliation of children.

How in the world can we continue to have the schools? They don't have the resources. They have the large classes. All too often, it is two or three or four teachers in a given year, much less the children living in homes where they move two or three times a year. They come to kindergarten way behind, not kindergarten ready. Quite often, they don't have qualified teachers. They don't have the technology. They don't have the resources. Then, in the absence of making the commitment to making sure these children have a chance to do well, the only thing we are going to do is require testing and fail them again.

This amendment is just saying, if we are going to have the testing, we are going to provide the resources.

My friend Jonathan Kozol, who I think is the most powerful writer about children in education today, says that testing is a symbolic substitute for educating. Don't substitute a symbol for the real thing. Kids who are cheated of Head Start—we fund 3 percent of the children who could benefit from Early Head Start, barely 50 percent of the children who are 4-year-olds. Children who are cheated of small classes, cheated of well-paid teachers learn absolutely nothing from a test every year except how much this Nation wants to embarrass and punish them. That is what is wrong with having the testing without the resources.

I hope the testing advocates do not assume that teachers are afraid to be held accountable. Frankly, that is libel against teachers. No good teacher is afraid to be held accountable for what she or he does. I wish I had the time. I have e-mails from teachers all across the country about this.

Accountability is a two-way street. What we have here is one-way accountability. We want to have the tests every year, but we don't want to be accountable to the words we have spoken. Seventy-nine Senators went on record to vote for authorizing full funding for title I, for disadvantaged children, in 10 years.

I see my colleague, the Senator from Minnesota, presiding. He would say: Why 10 years? He is right. A 7-year-old will be 17 then. That is too late. You only have your childhood once. Nevertheless, we went on record, and that means that by 2005, we made a commitment of \$25 billion for title I, which right now is funded at a 30-percent level.

So Senator DAYTON, in St. Paul, when you get to a school with fewer than 65 percent low-income children, they don't receive any funding—we have run out already—money that could be used, especially with the little children, for additional reading help, after school, prekindergarten. What this amendment is saying is that 79 Senators voted for that authorization. If that is what you did, and it was a good vote for the Dodd-Collins amendment—Senator DODD was here speaking—then let's live up to our words.

Let's say that unless that money is appropriated—and I can see Senators running ads: I voted to authorize full funding for the title I program for the children in my State—knowing that the authorization has nothing to do with whether there is money.

This amendment makes the words real. Let's not fool around with people. Let's live up to our commitment, and let's make it clear; yes to accountability, but we also are going to follow through when it comes to living up to our commitment of resources.

I have heard Senators say if we talk the talk but we do not walk the walk, we are going to fail our children. That is exactly what is wrong with this bill that calls for the testing without the resources. Testing and publishing test scores is talking, only talking.

Giving title I, supporting what we should be doing—fully funding Head Start, making sure every child comes to kindergarten ready to learn, getting the best teachers in the schools, providing additional help for reading—that is walking. That is what this amendment is. This is a walking amendment.

I say to Senators: It is time to walk. It is time to start walking. It is time to start walking your talk. It is time to start living up to what you said when you voted for the full funding for title I.

Let's be accountable. I have heard the majority of Senators say they were going to fight for the resources to go with the testing. Now is the time to do so.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened to the Senator make a very

impassioned plea for funding the program, and I am all in agreement with it. I feel, however, as if we are describing two different bills.

The pending Senate bill already includes accountability. The bill already includes testing. And, at the present time, under current law there are already 15 States that are testing students every year, in grades 3 through 8, in math and reading. There are 46 States that are testing their students annually in at least two grades. States are complying today with the 1994 law, and are being held accountable for their progress, under provisions that describe adequate yearly progress in Title I. This is nothing new.

The amount that those 15 States are spending on their statewide tests is low. Many States are not investing the resources that they really need to ensure high-quality assessments. According to the Education Commission of the States, those 15 States only spend between \$1.37 and \$17.16 per student annually on their assessments.

Under our legislation, the Jeffords amendment would ensure \$69—do we hear that?—\$69 per student for States to develop their annual assessments by the 2005-2006 school year, in reading and math for students grades 3-8. According to the National Association of State Boards of Education, it takes between \$25 and \$125 per student to develop such assessments. \$69 should be sufficient. Not \$1, as exists now, not \$5, but \$69.

The Wellstone amendment essentially eliminates requirements to develop those assessments, and eliminates the promise that those high-quality assessments may hold to produce the data that can drive school reform. We are cutting off our nose to spite our face. Senator WELLSTONE is thinking that, sometime in the future, we will eventually begin this process of assessment. In reality, assessments are in place now.

To say if we do not get full funding, if we miss it by \$500 million, what happens? We are not going to provide any of the accountability. If we miss it by \$300 million, we are not going to get it. With all respect to my colleague from Connecticut, their amendment for full funding was for 10 years. This amendment calls for full funding in 4 years. I am all for full funding in 4 years, if Senator wants to offer an amendment that does not compromise essential reforms in the underlying bill.

I have spoken with the President about this very subject. We ought to increase funding for Title I, and double our present commitment to cover two-thirds of the children, and the other third during his administration. I have said it publicly, and I said it to the President within the last 3 days.

I am going to continue to fight this fight, because I believe in the Title I program. However, to say that at the end of the day we are not going to be able to implement high quality tests that help us in the reform process I do

not understand. I just do not understand it because tests are nothing new, we are currently assessing student progress for accountability today, and more and more States are implementing a plan similar to that which is in this underlying bill. Many States are not implementing tests that are of high-quality. They are not doing very well. We have seek in this bill to address that point.

We are not talking about the future. We have addressed the issue of quality in the assessment process with the amendments that we have taken. We want to improve upon States' current practice. We have tried to accomplish that with the amendments to date, but that goal will not be met by the pending amendment offered by the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 47 seconds.

Mr. WELLSTONE. Let me try to clear up the confusion of my good friend from Massachusetts. First, part of what we talked about is whether or not there should be full funding for the testing. I support the Carnahan amendment. It was not adopted. I think it should have been adopted.

The Senator talked about the Dodd amendment full funding in 10 years. This amendment does not call for full funding by 2005. This amendment tracks the Dodd amendment. This amendment is a 100-percent reflection of what we have already gone on record supporting. I do not call for full funding; \$25 billion in 2005 is not full funding. This is exactly what the Dodd amendment calls for as we reach full funding in 10 years.

As to the testing, it is true we are already testing. As a matter of fact, this amendment does not talk about that testing. This amendment talks about the fact that this bill, called the BEST bill, I say to my colleague from Massachusetts, does not say title I children are tested. It says every child in every school district in every State is tested every year. That is quite a different piece of legislation in its scope. Finally, one more time, the National Council of LaRaza, National Education Association, National Parent Teacher Association, National School Board Association, Democratic Governors—why in the world do you think they support this? Because they have had enough of it. They have had enough of us constantly putting more requirements on them without backing it up with resources.

They are a little bit suspicious of the Congress. They think we are great when it comes to telling them to do this, this, and this, but they do not think we fully fund what we ask them to do, and they are right.

That is why they support this, and they are right. They are saying if you are going to have a national mandate that every child is tested, then let's have a national mandate to make sure

every child has an opportunity to do well on those tests and make sure you live up to your commitment on the title I programs, which is one of the major Federal commitments—it is not a large part of education money spent, but it is a real important piece when it comes to what our commitment is.

This commitment just asks every Senator to walk the talk. You already went on record saying you are for this. Now let's get real. This amendment just says walk your talk.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

On page 43 under "Assessments," this bill spells out the tests which I mentioned earlier are statewide. There are currently 15 States that are testing reading and math annually in grades 3 through 8.

Accountability in current law is based, at least partly, on these tests that are currently being administered. Not all, but many of these tests are not of the highest quality. They are not aligned with standards. They are not valid and reliable measures. I want to make them better. We have in place in this legislation, with the amendments that have been accepted—the Jeffords amendment, the Wellstone amendments, the Collins amendment.

The best estimate has been provided by the National Association of State Boards of Education. They estimate that the cost of developing high quality State tests, aligned to standards, in grades 3-8 ranges from \$25 to \$125 per student. Our bill provides \$69 per student. If States do not receive the funds provided by the Jeffords amendment under this bill for testing, they may suspend the development or implementation of their tests.

The fact is, S. 1, when the President signs it, will contain accountability provisions that will be driven by, as it says on page 43, existing tests under requirements that mirror current law. Many of those tests are not of high quality. Some States are doing better than others. I can understand why the President and our committee both want to do better. To eliminate the possibility to do better, by warding off assessments, does not make any sense to me.

Mr. WELLSTONE. Mr. President, if the Senate lives up to its word and we do exactly what we say we are going to do in the appropriations, which is to provide the money for title I which provides the money for the extra help for reading and afterschool and pre-kindergarten, nobody loses.

I am calling everybody on their bluff on the words they have spoken. I have not seen any firm commitment about money. I have not seen the administration come forward with any commitment of resources to expand title I to make sure we do our very best for these kids. I don't think this program

called BEST, is the best, unless we live up to our commitment.

This should be easy for Senators to vote for. It just means that in our appropriations we do exactly what we promised to do. How can anyone vote against what was already voted for? How can Members vote against an appropriation that is exactly the same thing Members voted for as an authorization? What is wrong with saying, don't ask for me to vote for testing every child throughout America in every school, which is what Senator DODD said? Start as young as age 8, unless you are also going to give me a chance. Don't ask us to vote for a mandate of testing every child without also letting us have an opportunity to pass legislation which will assure we get the resources to the schools and the teachers and kids so they can do well in these tests.

I don't believe that is an outrageous assumption. I stand for that. I hope we get this through.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I associate myself with the comments of the Senator from Massachusetts. There has been a significant amount of debate so I will not carry it on. I reinforce the fact that the President has suggested we extend the testing passed in 1994 to three additional grades. The testing in 1994 required the curriculum be aligned and that the tests be fairly pervasive. At the same time, when those tests were put in place, there was no funding at all to support them.

This President has suggested that is not correct. He has put in place \$3 billion of new funding for the purposes of underwriting the costs of these tests. In addition, he has suggested the most significant increase of title I funding for the actual problematic side than any President in the history of this country. He has suggested increases that represent more than 50 percent of an increase in title I funding. So the commitment is significant in the area of dollars.

Senator KENNEDY hit the nail on the head. If this amendment passes, essentially we are stepping backward on the issue of assessment. And we are stepping backward, therefore, on the issue of finding out whether or not low-income kids are getting fair treatment in our school systems. That is what this is about.

Will we have in place a procedure for determining whether or not our low-income children are getting fair treatment? The only way to do that is through a testing regime in the form outlined in this bill. If we abandon that testing regime, for all intents and purposes, we are going back to the present status quo which has produced 35 years of failure. We know it is not working. It is time to make the changes proposed in this bill. Regrettably, the Wellstone amendment takes us backward, rather than forward, in that effort.

I yield back the remainder of our time on our side.

Mr. WELLSTONE. 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. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. MILLER), and the Senator from New Jersey (Mr. TORRICELLI), are necessarily absent. I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "aye."

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "nay."

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

The result was announced—yeas 23, nays 71, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—23

Akaka	Durbin	Murray
Biden	Feingold	Nelson (NE)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Clinton	Hollings	Sarbanes
Corzine	Kerry	Stabenow
Dayton	Leahy	Wellstone
Dodd	Levin	

NAYS—71

Allard	Edwards	Lugar
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feinstein	Murkowski
Bennett	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nickles
Bond	Gramm	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Santorum
Bunning	Hagel	Schumer
Burns	Helms	Sessions
Byrd	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Carper	Inhofe	Smith (OR)
Chafee	Inouye	Snowe
Cleland	Jeffords	Specter
Cochran	Johnson	Stevens
Collins	Kennedy	Thomas
Conrad	Kohl	Thompson
Craig	Kyl	Thurmond
Daschle	Landrieu	Voinovich
DeWine	Lieberman	Warner
Domenici	Lincoln	Wyden
Dorgan	Lott	

NOT VOTING—6

Boxer	Hatch	Miller
Crapo	McCaIn	Torricelli

The amendment (No. 466) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DORGAN. 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 Massachusetts.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I have just talked to the majority leader. And

I see our deputy leader and our Republican floor manager. We had been talking during the course of the afternoon, and hopefully we will have a pathway which will lead us to two votes, I believe, on Monday night and then hopefully set the stage for our Tuesday deliberations.

I heard from our leader, if we are able to work that out, there might not be further votes this evening. But this is underway. I just hope the membership can give us a minute or two to see if that can be put in a unanimous consent agreement. We will do that just as rapidly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mrs. CLINTON. Mr. President, I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 516 TO AMENDMENT NO. 358

Mrs. CLINTON. Mr. President, I call up amendment No. 516.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. TORRICELLI, and Mr. CORZINE, proposes an amendment numbered 516.

Mrs. CLINTON. 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 for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children)

On page 586, between lines 18 and 19, insert the following:

SEC. ____ STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study on the health and learning impacts of sick and dilapidated public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that

contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to an inappropriate use of pesticides, insecticides, chemicals, or cleaners, lead-based paint, or asbestos or have radon or such other characteristics as determined by the Director of the Centers for Disease Control and Prevention to indicate an unhealthy school environment.

"(2) The health and learning impacts of sick and dilapidated public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

"(3) Recommendations to Congress on the development and implementation of public health and environmental standards for constructing new public elementary and secondary school buildings, remediating existing public school buildings, and the overall monitoring of public school building health, including cost estimates for the development and implementation of such standards and a cost estimate of bringing all public schools up to such standards.

"(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend unhealthy public schools, including recommendations for obtaining such information.

"(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

"(1) not later than 18 months after the date of enactment of this Act; or

"(2) not later than December 31, 2002.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a)."

AMENDMENT NO. 516, AS MODIFIED

Mrs. CLINTON. Mr. President, I ask unanimous consent to modify the amendment and send the modification to the desk.

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

The amendment (No. 516), as modified, is as follows:

On page 586, between lines 18 and 19, insert the following:

SEC. ____ STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN AND THE HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study on the health and learning impacts of sick and dilapidated public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to an inappropriate use of pesticides, insecticides, chemicals, or cleaners, lead-based paint, or asbestos or have radon or such other characteristics as determined by the Director of the Centers for Disease Control and Prevention to indicate an unhealthy school environment.

"(2) The health and learning impacts of sick and dilapidated public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

"(3) Recommendations to Congress on the development and implementation of public health and environmental standards for constructing new public elementary and secondary school buildings, remediating existing public school buildings, and the overall monitoring of public school building health, including cost estimates for the development and implementation of such standards and a cost estimate of bringing all public schools up to such standards.

"(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend unhealthy public schools, including recommendations for obtaining such information.

"(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

"(1) not later than 18 months after the date of enactment of this Act; or

"(2) not later than December 31, 2002.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).

"SEC. 4502. HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

"(a) **SHORT TITLE.**—This section may be cited as the 'Healthy and High Performance Schools Act of 2001'.

"(b) **PURPOSE.**—It is the purpose of this section to assist local educational agencies in the production of high performance elementary school and secondary school buildings that are healthful, productive, energy-efficient, and environmentally sound.

"(c) **PROGRAM ESTABLISHMENT AND ADMINISTRATION.**—

"(1) **PROGRAM.**—There is established in the Department of Education the High Performance Schools Program (in this section referred to as the 'Program').

"(2) **GRANTS.**—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out paragraph (3).

"(3) **STATE USE OF FUNDS.**—

"(A) **SUBGRANTS.**—

"(i) **IN GENERAL.**—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(A) to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in paragraph (4).

"(ii) **LIMITATION.**—A State educational agency shall award subgrants under clause (i) to local educational agencies that have made a commitment to use the subgrant funds to develop healthy, high performance school buildings in accordance with the plan developed and approved pursuant to clause (iii)(I).

"(iii) **IMPLEMENTATION.**—

"(I) **PLANS.**—A State educational agency shall award subgrants under subparagraph (A) only to local educational agencies that, in consultation with the State educational agency and State offices with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which such subgrants are made.

"(II) **SUPPLEMENTING GRANT FUNDS.**—The State educational agency shall encourage qualifying local educational agencies to supplement their subgrant funds with funds from other sources in the implementation of their plans.

"(B) **ADMINISTRATION.**—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(B)—

"(i) to evaluate compliance by local educational agencies with the requirements of this section;

"(ii) to distribute information and materials to clearly define and promote the development of healthy, high performance school buildings for both new and existing facilities;

"(iii) to organize and conduct programs for school board members, school district personnel, architects, engineers, and others to advance the concepts of healthy, high performance school buildings;

"(iv) to obtain technical services and assistance in planning and designing high performance school buildings; and

"(v) to collect and monitor information pertaining to the high performance school building projects funded under this section.

"(C) **PROMOTION.**—Subject to subsection (d)(1), a State educational agency receiving a grant under this section may use grant funds for promotional and marketing activities, including facilitating private and public financing, working with school administrations, students, and communities, and coordinating public benefit programs.

"(4) **LOCAL USE OF FUNDS.**—

"(A) **IN GENERAL.**—A local educational agency receiving a subgrant under paragraph (3)(A) shall use such subgrant funds for new school building projects and renovation projects that—

"(i) achieve energy-efficiency performance that reduces energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results; and

"(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

"(B) **EXISTING BUILDINGS.**—A local educational agency receiving a subgrant under paragraph (3)(A) for renovation of existing school buildings shall use such subgrant funds to achieve energy efficiency performance that reduces energy use below the school's baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline and to help bring schools into compliance with health and safety standards.

"(d) **ALLOCATION OF FUNDS.**—

"(1) **IN GENERAL.**—A State receiving a grant under this section shall use—

"(A) not less than 70 percent of such grant funds to carry out subsection (c)(3)(A); and

"(B) not less than 15 percent of such grant funds to carry out subsection (c)(3)(B).

"(2) **RESERVATION.**—The Secretary may reserve an amount not to exceed \$300,000 per year from amounts appropriated under subsection (f) to assist State educational agencies in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve healthy, high performance school buildings.

"(e) **REPORT TO CONGRESS.**—

"(1) **IN GENERAL.**—The Secretary shall conduct a biennial review of State actions implementing this section, and shall report to Congress on the results of such reviews.

"(2) **REVIEWS.**—In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by State educational agencies in establishing eligibility of local educational agencies for subgrants under this section, and may assess other aspects of the Program to determine whether the aspects have been effectively implemented.

"(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) \$250,000,000 for each of fiscal years 2002 through 2005; and

"(2) such sums as may be necessary for each of fiscal years 2006 through 2011.

"(g) **DEFINITIONS.**—In this section:

"(1) **HEALTHY, HIGH PERFORMANCE SCHOOL BUILDING.**—The term 'healthy, high performance school building' means a school building which, in its design, construction, operation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

"(2) **RENEWABLE ENERGY.**—The term 'renewable energy' means energy produced by solar, wind, geothermal, hydroelectric, or biomass power."

Mrs. CLINTON. Mr. President, I rise today to focus the attention of my colleagues and our country on the environmental health and energy efficiency of our Nation's schools.

Throughout this debate, we have come to the floor to propose solutions for improving student achievement and ensuring that all of our children are provided with a world-class education. I am very pleased that we have made a lot of progress in coming to consensus on some basic tenets—that all children should be guaranteed an education focused around high academic standards, that every child should be taught by a quality teacher, and that we should hold educators accountable for making sure their students can meet these high standards.

There is something we have not yet addressed; that is, to ensure that our children attend schools that are in good working condition and that are conducive to their learning and not detrimental to their health. I was disappointed that we were not successful in our efforts to provide needed Federal support for repairs and renovations to modernize our schools, and we have done a disservice to many of our children.

In the State of New York, for example, we have children who attend schools that are in deplorable condition. Approximately 67 percent of all the schools in New York have at least one inadequate building feature. That can mean a leaky roof or poor plumbing or electrical shortages, windows that are broken, heating, ventilating, air-conditioning systems that just don't work. What I hope we can do is to take a hard look at what the effects of these building conditions are on our children. We have children in New York attending classes in school buildings that average 50 years of age. In upstate New York the average is 38. These are the problems that are brought to my attention every single day—leaking roofs and bad filtration conditions that are beginning to demonstrate health problems in the schools.

In central New York, the Council for Occupational Health and Safety began receiving complaints from teachers and students about a particular school. When the director inspected the building, he discovered that the air filtration system was filled with hundreds of colonies of fungus and that another part of the system was filled with stagnant water. At another school in Cohoes, NY, near Albany, the ventilation problem in the city's middle school was so bad that the school administration banned the use of chalk because the dust hung in the air, making it difficult for students and teachers to breathe.

I recently received an e-mail from a father in Schenectady, NY. He wrote me the following:

My children attend school in the city of Schenectady. At the 90-year-old elementary school they attend, peeling lead-based paint, a malfunctioning heat system resulting in 80-90 degree classroom temperatures, and general disrepair have been the norm for years. There have been persistent roof leaks, resulting in molds growing in the building. Maintenance of playgrounds to conform to

safety standards has been neglected. Many of these problems continue to exist today. I believe that the primary cause of this is the highly constrained financial resources that are available in aging, low- to moderate-income urban communities.

This morning, the Rochester Democrat and Chronicle reported that tomorrow in Pittsford, NY, there will be a 3-hour public forum on the impact that environmental hazards in school buildings have on teachers and students. This forum in Pittsford is part of a series of EPA informational sessions on environmental problems in our schools. These stories from New York reflect a serious problem across our country.

A 1996 GAO study found that 15,000 schools in the United States have indoor pollution or ventilation problems affecting over 11 million children. Furthermore, as many as 25 million students nationwide are attending schools with at least one unsatisfactory environmental condition.

This is something I don't think we can afford to ignore because indoor air can have an even greater effect on children than the air they breathe outside. The EPA warns that Americans spend 90 percent of our time indoors. With children spending much of their day inside schools, that pollution can add up, and it can be a greater stress on them than anything they encounter outside. We know that poor indoor air quality severely impacts children's health.

According to the American Lung Association, asthma accounts for 10 million lost schooldays annually and is the leading cause of school absenteeism attributed to a chronic condition. Furthermore, a survey conducted by New York City Health Schools Working Group found that 40 percent of schoolchildren who had a preexisting condition, such as asthma, worsened from their being in school.

In addition to facing poor air quality, we also know that our children are exposed to chemicals, lead paint, and other hazardous substances. In fact, the GAO found in their 1996 study that two-thirds of schools were not in compliance with requirements to remove or correct hazardous substances, including asbestos, lead, underground storage tanks, and radon. And experts believe that exposure during childhood, when children are developing, may have severe long-term effects.

In Monroe County, NY, a group called Rochesterians Against the Misuse of Pesticides have been doing surveys of indoor and outdoor pesticide use by schools since 1987. That latest survey in 1999 showed that schools in Rochester were using 72 different pesticides. That is, as one member of the group said, a real chemical soup to which our children are being subjected.

What I am hoping is that we can build on the work that has been done in some places, such as Rochester, and the Healthy Schools Network in Albany, NY, and try to find out more about what happens to our children's health inside our schools.

The American Public Health Association recently passed a resolution calling for further research on the extent and impact of children's environmental health and safety risks and exposures at schools and prevention measures, including research sponsored by the U.S. Department of Education.

My amendment would authorize \$2 million for a study conducted by the Department of Education in conjunction with the Centers for Disease Control and the Environmental Protection Agency to evaluate the health and learning impacts of sick and dilapidated public school buildings on the children who attend those schools.

This study would specifically call for researchers to determine the characteristics of our public schools that contribute to unhealthy environments, including the prevalence of such characteristics as the ones I have just mentioned in our elementary and secondary school buildings. How can we better monitor the situation and what steps can we take or help our local school districts take to remedy this situation?

Hand in hand with our environmental health is the issue of energy efficiency because many of the problems are from old ventilating systems, old heating systems that are not in working order and cause health problems, as well as costing more in energy than should be the norm.

In this amendment, we are asking that we help our schools deal with their energy costs. The U.S. Department of Energy estimates that schools can save 25 to 30 percent of the money they currently spend on energy—namely, about \$1.5 billion—through better building design and use of energy-efficient appliances, renewable energy technologies, and just plain improvements to operations and maintenance.

I recently visited the John F. Kennedy Elementary School in Kingston, NY. It is leading the way in our State in making schools more energy efficient and saving money. In fact, last year, the Kingston School District saved \$395,000 through energy-efficient upgrades.

When I was there, I released a brochure that we are sending to every school superintendent in New York called "Smart Schools Save Energy, Promoting Energy Efficiency in New York State Schools," with a lot of good ideas about how to go about making the schools energy efficient and saving money to be used on computers or other important needs of the school.

What we have been told is that many school personnel want to do what is being recommended in this brochure and is known to many school districts, but they need a little bit of help to do it. They need that startup grant money that will enable them to make the changes that will save them money. This amendment would provide grants to States to help districts make their buildings healthier and more energy efficient.

By incorporating provisions of legislation I recently introduced, the Healthy and High Performance Schools Act of 2001, this amendment would provide funds for States to provide information and materials to schools, help States organize, and conduct programs for school board members, school district personnel, architects, engineers, and others, and would help bring our schools up to code, the codes that will make our schools healthier and a better investment when it comes to energy usage, to install insulation, energy-efficient fixtures, and the like.

With these Federal funds, we can make our schools more energy efficient which can save money which can then be used to reinvestment in our children's education that all of us in this body support.

I thank Senators KENNEDY and GREGG for the opportunity to offer this important amendment. I also reference the energy legislation that has been introduced by Senators MURKOWSKI and BINGAMAN which include provisions to bring this about.

I appreciate the opportunity for the entire Senate to vote on this amendment which will be a healthy vote as well as an energy-efficient vote on behalf of our children. No parent should have to worry about sending a child to school because it is a health risk. No school district should have to worry more about paying the lighting bill or the heating bill than paying their teachers.

Understanding the effects of unhealthy classrooms and school buildings and moving toward energy efficiency goes hand in hand with the high standards we set in this bill. I urge all of my colleagues to vote for healthy schools, energy-efficient schools, and better educational outcomes for all of our children.

I ask unanimous consent that my amendment be laid aside and await a vote which I hope we will be able to schedule for next week. I yield back the remainder of my time.

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

Mr. KENNEDY. Mr. President, I thank the Senator from New York for giving focus to two extremely important issues. One deals with the inefficiencies in many of the older schools, in urban and rural areas. This is something that should be done. It is not being done. It is particularly important to consider since we have been unable to accept a school construction amendment that would deal with the modernization of our schools.

With all the challenges we are facing in energy efficiency, having visited so many of the schools in many of the older communities in my own State, this is something that can make an enormous difference. I do not know whether the Senator has had the experience, but in Massachusetts we had an energy expert come in and look at our

home down on Cape Cod. The recommendations they made and the savings that could be achieved were truly remarkable. We are not getting that kind of evaluation which is available in the private sector in the school districts. We hope school districts will go ahead.

The Senator's amendment recognizes there are other priorities for school boards, and there is a national interest in having greater efficiency.

In the area of health, this is enormously important. I think all of us—I know the Senator has—worked in the area of lead paint poisoning and the impact that has particularly on smaller children, situations where older children bring the lead paint dust back to their homes, and they can be consumed by infants and the potential health hazards to these children is dramatic.

There is asbestos, radon, and new chemicals which we all know about in the industrial areas that are being given attention in OSHA. The schools are increasingly exposed to these challenges. It is having an impact.

I commend the Senator for bringing this up. In Woburn, MA—the Senator probably read the book “A Civil Action,” or saw the movie on it. We had the greatest concentration of children's leukemia in the country. It was in a very narrow area. This was adjacent to conditions which were illustrated in “A Civil Action.” The families who were involved were similar in situations.

We knew a certain distance upstream from where the wells were they were dumping these old wooden casks which had been filled with acids used in tanneries in Lynn where they process it, and some magnificent leather products were produced there. But they were dumping, and these wells were anywhere from 10 to 15 miles downstream. There were open wells, and families were using the wells, and the children were getting leukemia. It was as certain as we are standing here, it was related to these chemical problems. We had the best toxicologists in the world examine the water, and they could not find anything wrong with it—nothing. The best from CDC, the best universities and toxicologists, have never been able to detect a particular ingredient that caused it, but we knew it was happening.

The Senator is pointing out what I have seen. We know it is happening in some schools. The children are getting sick, it is affecting their ability to learn. We can benefit from this effort.

I thank the Senator and look forward to supporting this amendment when we have a chance. I urge our colleagues to accept it. I thank her for bringing it to the floor this evening.

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

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam 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. Madam President, I ask unanimous consent the Senate resume consideration of S. 1 on Monday, June 11, at 2:30, and Senator BOND be recognized to call up amendment No. 476, with 30 minutes for debate, equally divided in the usual form, with no second-degree amendments in order; following debate, the amendment be laid aside and Senator LANDRIEU be recognized to call up amendment No. 475 regarding title I, with 2 hours equally divided in the usual form, with no second-degree amendments in order.

Further, that at 5:15 the Senate vote in relation to Landrieu amendment No. 475; and, following the disposition of the Landrieu amendment, there be 4 minutes for closing debate to a vote in relation to the Bond amendment No. 476.

Further, on Tuesday, June 12, the Senate resume consideration of the education bill at 9:30, and Senator GREGG be recognized to call up amendment No. 536, and there be 4 hours of debate equally divided, with no second-degree amendments in order.

Further, following the disposition of the Gregg amendment, Senator CARPER be recognized to call up amendment No. 518, with no second-degree amendments in order, and there be 2 hours of debate equally divided; that upon the use of the time, the Senate vote in relation to the amendment.

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

Mr. KENNEDY. In light of this agreement, there will be no further rollcalls this evening. There will be two rollcall votes beginning at 5:15 on Monday, June 11.

AMENDMENTS NOS. 557, AS MODIFIED, 483, AS MODIFIED, 404, AS MODIFIED, 556, AS MODIFIED, 624, AS MODIFIED, 548, AND 415, EN BLOC, TO AMENDMENT 358

Mr. KENNEDY. I have a package of cleared amendments. I ask unanimous consent it be in order for those amendments to be considered en bloc, any applicable modifications be agreed to, the amendments be agreed to, and the motion to reconsider be laid upon the table, en bloc.

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

The clerk will report the amendments, en bloc:

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments Nos. 557, 483, 404, 556, 624, 548, and 415.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 557 AS MODIFIED

(Purpose: To provide additional limitations on national testing of students, national testing and certification of teachers, and the collection of personally identifiable information)

On page 29, between lines 14 and 15, insert the following:

“SEC. 16. ADDITIONAL LIMITATIONS.

“(a) NATIONAL TESTING.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law, and except as provided in paragraph (2), no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a nationwide test in reading, mathematics, or any other subject, including test development, pilot testing, field testing, test implementation, test administration, test distribution, or any other purpose.

“(2) EXCEPTION.—Paragraph (1) shall not apply to the following:

“(A) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010-9012).

“(B) The Third International Math and Science Study (TIMSS).

“(b) MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

“(c) DEVELOPMENT OF DATABASE OF PERSONALLY IDENTIFIABLE INFORMATION.—Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.”.

AMENDMENT NO. 483 AS MODIFIED

(Purpose: To establish a National Panel on Teacher Mobility)

Beginning on page 380, strike line 5 and all that follows through page 383, line 21, and insert the following:

SEC. 202. TEACHER MOBILITY.

(a) SHORT TITLE.—This section may be cited as the “Teacher Mobility Act”.

(b) MOBILITY OF TEACHERS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 201, is further amended by adding at the end the following:

“PART D—TEACHER MOBILITY

“SEC. 2401. NATIONAL PANEL ON TEACHER MOBILITY.

“(a) ESTABLISHMENT.—There is established a panel to be known as the National Panel on Teacher Mobility (referred to in this section as the ‘panel’).

“(b) MEMBERSHIP.—The panel shall be composed of 9 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

“(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

“(d) DUTIES.—

“(1) STUDY.—

“(A) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for high quality teachers, especially for States with teacher shortages and States with districts or schools that are difficult to staff.

“(B) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis on—

“(i) teacher supply and demand;

“(ii) the development of recruitment and hiring strategies that support teachers; and

“(iii) increasing reciprocity of licenses across States.

“(2) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

“(e) POWERS.—

“(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this section.

“(2) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this section. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

“(3) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(f) PERSONNEL.—

“(1) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(g) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002.

“(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.”

AMENDMENT NO. 404 AS MODIFIED

(Purpose: To provide for the funding of suicide prevention programs)

On page 507, line 4, strike “and”.

On page 507, line 6, strike the period and insert “; and”.

On page 507, between lines 6 and 7, insert the following:

“(5) \$25,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years to carry out section 4126.”

On page 565, between lines 18 and 19, insert the following:

“SEC. 4126. SUICIDE PREVENTION PROGRAMS.

“(a) GRANTS AUTHORIZED.—

“(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools for the purpose of—

“(A) developing and implementing suicide prevention programs; and

“(B) to provide training to school administrators, faculty, and staff, with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

“(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

“(A) on a competitive basis;

“(B) in a manner that complies with the requirements under subsection (c) of section 520E of the Public Health Service Act; and

“(C) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

“(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of suicide.

“(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

“(1) To provide training for elementary school and secondary school administrators, faculty, and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

“(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

“(3) To conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

“(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

“(d) APPLICATION.—

“(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

“(B) provide measurable goals for and expected results from the use of the funds provided under the grant or contract; and

“(C) incorporate appropriate remuneration for collaborating partners.

“(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.”

AMENDMENT NO. 556 AS MODIFIED

(Purpose: To provide additional protections and limitations regarding private schools, religious schools, and home schools)

On page 29, between lines 14 and 15, insert the following:

“SEC. 16. ADDITIONAL LIMITATIONS AND PROTECTIONS REGARDING PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

“(a) APPLICABILITY TO HOME SCHOOLS.—Nothing in this Act shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law or to require any home schooled student to participate in any assessment referenced in this Act.

“(2) CONSTRUCTION OF SUPERSEDED PROVISION.—Section 11 shall have no force or effect.

“(b) APPLICABILITY TO PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.

“(c) APPLICABILITY TO PRIVATE, RELIGIONS, AND HOME SCHOOLS OF GENERAL PROVISION REGARDING RECIPIENT NONPUBLIC SCHOOLS.—

“(1) IN GENERAL.—Nothing in this Act or any other Act administered by the Secretary shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, and home schools from participation in programs and services under this Act.

“(2) CONSTRUCTION OF SUPERSEDED PROVISION.—Section 12 shall have no force or effect.

“(d) APPLICABILITY OF GUN-FREE SCHOOL PROVISIONS TO HOME SCHOOLS.—Notwithstanding any provision of part B of title IV, for purposes of that part, the term ‘school’ shall not include a home school, regardless of whether or not a home school is treated as a private school or home school under State law.

“(e) STATE AND LEA MANDATES REGARDING PRIVATE AND HOME SCHOOL CURRICULA.—Nothing in this Act shall be construed to require any State or local educational agency that receives funds under this Act from mandating, directing, or controlling the curriculum of a private or home school, regardless of whether or not a home school is treated as a private school or home school under State law, nor shall any funds under this Act be used for this purpose.”

AMENDMENT NO. 624 AS MODIFIED

(Purpose: To provide for the identification and recognition of exemplary schools, and for demonstration projects to evaluate the performance of such Blue Ribbon Schools)

On page 776, line 17, strike “education” and all that follows through the end of line 19 and insert the following: “education and the identification and recognition of exemplary schools and programs such as Blue Ribbon Schools, that are designed to promote the improvement of elementary and secondary education nationally.

“(e) BLUE RIBBON SCHOOLS DISSEMINATION DEMONSTRATION.—

“(1) IN GENERAL.—The Secretary shall conduct demonstration projects to evaluate the effectiveness of using the best practices of Blue Ribbon Schools to improve the educational outcomes of elementary and secondary schools that fail to make adequate yearly progress, as defined in the plan of the State under section 1111(b)(2)(B).

“(2) REPORT TO CONGRESS.—Not later than 3 years after the date on which the Secretary implements the initial demonstration projects under subsection (a), the Secretary shall submit to Congress a report regarding the effectiveness of the demonstration projects.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$7,500,000 for fiscal year 2002, and such sums as may be necessary in each of the 7 fiscal years thereafter.”.

AMENDMENT NO. 548

(Purpose: To limit the application of the bill)

At the appropriate place, add the following:

“SEC. . (a) Whereas the Bible is the best selling, most widely read, and most influential book in history;

(b) Whereas familiarity with the nature of religious beliefs is necessary to understanding history and contemporary events;

(c) Whereas the Bible is worthy of study for its literary and historic qualities;

(d) Whereas many public schools throughout America are currently teaching the Bible as literature and/or history;

SEC. . It is the sense of the Senate that nothing in this Act or any provision of law shall discourage the teaching of the Bible in any public school.”.

AMENDMENT NO. 415

(Purpose: To establish a grant program)

On page 565, between lines 18 and 19, insert the following:

“SEC. 4126. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

“(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

“(c) INTERAGENCY AGREEMENTS.—

“(1) DESIGNATION OF LEAD AGENCY.—The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

“(2) CONTENTS.—The interagency agreement shall ensure the provision of the services to a student described in subsection (e) specifying with respect to each agency, authority or entity—

“(A) the financial responsibility for the services;

“(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

“(C) the conditions and terms of reimbursement among the agencies, authorities or entities that are parties to the interagency agreement, including procedures for dispute resolution.

“(d) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and accom-

panied by such information as the Secretary may reasonably require.

“(2) CONTENT.—An application submitted under this section shall—

“(A) describe the program to be funded under the grant, contract, or cooperative agreement;

“(B) explain how such program will increase access to quality mental health services for students;

“(C) explain how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary;

“(D) provide assurances that—

“(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services;

“(ii) the services will be provided in accordance with subsection (e); and

“(iii) teachers, principal administrators, and other school personnel are aware of the program;

“(E) explain how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students; and

“(F) explain how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

“(e) USE OF FUNDS.—A State educational agency, local educational agency, or Indian tribe, that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract or cooperative agreement to—

“(1) enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students;

“(2) enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services and on going mental health services;

“(3) provide training for the school personnel and mental health professionals who will participate in the program carried out under this section;

“(4) provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section;

“(5) provide linguistically appropriate and culturally competent services; and

“(6) evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

“(f) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(g) OTHER SERVICES.—Any services provided through programs established under this section must supplement and not supplant existing Mental Health Services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(h) EVALUATION.—The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe, under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(i) REPORTING.—Nothing in Federal law shall be construed—

“(1) to prohibit an entity involved with the program from reporting a crime that is committed by a student, to appropriate authorities; or

“(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2005.

AMENDMENT NO. 404, AS MODIFIED

Mr. MURKOWSKI. Madam President, every year, thousands of youth die in the United States, not from cancer or car accidents, but by their own hand, they make the choice that they want to die, and they take their own life. Statistics show that suicide is the 3rd leading cause of death among those 15 to 25 years of age, and it is the 6th leading cause of death among those 5 to 14 years of age. 5 year old children, killing themselves! But it's the truth. Statistics show that more than 13 of every 100,000 teenagers took their life in 1990, and that number's rising every year. Many think that these are isolated incidents, but they aren't. It is estimated that 500,000 teenagers try to kill themselves every year, and about 5,000 succeed.

In my home State of Alaska, suicide is the greatest cause of death among high school age youths. In fact, Alaska's suicide rate is more than twice the rate for the entire United States. Recent studies have shown that girls are more likely to report suicide thoughts, plans, and attempts than are boys. Among Alaskan girls, 24.9 percent have seriously thought about suicide, 20.5 percent have made a plan for suicide, and 10 percent have reported a suicide attempt. Among Alaskan boys, 12.5 percent have seriously thought about suicide, 10.8 percent have made a plan for suicide, and 5.3 percent have reported a suicide attempt. Alarming, Alaska Native teens attempt suicide at four times the rate of non-Native teens.

Only recently have the knowledge and tools become available to approach suicide as a preventable problem with realistic opportunities to save lives. Last month the Surgeon General issued a “National Strategy for Suicide Prevention.” The “National Strategy” requires a variety of organizations and individuals to become involved in suicide prevention and emphasizes coordination of resources and culturally appropriate services at all levels of government—Federal, State, tribal and community.

One of the objectives included in the Surgeon General's “National Strategy” is developing and implementing suicide prevention programs. His goal is to ensure the integration of suicide prevention into organizations and agencies that have access to groups that may be at risk. The objectives also address the need for planning at both the State and local levels, the need for technical assistance in the development of suicide

prevention programs and the need for ongoing evaluation. The amendment I am proposing today would help implement these objectives. It would allow for state and local educational agencies to create suicide prevention programs through the Safe and Drug Free School and Communities Program. Research has shown that many suicides are preventable; however, effective suicide prevention programs require commitment and resources. I feel that the Federal Government should provide the resources and support to States and localities.

My amendment would allow the Secretary of Education to award \$25 million worth of grants to elementary and secondary schools for the purpose of: (1) developing and implementing suicide prevention programs; and (2) provide for the training of school administrators, faculty and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

This is a small step in the right direction. It is time that we do something to fight the suicide epidemic. With an unacceptably high suicide rate, more attention must be focused on both the causes and solutions to this growing tragedy. I urge my colleagues to support this amendment. America's youth are crying out for help.

AMENDMENT NO. 624, AS MODIFIED

Mr. HOLLINGS. Mr. President, I rise today to thank the distinguished Senator from Massachusetts and the distinguished Senator from New Hampshire for accepting amendment No. 624, an amendment to continue the Blue Ribbon Schools program and authorize a demonstration program to investigate how we can implement the best practices of Blue Ribbon Schools in schools that this bill identifies as needing improvement.

The United States Department of Education awarded the first Blue Ribbon designations to middle and high schools in 1982. The first elementary schools received the designation in 1985. Since that time, we have identified thousands of exemplary schools that have undergone a thorough self-assessment involving parents, teachers, and community members; evaluated their practices in areas such as school leadership, professional development, curriculum, and student support services; and proven that these practices work through performance on standardized tests and other indicators. I think every member of this body can attest to the quality of the Blue Ribbon Schools in his or her state.

The legislation before the Senate would create two new awards programs, the Achievement in Education Awards and the No Child Left Behind Awards. Mr. President, I did not offer this amendment in opposition to the Department offering these awards. In fact, I support the recognition of schools that significantly improve student achievement. However, these two

awards are outcomes-based, focused on which schools improve test scores from one year to another. The Blue Ribbon program offers a contrast. It recognizes schools that work with parents and community members to identify shortcomings within the school and design programs to successfully address those shortcomings. I believe that we should continue to recognize these schools.

For the Blue Ribbon Program to continue and thrive, we must commit to applying the information we gather from Blue Ribbon designees to offer schools in need of improvement. This process works. Beaufort Elementary School was included in a list of the 200 worst schools in South Carolina during the 1994-95 school year. Yet instead of relying on an academic or bureaucratic improvement process, the school constructed a road map for reform using the successful practices of Blue Ribbon Schools. Less than six years later, Beaufort Elementary received a Blue Ribbon designation of its own, symbolizing a 180-degree turnaround. Another school that has successfully used this process to generate positive school reform is Handle Middle School in Columbia, SC. I hope all of my colleagues will take the time to read the May 21, 2001 issue of Time magazine that recognizes Hand Middle School as the Middle School of the Year. The article does a much better job than I could of describing a school that implemented changes based on the successful practices of Blue Ribbon schools and rallied the community to create a better, more productive learning environment for students. These schools now serve as a model for other low-performing schools who are working tirelessly to reverse their fortunes.

I have included new authorization in my amendment to allow the Department of Education to initiate demonstration projects that would use the best practices of Blue Ribbon Schools to turn around schools that fail to make average yearly progress. This is an area that the Department has neglected since the inception of the Blue Ribbon Program. As we speak, filing cabinets full of Blue Ribbon applications containing information on research-based educational practices that work are doing little else but gathering dust. Let's take this information and get it out to schools in need of improvement and see how it works.

This is not a bureaucratic or regimented process. This is not a process that involves Federal or state governments mandating one approach over another. This is not a process that attempts to reinvent the wheel. This would be a process that disseminates information on practices that we know are effective. I envision schools first identifying an area for development—whether it be a new reading curriculum, teacher mentoring or a dropout prevention program. Next, they are able to examine records from Blue Ribbon Schools that have implemented

similar programs and decide which approach best fits their own needs. Because these programs come from Blue Ribbon Schools, they are researched-based and have been favorably reviewed by educational experts. I have also required the Secretary to report to Congress on the effectiveness of these demonstration projects 3 years after the demonstration begins, so we will know if this process is working.

Mr. KENNEDY. I thank our colleagues for their cooperation. We have been making important progress. I am not sure we can say yet tonight that the end is quite in sight, but hopefully we can say that at the early part at the end of the day on Tuesday we might be able to see a glimmer of hope for reaching a final disposition of this legislation.

I thank all colleagues for their cooperation, and I thank my friend from New Hampshire, Senator GREGG, and, as always, the Senator from Nevada, Mr. REID.

Mr. REID. Madam President, before going to morning business, I compliment the managers of this legislation. It is obvious they are both veterans and understand the legislative process. We have made great progress the last 2 days.

As Senator KENNEDY has said, next week we should be able to finish this bill with a little bit of luck.

MORNING BUSINESS

Mr. REED. I ask unanimous consent we now go into a period of morning business, with Senators allowed to speak for up to 10 minutes, with the exception of Senator MURRAY, who wishes 15 minutes, and Senator FEINGOLD for 15 minutes.

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

(The remarks of Mrs. MURRAY pertaining to the submission of S. Con. Res. 47 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Wisconsin.

THE FEDERAL DEATH PENALTY SYSTEM

Mr. FEINGOLD. Madam President, I rise today to speak with grave concern about a report released by the Justice Department yesterday on our Federal Government's administration of the death penalty. In that report and in his testimony before the House Judiciary Committee yesterday, Attorney General John Ashcroft said that he now concludes that "there is no evidence of racial bias in the administration of the federal death penalty." I am seriously, seriously concerned about and, frankly, disappointed by the Attorney General's statements. The report he released yesterday is not the in-depth analysis of the federal death penalty ordered by his predecessor, Attorney General Reno, and President Clinton.