didn't have any doctors. I figured, well, what the heck. If we go ahead and accept this regulation, maybe they could provide the three.

Then there was the other great example of the sole provider and community hospital—talking about Goodland, KS, America, out on the prairie at the top of the world, a great place to live, a great farming community miles from nowhere. We asked again—it was HHS at that particular time—can you give us this decree, or this ruling to make this hospital eligible for a little more in payments? They said: Well, no, because everybody out there—I am not making this up—has four-wheel drives, and it is pretty flat in Kansas. What? As opposed to Colorado, I say to the distinguished Presiding Officer, who serves as an outstanding Senator. Four-wheel drive, and it is flat, and because they have lizards, windstorms. Our weather out there is a little tough for some bird in, like Virginia, down here to make that assessment.

So I have a little bias here, but I want to give HCFA a break.

I want to ask the Senator, are these policy changes necessary to achieve the Medicare savings goals? Medicare is a top concern; strengthen and preserve it. We have all worked very hard to do that. Are these policies necessary to achieve the savings that we want to achieve to strengthen and preserve Medicare?

Ms. COLLINS. The Senator has raised an excellent question. There is a very good answer. That is no. In fact, the regulatory overkill of the Clinton administration has already exceeded the savings projected by the balanced budget amendment. Medicare for home health fell nearly 15 percent last year, and CBO now projects the reductions in home health care will exceed $46 billion over the next 5 years. That is almost three times greater than the $16 billion estimate that the Congressional Budget Office originally estimated.

It is yet another indication that these cuts are far too deep, and that they are hurting far too many people completely unnecessarily. They have been far too severe and much more far reaching than Congress ever intended when it was trying to bring a measure of fiscal restraint to the Medicare Program.

Mr. ROBERTS. I ask the distinguished Senator from Maine, didn't we fix the problems last year when we passed the omnibus appropriations bill? I think we both made speeches at that particular time. What is the status?

Ms. COLLINS. The Senator worked closely with me and others last year in providing a small measure of relief in the omnibus appropriations bill. I am pleased that together we were able to take some initial steps to remedy this issue. However, I think it is evident from the overwhelming evidence that the proposal did not go nearly far enough in relieving the financial distress of these home health agencies. The ones that are paying the price are the good agencies, the cost-effective agencies that are serving our seniors. That is the tragedy.

Mr. ROBERTS. If I could ask the Senator one final question, I know I have been hard on HCFA. Each Member has some very special experiences, and these are experiences that come to our attention when a constituent is having a big-time problem or a hospital or home health care agency. All of the folks that work down at HHS certainly don't fall under the category that I have been talking about. So what about our responsibility? What about our leadership? What should we do to fix the problem? How can we provide more relief to the beleaguered home health care agency?

Ms. COLLINS. I know the Senator from Kansas has been such a leader and cares so much about this issue and has joined with me in introducing legislation, along with our colleague from Missouri, Senator BOND, and 31 of our colleagues. Both sides of the aisle have joined in legislation that we have introduced called the Medicare Home Health Equity Act.

This solves the problem. For one thing, it eliminates another 15-percent cut that is scheduled to go into effect in October of next year. I am sure my friend, the Senator from Kansas, agrees with me if that goes into effect, it will sound the death knell for the remaining home health agencies. That means the ones that have been struggling to hang on will be forced to close their doors or refuse even more services to our senior citizens. This is totally unnecessary because we have already achieved the savings, the targets set by the Balanced Budget Act.

The legislation includes a number of other provisions that affect a lot of the regulatory issues we have discussed today. I think it is absolutely critical we pass this legislation or similar provisions before we go home. I have visited senior citizens in my State who, if they lose their home health services, are going to be forced into nursing homes or hospitals. The irony is that is going to be at far greater cost.

Mr. ROBB. It will increase the costs.

Ms. COLLINS. The Senator is right. This is penny wise and pound foolish—not to mention the human toll that is being taken on our vulnerable senior citizens and our disabled citizens.

I know the Senator shares my commitment. This is of highest priority. We must solve this problem before we adjourn.

Mr. ROBERTS. If the Senator will yield one more time, I thank the Senator for all of her leadership and all of her hard work in this effort. I believe it is absolutely mandatory for Congress to bring much needed relief to the home health care industry in the timeframe she has emphasized, as well as to the small rural hospitals and teaching hospitals that also are feeling the pinch of all the legislative and regulatory changes made in the last few years.

The Senator is exactly right. We will have to move quickly. We must do it this year. There has been talk if we can't agree on a single proposal, we might have to put it off until next year. Time is of the essence in regard to our hospitals, especially the small rural providers. They operate on a shoestring budget. The same is true for the home health care agencies.

I will continue to work with the distinguished Senator to pass legislation before Congress adjourns for the year. We cannot go home before we straighten this out and provide some help.

I thank the Senator for her leadership. I think we have had a very good colloquy.

Ms. COLLINS. I thank the Senator from Kansas. I appreciate his support and his compassion in making sure we are keeping our promise to our senior citizens. With his help and with our continuing partnership, I am convinced we can do the job and solve this problem before we adjourn.

I yield the floor.

GUNS IN SCHOOLS

Mr. GORTON. Mr. President, when is it okay for a gun to be at school? I find it hard to think of an instance when it is. In fact, a few years ago Congress was so concerned about guns at school that it passed a law that required school districts to implement a zero tolerance policy for guns or lose their Federal funding. Schools must expel a student who brings a gun to school for a year.

Three weeks ago a young man at Lakeside High School, a public school of 520 students in the Nine Mile Falls School District in eastern Washington, brought a handgun to school. Thankfully, school authorities were notified quickly and nobody was hurt. Students and parents were understandably upset that such an incident would happen at all, and assumed that the situation would be dealt with in accordance with the district's ''zero-tolerance'' policy for such matters.

What happened was very different. I began receiving calls from students and parents who were concerned that this young man will now be allowed back at school after just 45 days. They were both confused and upset when they found out that Federal law supersedes local policies for addressing such incidents. So upset, in fact, that students at Lakeside High School have begun organizing a walkout. I have a flyer that has been circulated by students promoting a planned walkout on October 18. The students plan to drive to the district office and protest the return of the student. I ask unanimous consent the students' flyer be printed in the RECORD.

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

Do we really want this kid with a gun coming back to our school?!

NO!!!

Let's stand for our

RIGHTS!

Join US

On October 18, 1999, LHD Students Are Having A WALK OUT! Between 1st and 2nd Block—Meet In The Student parking lot and drive down to the district office.

WE HAVE A RIGHT, TOO!

Like other school districts across the country, the students, parents and educators at Lakeside High School have just run head-first into the double standard inherent in the discipline policies mandated by the federal Individuals With Disabilities Education Act, or IDEA. While the intent of this law is commendable—to ensure that disabled children are educated in a fair and equitable manner—in practice it has again shown its flaws. As I said when I was the only Senator to vote against the reauthorization of IDEA in 1997, the single aspect of this bill that is most questionable and unjust is the double standard it sets with respect to discipline in schools. Each and every school district retains nearly full and complete authority over disciplinary matters as they apply to students who are not in special education classes. They lose almost all of that authority under the present IDEA statute.

Under the IDEA amendments of 1997, if a child brings a gun to school and a team of parents and educators decide it is not related to the child's disability, that student may be removed for up to a year. But, the district must continue to provide the child with a free appropriate public education.

If the incident is determined to be caused by the child's disability, then the student may be moved from their regular classroom for no more than 45 days. Again, that child must receive not simply a free appropriate public education, but the school district must ensure that the student can continue to participate in the general curriculum, continue to receive services that allow the student to meet the goals set out in the child's individual education plan, and the school must provide services that address the misbehavior so that it does not recur.

Although I've just given you a succinct description of federal law, Mr. Parker is still faced with a paradox. He is responsible for making sure school is a safe place for all children to learn. However, IDEA requires the school to implement different consequences for children who qualify for special education services for violations like bringing a gun to school, selling drugs or engaging with violent behavior. Children in special education can make up anywhere from 10–20 percent of a school district's enrollment, encompassing children with a broad range of disabilities.

Instead of focusing on what's best for the children and staff at his school, including the student who brought the gun to school, he and other administrators in his district must focus on what they have to do to minimize the district's exposure to a lawsuit. It's an unfortunate fact that this provision of law is often fought out in the court room, driving desperately needed resources away from serving children.

Mr. Parker and district officials have not yet made a final decision about what to do in this instance. However, Mr. Parker did make a point in an article published in the Spokane Spokesman Review yesterday. He said, ''We have to focus on the law, not the kid.'' He's right. As I mentioned earlier, students at Lakeside High School are planning to walk out of class on the 18th of October and hold a rally to bring attention to their concerns. I want to assure the students and parents that they have my attention, and a disruption of classes is unnecessary. Instead, I hope they channel that energy into writing letters to and meeting with their elected officials to make them aware of their concerns about the law.

Mr. President, IDEA says that Members of Congress know more about how to educate students than do their teachers, their administrators, their school board members, people who have spent their lives and careers at this job. We do not know more. They know more. We should permit them to do their jobs.

The PRESIDING OFFICER. The Senator from Alabama.

FEDERAL MANDATES AND SCHOOLS

Mr. SESSIONS. Mr. President, the Senator from Washington has, once again, succinctly and clearly stated a circumstance and situation in this country that is almost beyond belief. I have had a number of complaints about that. I used to be a Federal prosecutor. One of my good friends who has been a prosecutor for a very long time personally came to Washington to talk to me about the abuses of this law. It actually resulted in a full-page article in Time magazine. The title of it was, ''The Meanest Kid In Alabama.''

It is probably not an accurate statement, but it indicated what we were dealing with. My friend, David Whetstone, told me of the circumstance in which a very violent, disruptive young man was kept in the classroom, under these Federal laws, beyond all common sense, all reason, beyond anything that can have any basis in connection with reality.

Americans may not know what is occurring, but this is happening in other schools. I want to tell you what happened to this young man. He had an aide who got on the school bus with him alone in the morning, sat with him alone through the classroom day, and went home with him at the end of the day because of his disruptive behavior. That had to be paid for by the school board, the taxpayers of that community. Can you imagine what it would be like trying to be a teacher, trying to teach in a classroom with that kind of problem? He used curse words to the principal on a regular basis, and it was very disruptive. But our law said, basically, he had to stay in that classroom. It was just remarkable.

Eventually the young man, going home one afternoon on the school bus, attacked the bus driver, it has been reported. The aide tried to restrain him, and he attacked the aide. My friend, the prosecutor, brought a criminal action or some legal action against him to try to deal with it. He was shocked, stunned, and amazed that this goes on, on a regular basis. He wrote me that in that County, Baldwin County, AL, there are at least six other incidents of a similar nature of which he was aware.

This may sound unbelievable, but I suggest anybody who thinks what the Senator has just said is not true, the kinds of things I am talking about are not true, ask your principals and teachers. Just ask them. It is Federal law that is mandating it.

We were supposed to pay for it when we passed it, and we never even paid for it. We were supposed to pay 40 percent of that unfunded mandate on the school systems. I think we are paying 15 percent now. This administration, President Clinton, opposes our getting it up to 40 percent. Why? I will tell you why I think the President opposes it. Not because it is not necessary; it is because the school systems, by this law, are having to do it anyway. They ran polling data that said maybe it strikes a better chord to have more teachers than to have funding for the Federal mandate we put on the schools, so we want to get more teachers and get more political credit or something; I don't know. We ought to finish funding this mandate. We ought to go back and look at this requirement and change it. It is not sound.

We want to keep disabled children in the classroom as much as possible. That is a worthy goal. But to go to the extent that we cannot remove children who bring guns to school, who consistently disrupt the school system, is beyond my comprehension.

In the Health, Education, Labor and Pensions Committee, we had testify the superintendent of a school system in Vermont. I was stunned. He said 20 percent of his budget goes to IDEA students, these kids with disabilities. In Vermont, 20 percent of the system's money goes for that. Somehow we are out of sync. You wonder why we cannot get more good education? Teachers cannot maintain discipline. They can only remove them, what, 40 days from a classroom in the face of the most outrageous behavior, even where there is violence involved. We have an obligation to the classrooms and to our teachers to help our teachers maintain order. If we are not going to do anything, then we don't do anything, but the worst thing for this Congress to do