program supported by the Secretary of State, is now going to be filibustered because people do not want to fund special education—a very interesting approach to government.

Mr. President, I look forward to this debate, I look forward to a lot of it, because I do think that the American people need to learn just how irresponsible this administration has been on the funding of special education.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, perhaps the good Senator didn't hear me. We are prepared to accept the amendment. So if there is no other speaker on it, we are prepared to vote on the amendment.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. GREGG. Will the Senator accept this amendment on any other initiatives, which are appropriate, which are going to have funding for the purpose of education?

Mr. KENNEDY. We have this bill up now. The Senator has offered the amendment. In behalf of this side, we are prepared to accept it right now.

Mr. President, we are prepared to vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the amendment offered by Senator JEFFORDS. The amendment would require the federal government to make good on its commitment to fund special education before it made any additional promises it might not keep.

When Congress passed the Individuals with Disabilities Education Act in 1975, the federal government made a commitment to the states and to the local school districts to help states meet the cost of special education. The federal government promised to pay each state 40 percent of the national average per capita cost of providing elementary and secondary education for each student receiving special education. For the school year 1996–1997, the national average expenditure was $5,913 per student. The federal payment to the states, however, was only $636 per student or slightly more than ten percent of the total cost and about one fourth of the $2,365 promised.

We must meet our commitment to special education and end this unfunded mandate. Maine is promised $80 million by the Individuals with Disabilities Education Act. Yet, in 1998, it received less than $20 million toward the $200 million federal law requires the state to spend on special education. In short, special education is an unfunded federal mandate of $60 million that must be met by the citizens of Maine through already burdensome state income and local property taxes. This accounts for millions of dollars annually that can not be used for school construction, for teacher salaries, for new computers, or for any other state effort to improve the performance of our elementary and secondary school students.

We need to increase federal spending on education, but we do not need new federal categorical programs with more federal regulations and dollars wasted on administrative costs. Rather, we need to meet our commitment to bear our fair share of special education costs. As the Governor of Maine told President Clinton last week, ''If you want to do something for schools in Maine, then fund special education and we can hire our own teachers and build our own schools.'' This is true for every state. The best thing this Congress can do for education is to fully fund our share of special education and at the same time return control of the schools to the states and local communities by passing the Education Flexibility Act.

These two actions will empower our states and communities to meet the challenge of improving schools. Instead of presuming that we in Washington know what is best for every school across the country, let us acknowledge that each of our individual states and towns knows what is needed on a state-by-state and community-by-community basis. I urge my colleagues to give our states and local communities the financial support they have been promised and the freedom to educate our students as they see fit. We can do this by adopting this amendment to fully fund the federal share of special education and then passing the Local Control of Education Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I believe at this time we have no further business that is immediately available. I suggest we ask unanimous consent to set the vote for 2:15 and that the Senate be in morning business until such time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask consent to proceed in morning business.

The PRESIDING OFFICER. The Senator may proceed.

THE EDUCATION BUDGET

Mr. KENNEDY. Mr. President, I listened to our friend and colleague from New Hampshire speak about the education budget and about the expenditures in the areas of education. I just want to review here, in this time, for a few moments, exactly what has been the record of our Republican friends in the House and Senate, and the administration, over the period since 1994 when the Republicans took over the leadership in the Congress.

After 1994, on March 16, 1995, one of the first acts of the new Republican House of Representatives was to ask for a $1.7 billion rescission on all education programs below what was enacted in the appropriations the year before. That is an extensive rescission, no matter how you cut it. This is in all the education programs of 1994. They asked to cut back $1.7 billion. The final rescission bill that passed on July 27, 1995, was $600 million below 1995. So, as we are looking over, now, and listening to who is interested in education, I hope our colleagues will at least give some attention, when they are reviewing the record, as to who has been interested and who has been committed, judging by the allocation of resources. Resources themselves do not solve the problems of education, but they are a pretty good indication of a nation's priorities.

What we had as the first order of business in 1995 in the House rescission bill was to move ahead with a major cut of $1.7 billion for the appropriations the year before. Now, in the first full funding cycle, the 1996 House Appropriations, in August of 1995, cut $3.9 billion below 1996. Then the continuing resolution ended up at $3.1 billion below 1996. This was at a time when we had the memorable shutdown of the Government. The President said, That is too much, you will be cutting the heart out of many of these education programs. That was one of the principal reasons he went toe-to-toe with the Congress, because of those dramatic cuts in the area of education. Finally, there was a continuing resolution after the Senate adopted a Specter-Harkin amendment to restore $2.7 billion. We saw a bottom line $400 million below fiscal year 1996.

In 1997, the Senate bill was $3.1 billion below the President's. This is rather extraordinary to me, that Members on the other side can stand up and talk and criticize the President on appropriations when you have this kind of record to defend—$3.1 billion below the President's. My good friend from New Hampshire ought to be talking to the Republican appropriators. Mr. President, $3.1 billion below what the President asked for, that was the Senate bill. The final agreement, after extensive negotiation thankfully moved the appropriation up, was to $3.5 billion above what the President asked for; as a result of the administration's position, a $6 billion swing in education funding.

Then, in 1998, both the House and Senate bills were $200 million below the President's. Again, after tough negotiation the final agreement was $3.4 billion above, over 1997.

Mr. President, these are fairly significant figures. All of us are concerned about education policy. I know my friend and colleague from Vermont, Senator JEFFORDS, has long stood for making sure that we, as a country, and as a matter of principle, focus on and provide greater support for education as a national priority, so I appreciate his commitment, his position in these decisions. But we have to look at the bottom line. Coming into 1999, fiscal year 1999, they are still cutting below the President's investment. The House bill, in June of 1998, which was for the fiscal year 1999, was $2 billion below the President's; the final agreement was $3.6 billion over 1998.

This is the record. Year after year after year those appropriations committees, which are effectively controlled by the Republican leadership, have consistently underfunded education. So it does not come, I don't think, with good grace, to suggest that somehow we have an administration or President who is not strongly committed—whether it has been to the special needs children or all the children in this country. We all are mindful that even with these kinds of appropriations we only are spending probably 4 cents out of every dollar, maybe 5 cents out of every dollar, in education. You get 2 more cents for the food program, so the total considered to be the moneys that are spent locally, about 6 cents, is the Federal funding. But 2 cents of that has to do with nutrition. We are talking about 4 cents.

This is a major item, obviously, the title I program, but there is also some in excess of $4 billion in special needs. The Head Start programs and others are certainly enormously important, and they can certainly use additional resources.

Federal education funding rose from $23 billion in 1996 to $33.5 billion in 1999, an increase of $10.5 billion, or 46 percent. That is a pretty good indication of at least this President's priorities in the education area. So, we hope when we come back here at 2:15 we will move ahead and accept this. We are, I believe, on this side, strongly committed to trying to find every scarce dollar resource to fund these education programs.

As I mentioned, with the Supreme Court holding of yesterday, we do have, I think, additional kinds of responsibilities. It was that aspect of the statement of the Senator from New Hampshire with which I agree. With that holding, there will be additional kinds of demands on local communities. I do think we ought to try to find additional resources on that particular measure, and we will certainly work with all in this body to see what can be done to gain those resources and support.

I yield.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, the Senator from Massachusetts has made an excellent point. I do not argue with him. I, in fact, would have supported those appropriations and have supported the appropriations that have been recommended for education totally.

I think the point Senator GREGG was making was that this administration does not place high enough priority on IDEA. I think the record bears this out. While the administration's proposed new programs increase funding elsewhere, it has shortchanged IDEA. The funding we are charged with under our promises and under the law as it reads—to fund 40 percent of the cost of special education—those costs are going up and are really making it difficult for our local communities to carry out other programs that have been recommended to help them. So I just wanted to make sure everyone recognizes that.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I will put in the RECORD the actual funding levels, in terms of the IDEA. In 1995, it was $3.2 billion; in 1996, it was $3.2 billion; in 1997, it was $4 billion. They are numbers that have to be rounded out—$4.35 billion. In 1998, it is $4.5 billion. And in 1999, it is $5 billion; the current is $5.54 billion, and the President's request was for $5.106 billion. The total increase from 1995 to the present is, therefore, an increase from $3.2 to $5.54 billion. That is a significant increase. I say to our colleagues, much of that was attributed to our Republican friends who made it a priority. Quite frankly, we joined in that effort; I think the record would reflect that.

I will say, though, that we were able to see that kind of increase while we were also able to see an increase in the other programs as well. It wasn't an either/or position. That is what I hope will result this afternoon, after we have had a good discussion and debate.

We are strongly committed on this side to finding additional resources for the funding of that program. We will work with our committee chair to see how this last Supreme Court decision is going to impact local communities. I think that is enormously important. We are committing ourselves at this time, the day after that decision, to work closely, because we do think that there are going to be some very important additional burdens on local communities with that decision about the scope of the ADA, including educational and health support. I think there is going to be a call for additional help and assistance. We will certainly work with the chair to try and deal with that.

I have had the chance to talk with a leader on our side, Senator HARKIN, who has been such a leader on so many of these issues affecting the disabled. He is in strong support of trying to find ways to help and assist local communities as well. I am sure we will be addressing this probably later in the day.

I wanted at this time to make sure that our membership understood with that decision we are going to look forward to working in a cooperative way with the chair of the committee.

Mr. JEFFORDS. Mr. President, just very briefly, I thank the Senator from Massachusetts for his desire to join us in trying to push for more funds for special education. I hope we can be successful with our joint efforts.

Mr. KENNEDY. Mr. President, if the Senator will yield, will the Senator join me in indicating to the Senate the excellent results of the Senate Finance Committee this morning on legislation which the Senator from Vermont and I have worked on closely with Senator ROTH and Senator MOYNIHAN. There was a very positive bipartisan result, as I understand, 16 to 2, and although it is not directly related to education, it is directly related to the issue of employment of the disabled. Perhaps the good Senator would want to indicate to the membership the success of the Finance Committee in reporting that out.

Mr. JEFFORDS. Mr. President, I thank the Senator for bringing that to my attention. I enjoyed working with the Senator. We introduced it jointly together, and your support, although you are not on the Finance Committee, has been most helpful in ensuring its success. We had a good hearing. There are a couple amendments which may come about, which I think can be taken care of without any serious diminution of the impact of the bill.

I say on behalf of all the Senators on the committee and those that have signed on, we now have 62 cosponsors to that bill. This is an incredible step forward for people with disabilities who desire to work. I do not think there are

very many who don't desire to work. They have been placed in this incredibly terrible position of, if you go to work, you lose your health care and you lose your SDI benefits or other benefits that you have to help you live. You just cannot do it except under very unusual circumstances.

Thus, we have finally opened the door, after many years. The Senator worked on all these issues, too, starting with the bill that we have been talking about, special education, back in 1976, when we passed what is called IDEA. That opened the first big door, and that is to get an education. Without an education, you do not have any hope of being able to be employed.

Since then, we have marched up through with ADA. I remember one of the amendments I had, which probably created the most stir, was when I was with John Brademas on his committee. I said, John, do you realize that the Federal Government is exempt from 504, which removes barriers for people with handicaps? He said, No. He said, Well, let us fix it. So over in the House, you have the day when you put all these unimportant amendments through and nobody looks at them. We had a little committee amendment on that which affected all the Federal buildings. I remember it well because when I got back to the office a couple days later, somebody had finally read the bill. It was filled with the head of the Post Office and everybody else asking me if I knew what I had done. I said, well, I didn't know how important it was until now, but that got the Federal Government by.

Then we worked together on assisted technology as well. That bill we reauthorized last year, which is incredibly important at this time, to assist all those people with disabilities to have a better opportunity of getting employed because they have the assistance of technology to do that.

It is a great day. I am confident that we certainly will prevail on the Senate floor. I think that the two Senators who have some problems we can take care of, but I thank you for your tremendous support over all the years we have been working together.

Mr. KENNEDY. Mr. President, I thank the Senator. I think this is perhaps in some respects the most notable thing that we will achieve today. As important as this is, with the reporting out of that particular bill, which is really, as the Senator has pointed out, the Americans with Disabilities Act, we effectively attempted to eliminate discrimination against those that had disability. It was enormously important, and we made extraordinary success. But to really breathe life into that legislation, you have to make sure that not only is the individual not going to be discriminated against in getting the job, but that they are also not going to have these barriers placed in front of them in holding the job which were there in terms of their elimination of their health care support and any other kinds of support services. That was the purpose of this legislation that was reported out with very strong bipartisan support.

We look forward, hopefully, to being able to act on that at an early time.

Mr. JEFFORDS. I am sure the Senator shares this with me, too. There were some staff members—Pat Morrissey on my staff had been working on this for 20 years or more, I guess. I know on the Senator's staff, members have had similar input. I think we ought to remember who it really is sometimes that moves this legislation along.

Mr. KENNEDY. I will include my good staffer. Connie has been working some 20 years, as well, on these. I agree with the Senator that they have just provided invaluable service. And for all those that work here, I hope they do recognize and get the sense of satisfaction, professional satisfaction, from really making the important difference in people's lives. That will certainly be true of all of the staff that worked on this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. 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. ASHCROFT. Mr. President, I ask unanimous consent to speak on the Ed-Flex bill while in morning business.

The PRESIDING OFFICER. The Senator has that right.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. ASHCROFT. Mr. President, I congratulate the Senator from Tennessee for his hard work and the good work he has done on the Education Flexibility Partnership Act of 1999. This has been a task of assembling the right components that were acceptable to a broad range of interests and reflecting the capacity of States and local communities to make good decisions. I think the Senator has done an outstanding job. I am pleased to have the privilege of being a cosponsor of this bill.

Under this legislation, the State of Missouri, my own State, as well as every other State in the Nation, will no longer have to come to Washington on a piecemeal, case-by-case basis to ask for relief from a myriad of Federal education statutes and regulations. Instead, Missouri will have the authority to waive regulations that hinder our schools from providing an excellent education for our students.

Now, I know that the occupant of the Chair is a former Governor and had a lot of involvement with individuals in the education effort which is focused at the State level. I remember those days well from my time as Governor. It is most satisfying to try to do something to advance the performance of students. We understand that when students perform well and have great skills, it elevates the potential they enjoy for the rest of their lives.

It was always a tremendous matter of concern to me—and I am sure to the occupant of the Chair—how Federal administrative burdens impeded the efforts of States rather than accelerated their capacity to help students perform. I think most Governors and former Governors we talked to would agree that Federal mandates and requirements associated with Federal programs can hinder a State's flexibility and, as a result, they cut into the dollars that could be spent on students. They end up being spent on bureaucracy—not just bureaucracy here in Washington, but a corresponding bureaucracy to deal with the Washington bureaucracy that has to be established and maintained in the States.

In response to the question of whether we should impose Federal education standards from Washington, Governor Whitman of New Jersey said, and I think she said it well,

> What you see now is a huge waste of money on bureaucracy. The more government strings that are on these dollars, the more difficult it becomes to deliver education. If the money that the Federal Government now puts out is too finite and it says you can only spend it for this or for that, that money won't go toward helping students learn, and that's what we want.

I agree with the entirety of the statement—''helping students learn, and that's what we want''—and the last line should be the motivation for every one of us not only in the Senate but across America. I simply couldn't agree with Governor Whitman more.

States and local schools need more flexibility in how to spend education dollars, to spend them in ways that will help students learn. They are in the best position to make decisions about the education of students. I have to believe that being on site adds value to one's capacity to make an accurate diagnosis or assessment of what is needed.

I appreciate the opportunity to speak regarding the Education Flexibility Partnership Act of 1999, which will provide States and local schools with the kind of flexibility they need to improve education and to elevate student performance.

One of our Nation's highest priorities is to ensure that our children receive the kind of challenging and rigorous education that will prepare them for success. By building a strong educational foundation that focuses on the concept of high academic excellence, we will prepare students to make important career decisions and to become lifelong learners. The habit of education should extend beyond school. As a result, their lives will be enriched.

We in Congress should develop and support Federal policies that will promote the best education practices in