30TH ANNIVERSARY OF WTOP RADIO

● Ms. MIKULSKI. Mr. President, I would like to congratulate one of our local news outlets, WTOP Radio, on their 30th anniversary. Thirty years ago, on March 9, 1969, WTOP began its news broadcasts. Today, WTOP has become a vital source of news and information in the nation's capital. Along the way, Dave McConnell, WTOP's congressional correspondent, has become a familiar voice to Washington residents and one of our nation's most respected journalists.

America's Constitution is unique and special in the responsibility it has bestowed on our nation's press corps—in print, on TV, and on the radio. With our revered First Amendment, the nation gives reporters the awesome responsibility to help communicate the needs of the nation and report on the day-to-day governmental events that affect all Americans. In return, we hope those reporters recognize that responsibility and carefully tend their role as stewards of public information.

WTOP has taken that responsibility seriously and sought to provide high-quality, timely information for residents in the greater Washington area. For thirty years, WTOP has covered the news as it happened—in Washington and around the world. From the War on Poverty to the War in Iraq, WTOP's reporting has kept millions of Washingtonians informed. They have tracked legislation that affects residents in Virginia, the District of Columbia, and Maryland, and helped bring perspective to issues facing the nation.

As important, WTOP provides a critical service to local residents in alerting them to breaking local stories. In addition to their comprehensive news coverage, they have warned residents of dangerous weather, alerted commuters to traffic snarls, and celebrated sports victories of our Orioles, Ravens, and Redskins. WTOP's committed staff are part of the daily lives of countless Washingtonians who listen as they brush their teeth, drive to and from work, or cook the evening meal. My constituents in Maryland's DC suburbs rely on them to get information they need to know to stay informed, stay healthy, and stay tuned.

I commend the WTOP family and its listeners on 30 years of service to the greater Washington area and welcome 30 more years. Our nation's capital, and our nation, are proud of their work and appreciative of their commitment.●

TRIBUTE TO MR. DONALD DEROSSI

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Donald DeRossi who is this year's recipient of the Distinguished Service Award at the Hendricks House's 5th Annual Awards Dinner. As a small business owner, he has set an outstanding example of quality, production, and leadership. These business qualities have been reflected in his extensive community and charitable activities.

Mr. DeRossi began working at DeRossi & Son Company in Vineland, New Jersey in 1960 under his father, Dominick and his grandfather, Angelo. From them, Mr. DeRossi learned all aspects of the clothing business. Today, DeRossi is seen as a premier clothing supplier of military dress coats for the US Defense Department. Under Mr. DeRossi, who currently serves as president, the company has received numerous awards. Most recently, DeRossi received the United States Small Business Administration ''Administrator's Award for Excellence,'' as well as the Defense Supply Center's Small Business contractor of the year award.

Mr. DeRossi has put the same enthusiasm and energy into his community and charitable work as he has put into his business. He has dedicated countless hours of service to such commendable causes as the United Way, the YMCA, the American Heart Association, the American Cancer Association, the March of Dimes, the 4H Club, and Muscular Dystrophy. He has sat on the Boards of such community organizations as the Urban Enterprise Zone, Ellison School, the University of Medicine and Dentistry of New Jersey, and the Vineland Chamber of Commerce.

On the eve of his receipt of this award, Mr. DeRossi deserves to be recognized for his outstanding services to both the business community and his community of Vineland, New Jersey. He is an exemplary businessman, and I am grateful to have the opportunity to show my appreciation for all he has accomplished.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this point morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords Amendment No. 31, in the nature of a substitute.

Bingaman Amendment No. 35 (to Amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified Amendment No. 37 (to Amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) Amendment No. 40 (to Amendment No. 31), to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies. (By 0 yeas to 88 nays, 1 voting present (Vote No. 33), Senate failed to table the amendment.)

Jeffords Amendment No. 55 (to Amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) Amendment No. 56, to reduce class size.

Lott (for Jeffords) Amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) Amendment No. 59 (to Amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 4 p.m. today occur instead at 2:45 and that the time between now and 2:45 be equally divided between the chairman and the ranking member of the committee.

I further ask that immediately following the vote the Senate stand in adjournment until 12 noon on Wednesday, and that the routine requests through the morning hour be agreed to, the morning hour be deemed to have expired, and the Senate proceed for 1 hour of debate to be equally divided between the chairman and ranking minority member of the committee relative to the cloture votes.

I further ask unanimous consent that at 1 p.m. on Wednesday the Senate proceed to the cloture vote with respect to the Kennedy motion regarding class size, and the mandatory quorum under rule XXII be waived. I also ask that immediately following that vote, if not invoked, the Senate proceed to a cloture vote relative to the Lott amendment regarding IDEA and choice.

Finally, I remind all Senators that under the provisions of rule XXII, all second-degree amendments must be filed by 12 noon on Wednesday, March 10, in order to qualify postcloture.

Before the Chair rules, I just want to advise the Members that the purpose here is that staff and others be able to avoid what may be a very difficult afternoon rush hour with the snow coming down. And indications are it is probably going to increase even more. But we do want to have this cloture vote, so we will have 30 minutes equally divided for debate and then the vote, and then we will be back up with this very important bipartisan education flexibility bill on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, as I understand it, we are going to have 15 minutes a side. Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts is correct. There will be 30 minutes equally divided between now and 2:45.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in just half an hour the Senate will vote on the second cloture motion to terminate debate on the Ed-Flex bill, and then tomorrow we will have two more cloture votes. It is our position that these cloture votes are completely unnecessary—what we would like to be doing here this afternoon and in the course of tomorrow is voting on education policy.

We were given assurances by the majority leader at the annual National Governors Association Conference that we would have the debate for 1 or 2 weeks. Now the minority leader has proposed limiting our side to just five different amendments, and we would be glad to have a number of amendments on the other side. We are glad to enter into time limits. There is no reason we cannot end the whole education debate tomorrow.

We have no assurance—none—from the majority leader, none from the chairman of the Health and Education Committee, that we will have another vehicle before the end of this year to debate education. This may very well be the only opportunity that we have. Why not have a reasonable time to debate and discuss the issues that are before the Senate in education, primarily the issue of class size reduction from grades K to 3, which is enormously important and very successful in terms of enhancing student performance. What about the afterschool programs? What about enhancing the effort to terminate school dropouts? The range of different, important policy issues—all we want to be able to do is debate them. We are being denied that by the majority.

That is part of our frustration. We believe the discussion on education is one of the most important debates that we will have. We are here, ready to debate. We were here last week on Friday and were closed out. We were here on Monday and are here Tuesday and continue to be closed out from being able to consider these amendments. That is the wrong policy.

Parents do not understand why we cannot debate it. Various organizations representing teachers, parents, school boards, and local communities are all pleading to the U.S. Senate to go ahead and have the debate on these issues.

There is widespread approval for continuing Federal support for reducing class size nationwide. This initiative is supported by the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education, the National Education Association, the International Reading Association, the American Federation of Teachers, and the National Association of School Psychologists.

These groups are all saying please, go ahead with this debate. Go ahead and have the votes on these matters. We will abide by whatever the Senate does, but do not close us out.

Mr. President, that is what is happening here this afternoon. I hope we will not have the cloture vote to close it out. I am still hopeful somehow at this late hour we will be able to work out a process so we can consider the educational amendments which families all over this country want us to consider.

I yield 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, we are on the right subject. The question here is education. But in this great deliberative body, as it is called, we have some who do not want us to debate the principles of education and ideas that exist, here in the Chamber of the Senate.

Let me show a graph, if I might. It will be hard for people to see this, but it describes where we are. We have an education bill on the floor of the Senate. To that education bill is offered an amendment by Senator GRAMM, an amendment to the Gramm amendment by Senator Jeffords, then a Jeffords substitute, then a Bingaman amendment, and then the Lott substitute. Then we come in with the Kennedy motion to recommit in order to do the class size amendment. Then we have a Lott amendment to that, followed by a Lott amendment to the Lott amendment.

What does all that mean? It is a legislative way of plugging up this system so nothing can happen unless those who run the place want it to happen. It is a legislative mechanism to prevent debate and action on the ideas that we have about education.

What are those ideas? The bill on the floor is called Ed-Flex. That is an idea about flexibility. There are other ideas—one we debated last year, reducing class size K–3; 100,000 new teachers who reduce class size, because kids learn better when they are in classes of 15 than if they are in classes of 30 kids. That is common sense. That is an idea, the Kennedy-Murray amendment.

School construction—repairing and renovating and building schools where we have schools in disrepair. I have talked at length about schools that are in disrepair; classrooms with sewer gas coming up into the classrooms and kids have to be removed; classrooms that are unsafe. I have talked at length about those issues here on the floor of the Senate.

Afterschool programs is another idea. An idea I want to offer, an amendment I want to offer that I am prevented from offering by this plugging system here in the legislative assembly is a school report card. Every 6 or 9 weeks all across this country parents get report cards about how their kids are doing. How is the school performing, however? What about how is the school doing? What does it mean if your kid gets the best grades in the worst school? What does that mean? How does your school do compared to other schools? How does your State do compared to other States? What are you getting for hundreds of billions of dollars we are spending to educate our kids? How about grading our schools? I want to offer that amendment. I want that grading system to be a system that every parent in every corner of this country can understand and recognize and use.

Mr. President, I graduated in a high school class of nine. We didn't have particularly advanced mathematics courses, but I know enough about what is going on from that kind of education to understand what is going on here on the floor of the Senate. We have an education bill on the floor of the Senate. A number of us have amendments we want to offer to that bill, have a debate, and have votes on our amendments. Those who run this place say no, it is not how we are going to operate. It is our ideas or no ideas. It is our agenda or no agenda. It is a vote on our bill or on our amendments, or no votes.

That is not the way this place ought to operate. Education is a priority and should be a priority in the legislative agenda of this Senate. But it ought not be a narrow agenda that says we will only consider a piece of legislation called Ed-Flex and then prevent everyone else from offering their amendments.

I heard a speaker yesterday say about this class size amendment, that is the Senate wanting to run the local school districts. Nonsense. Let me read a comment from a Republican last year when we passed a piece of legislation that called for some additional teachers. Congressman GOODLING, a Republican, said, ''This is a real victory for the Republican Congress, but more importantly, it is a huge win for local

educators and parents who are fed up with Washington mandates.''

So I hear somebody stand up over there yesterday and say what we are trying to do somehow is to run the local school systems—absolute nonsense. It is nonsense, as indicated by Mr. GOODLING, a Republican, who last year said this is good public policy; this is policy everybody ought to support.

In fact, this is Republican policy, he said. Now it appears we cannot even get a vote on it. So I urge the majority leader and others to bring a piece of legislation to the floor, open it up, let's have a debate, let's offer amendments—let's get the best of what everyone has to offer here on the floor of the Senate.

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

Mr. BYRD. Mr. President, as we approach the vote to invoke cloture on S. 280, the Education Flexibility Partnership Act of 1998, I wish to express my dismay with the procedural battle evoked by this legislation. We have now spent close to three full days on this bill, but the Senate has expended most of its time and energy on procedural tactics intended to preclude one party or the other from debating those topics of utmost importance to them. I find this greatly disturbing. Education is a serious topic which deserves the substantive attention of this body. It merits an in-depth examination from a multitude of levels and angles so that our nation's children can someday reap the full benefit of a well-rounded learning experience. With so many priority items to discuss and debate in this Congress, there is, of course, great difficulty with accommodating and balancing the wishes of 100 Senators, but I hope that we could come to an understanding by which Republicans and Democrats alike could use this opportunity to further discuss and debate education policy. People all across the United States from California to Maine tell us that education is their top priority. Obviously there are concerns. Can we not set aside our differences and use this opportunity to help address the many problems facing our nation's education system?

As part of this debate on the Education Flexibility Partnership Act of 1998, I would like to take some time to discuss the issue of education accountability, a topic which has received much attention from my colleagues during these past few days. I am pleased to note that greater accountability has been built into this legislation to ensure that states granted this so-called Ed-Flex status are held to higher standards of accountability in exchange for increased flexibility at the state level. I am, however, reluctant to support the notion of expanding this Ed-Flex designation nationwide, given the limited performance results from the twelve demonstration states and the lack of accountability data on which a state or school currently reports. Perhaps, before embarking on this mission of handing over greater authority to states to waive federal education requirements, we should consider the somewhat startling fact that more than sixty percent of parents have never seen an individual report card on the performance of their area school.

I find it ironic that, in an age where a wealth of information abounds about any imaginable field, precious little information exists about the performance of our nation's schools. Mr. President, I bring to the attention of the Senate a recent publication by Education Week and A-Plus Communications, entitled ''Reporting Results,'' that discusses this new buzzword of 1999. While I find encouraging the fact, as reported in Education Week, that thirty-six states are expected to issue school accountability data or ''report cards'' this year, that practice, it seems to me, should be undertaken by all fifty states.

Furthermore, of the thirty-six states that will have report cards in 1999, only thirteen states ensure that the report cards actually get sent home to parents and few include all the information that parents report that they actually want to see most. Moreover, the information on these report cards rarely finds its way to the community at large, which has an interest in the education of its young people. I am baffled by this phenomenon! Why go through the process of creating such a document for it to end up as yet another soiled piece of paper in the garbage can? And without this kind of documentation from schools, should we really be proceeding with the expansion of Ed-Flex authority to waive certain federal education requirements without significant knowledge of how our nation's schools are performing in the first place?

Of all the decisions in life that a parent has to make, the decision about where to send a child to school is one of the most difficult and important. I find it unbelievable to think that parents often, for the lack of better information, rely upon word-of-mouth to make such important decisions. Where are the numbers on student achievement, test scores, teacher certification, and graduation rates? Parents need to have this information before them as a key resource for making an informed decision.

I feel for parents who, despite their best efforts to learn about the quality of their local schools, cross their fingers as they send their children off each day in the hope that their children will be spending those hours in an enriching and safe environment. I find it terribly disconcerting that the quality of our schools in different corners of the same community can differ so dramatically as to force families to move from neighborhood to neighborhood on the trail of the best schools. I find it sad that so many families have felt compelled to give up on public schools in favor of private schools or home schooling.

Mr. President, I believe that greater education accountability is the key to unlocking this trend burdening so many families today. With more information, and I am talking about the real stuff—test scores, teacher qualifications, graduation rates, tracking of students from grade school into college and after—parents will have substantive data at their fingertips to truly determine what is in the best interest of their child and their family as a whole. Perhaps, at the same time, this could provide a better framework for gauging how Ed-Flex is impacting student achievement levels and enhancing teacher preparation.

Competition is at the heart of creating better schools for the nation. During this debate, my colleagues will raise the important issues of school construction, class-size reduction, and others of great concern to the American people, but I believe that fostering a competitive environment among schools is perhaps one of the more simple and effective ways of improving our nation's schools for the 21st century.

By forcing schools to annually report on performance data, such as test scores and other quantitative measures, teacher qualifications, and safety indicators, parents will have a framework for weighing one school against another, and communities will have data they need to force improvements in their school systems. As Education Week pointed out in its report, so many of the report cards that actually make their way into a parents' hands are difficult to read, with extraneous information of little benefit to educators and parents. Mr. President, there needs to be uniformity in gathering key data that parents are seeking and a model that all parents can follow. Holding schools accountable for the students they are producing and the teachers they have chosen, while making this information readily available to parents, will turn up the heat on schools, and apply much long-needed pressure to those at the helm to up the ante on teacher qualifications and curriculum requirements.

But test scores and other achievement data will mean little to parents if we continue upon this so-called trend of ''teaching to the test.'' What good will come of teaching students skills simply to ace a standardized test? Mr. President, if we hope to produce well-rounded students prepared for the challenges ahead in today's workforce, a standardized test should not drive the curriculum. Life is not multiple choice. Life is an essay, to be written well or poorly by educated students.

Education accountability is a serious issue which has been left behind for many years at the expense of our nation's parents and educators. It is time to examine the necessity for reporting data both as part of this Ed-Flex legislation and at the local level in the form of school report cards. I look forward to working with the Health, Education,

Labor, and Pensions Committee in ensuring that our nation begins to navigate this challenging territory.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. REID. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleagues in expressing my concern about the gridlock we find ourselves in here on this bill. Let me, first of all, commend the majority leader and majority for bringing up an education bill. I think most Americans feel that this is one of the most important issues for us to be addressing. So I want to begin these brief remarks by commending the majority for bringing up an education bill.

The regrettable part is that having now brought up this matter of the so-called Ed-Flex bill, we are now being deprived of the opportunity to discuss a number of critical issues which affect the quality of education in the country. We are not suggesting here that this be an unlimited debate with countless amendments. There are just several very key and important issues the American public would like to have us help address.

One is class size. Most Americans know if a teacher has too many students, not only can the teacher not teach, the students do not learn. This is not any great leap of logic to understand this. Too many of our classes are too big. We know that. One of the proposals we would like to raise in the context of this education bill is that amendment. You could vote it down, if you would like. But I do not think this institution, or the American public, ought to be deprived of having the Senate of the United States debate an amendment that would assist reducing the size of classes in America. That ought not be denied the American people. Yet under this present sort of Rubik's Cube we have created here legislatively, we cannot even get to that amendment.

Americans would like to see us address the issue of afterschool programs. It is a major problem. Parents worry about where their children are between the hours of 3 and 6 o'clock. It is a major problem. We may disagree over how best to achieve the results of having a good afterschool program. But here we are unable to debate it, befuddling the American public. For the life of me, it is hard to explain why when we have an education bill before the U.S. Senate, we cannot even bring up an amendment and discuss and debate and vote on an amendment. An amendment that would simply offer an idea and a plan on how we might alleviate this growing concern among Americans about what happens to their children after school hours when they are not at home, when parents cannot provide for their needs and are concerned about the trouble they can get into, the difficulties they can encounter. That ought not be a great leap of logic to expect us to be able to discuss in this context of an education bill that the majority has brought up.

Americans would like to see us address the issue of the condition of our classrooms, our school buildings. This morning, I met with some of our mayors down from the State of Connecticut. One of the issues raised by one of those mayors is that the school buildings in his town are more than 40 or 50 years old. They need new buildings. Now, they are willing to participate in the cost of that. But they would like to see some of the dollars they send to Washington come back to help improve the quality of these classrooms and these buildings. I do not think that ought to be too difficult. If the majority doesn't agree with that, doesn't think that is a priority, vote against the amendment, but do not deprive us of raising it, debating it and voting on it. That is not too much to ask.

Again, I commend the majority. They have said this is an important issue; education is critical. We are bringing up the education bill. How ironic that having brought up this bill, they now deprive us from raising three or four amendments that we think would contribute to the well-being of the educational system of this country. We cannot even discuss, debate, and vote on them.

I had hoped that we could do better on one of the first actions of this Congress, having gone through the difficulty of this impeachment proceeding, and get back to the issues that affect the American public. We took an awful lot of time on the issue of impeachment. Now, the public, our constituents, would like to see us spend some time on their issues, the things they worry about every day. When you bring up an education bill and then deprive us of the right to debate, discuss, and vote on critical issues that they think are important, they wonder what we are doing, what our agenda is—a Rubik's Cube of parliamentary maneuvering or actually addressing these underlying and critical questions that the American people care about.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield whatever time is remaining——

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. REID. Mr. President, I ask unanimous consent, until someone shows up on the other side, that Senator BINGAMAN be allowed to speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New Mexico.

Mr. BINGAMAN. Thank you very much. I thank my friend and colleague from Nevada for yielding me some time.

Mr. President, I agree with the sentiments that were just expressed by the Senator from Connecticut about his frustration about not being able to vote on some of the crucial issues that relate to education in this country.

I wanted to particularly draw attention to this issue of the Dropout Prevention Act that I offered last week, along with my colleague from Nevada, Senator REID. This is legislation which is not new to the U.S. Senate. It is legislation that passed in the last year. There were 74 votes in favor of this Dropout Prevention Act. What we are trying to do now is get this same legislation, identical legislation considered as part of this Ed-Flex package of legislation. We think that will be good for the American people. We think it would advance the handling of this very important issue. Otherwise, we will be put off for perhaps a year, perhaps 18 months into the new year. I believe very strongly that we ought to go ahead and deal with this.

In my State, when I go around my State and say what is the No. 1 concern that people have about education——

The PRESIDING OFFICER. The Senator from New Mexico will suspend his remarks. The time has expired on the minority side. By unanimous consent, it was extended until someone came to the majority side. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am sorry to interrupt, but it is our time.

Today marks the fifth day of discussion by the Senate on the Education Flexibility Partnership Act of 1999. We have spent time discussing several education issues that are important to debate, but do not necessarily pertain to the underlying bill.

The Education Flexibility Partnership Act, which has overwhelming support on both sides of the aisle—all the Governors in the Nation; the President supports it; everybody supports it—what is it? The Secretary of Education gives a State some authority to determine whether some schools may be granted waivers pertaining to certain requirements for the purpose of enhancing services to students through flexibility and real accountability.

It is important to note that States cannot waive any requirements pertaining to health and safety, civil rights, maintenance of effort, comparability of service, equitable participation of students and professional staff in private schools, parental participation and involvement, and the distribution of funds to State or local agencies.

Currently, 12 States have ed flexibility authority. Through Ed-Flex, these 12 States have been better able to coordinate programs which create a seamless education delivery system that benefits both teachers and students.

During the first day of debate, I offered a managers' package which contained various accountability provisions which we worked out through a bipartisan agreement. Those provisions and additional accountability provisions which were added last Thursday

will improve school and student performance, which should be the mission of every education initiative. I will remind my colleagues that the Elementary and Secondary Education Act is up for review this year. The Elementary and Secondary Education Act is the foundation for most of the Federal programs that assist students and teachers in our elementary and secondary schools, and it accounts for $15 billion in Federal spending, excluding IDEA—that is, special ed money and vocational education.

We are currently engaged in the hearing process. One of the first hearings we held regarding this legislation looked at various education proposals offered by Members of this body. I look forward to working with all of my colleagues as we draft the first Elementary and Secondary Education Act of the 21st century. We only do that once every 5 years. The Elementary and Secondary Education Act is the most important education legislation we will consider this year. There are a number of good ideas being discussed which deserve a thorough review. That is what these amendments are about. They deserve a thorough review before we leap off prematurely, ahead of the committee process, to put the President's programs, which have not been reviewed, in place without thorough hearing and understanding.

It is for this reason that we should not be debating many of the amendments that have arisen in the Ed-Flex debate. We should be debating these proposals in conjunction with the Elementary and Secondary Education Act. Last year, as I pointed out earlier, we passed 10 education bills, all out of the committee, by either unanimous or close to unanimous votes, because we worked in committee to work the matters out, like we should, and not to do it on the floor before any hearing.

I urge my colleagues not to short circuit the process of offering major elementary and secondary education initiatives on Ed-Flex. The Education Flexibility Partnership Act is not designed to be the sole response by the Federal Government to improving school and student performance. However, Ed-Flex does give States the ability to augment education services for students and teachers.

I also point out that the amendment that I have is perfectly consistent with this policy. What it says is, okay, we appropriated last year $1.2 billion for a program—and this was decided in the back halls of the Capitol somewhere; I was not present—that we should take the President's 100,000 teachers, put the first year in effect. We are saying, wait a minute, we haven't had any review of that, but we will do this. We will let the local governments for this year decide whether they would prefer to have it, not knowing what is going to happen in the future, until we work it out in the Elementary and Secondary Education Act.

We would like to give them the flexibility at the local level to determine as to whether or not they would prefer this year to use that money to augment their special education funds or whether they want to start off on a course, which may not be followed, to start hiring new teachers. I point out, there are a lot of questions about a bill which gets you on the route to new teachers. If you have 100,000 new teachers, you need 100,000 new rooms. If you have 100,000 new teachers and you do not know where the funds are going to come from in the future, how are you going to pay for it? These are all important questions to be answered when that bill gets into final shape, if it does get into final shape.

Mr. President, I hope that we can make progress. I urge my friends on the other side of the aisle, we are at a point where we can either vote this out and get on with other business or we can just spend the rest of the year in this kind of a debate and inability to act together.

I am proud of our committee. We have worked so many things out in a bipartisan manner. And to think that we could get stalled and find ourselves without the ability to pass a simple bill which merely gives flexibility to the States—I do not understand how we could go forward with that kind of process. We have important bills coming up. We have health care bills, we have all sorts of bills out of my committee, extremely important bills, and we are getting off to a rough start here by the inflexibility of the minority.

Mr. DORGAN. I wonder if the Senator would yield for a brief question.

Mr. FRIST. Mr. President, I would like to also have the Senator yield to me for a minute.

The PRESIDING OFFICER. Does the Senator yield to the Senator from North Dakota?

Mr. JEFFORDS. Just briefly I will yield.

Mr. DORGAN. I appreciate the courtesy.

One of the difficulties we have is being able to offer amendments. And the Senator seemed to suggest at some other point education issues will be brought to the floor with an open opportunity for people to offer a series of ideas and amendments. Is the Senator speaking for the majority leader on that? Because we have had great difficulty in obtaining that status on the floor.

Mr. JEFFORDS. So far I have had no problem with the majority leader, and I do not expect we will. This committee had worked together very well last year, and I expect we will this year.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I will be very brief.

The underlying bill is the Ed-Flex bill, which is a bill that I and Senator WYDEN introduced in a bipartisan way, supported by all 50 Governors, a straightforward bill which strips away Washington redtape, which empowers our teachers to teach instead of filling out paperwork. Seven percent of the Federal money is coming down with over 50 percent of the Government regulations there. Strip it away so that they can really teach, accomplish the objectives we set out for them, meet the standards of accountability, and we will be able to innovate, offer some creativity.

This bill all of a sudden has taken off, and we are having innumerable amendments placed on it, and most of them are huge new programs, new spending, all of which has an appropriate forum to be addressed. I just hope, for the American people, that we are not in a gridlock here. The fact that we are going to be voting on cloture in about 2 or 3 minutes demonstrates there is gridlock here. Let's help our American children, let's help the American people, by passing this bill, voting on it, Ed-Flex, not all these new spending programs.

Thank you, Mr. Chairman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER. Three and a half minutes are remaining.

Mr. GREGG. Mr. President, I join my colleagues, the chairman of the committee and Senator FRIST, who is the author of this bill, in stating that I find it really disheartening that the Members on the other side have decided to use this bill, which was bipartisanly supported, was supported by the President, in order to make political points, not substantive points.

The amendments which the other side is offering on this bill are not appropriate to this bill. They basically represent amendments which accomplish obfuscation and delay of what is a very good bill. The underlying bill will give local communities flexibility in how they deal with Federal regulations.

I understand that that is anathema to some people on the other side of the aisle. I understand that some people on the other side of the aisle would like to have the ability to regulate and control and direct and have the input into how the day-to-day education should occur in our school systems. That happens to be their philosophy. They want to centralize decisions here in Washington. We want to take decisions and give them back to communities.

Their reason for opposing this bill, by throwing out all these amendments, isn't that they actually think these amendments are substantively going to go anywhere. It is because they want to make a political statement, and because they want to slow down a bill which is a good idea and which releases the local school districts from the huge weight of Federal regulation. It really is unjustified. It contradicts the purposes which the President has already subscribed to in saying that he supported this bill.

So when the American public asks the questions, ''Why don't we have more flexibility at the local level? Why do we get stuck with all these Federal regulations?'' the answer is very simple. Look to the Democratic membership of this Congress. They are the ones who are slowing up a bill which would give the communities flexibility.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, would the chairman of the committee, the manager of the bill, yield for a question?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Before the Senate conducts the cloture vote and then adjourns for the day, it is my intention to file another cloture motion with respect to amendment No. 37, as modified, the Lott IDEA, special education/choice amendment.

I still hold out hope that during the session tomorrow Senators will be able to agree to a small, limited number of amendments remaining to the pending education flexibility bill and that our Democratic colleagues will then allow the Senate to conduct a passage vote on this very important bill, which has broad support, which would give the rest of the country, along with 12 other States, this flexibility to allow the paperwork, bureaucracy, to be waived so we could get the education money to the schools, to the children, where it really belongs. I hate to see this delay taking place on this broad bipartisan bill. In the event that such an agreement cannot be reached, I feel the need to file another cloture motion.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37 to Calendar No. 12, S. 280, the Education Flexibility Partnership Bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, Kay Bailey Hutchison, Chuck Hagel, James M. Jeffords, Michael B. Enzi, Mike DeWine, Tim Hutchinson, John H. Chafee, James M. Inhofe, Larry E. Craig, and Don Nickles.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote, if necessary, will occur on Thursday of this week.

CALL OF THE ROLL

Mr. LOTT. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I belief, Mr. President, we are ready for the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 31 to Calendar No. 12, S. 280, the education flexibility partnership bill:

Trent Lott, Jim Jeffords, John H. Chafee, Bob Smith, Thad Cochran, Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgeraid, Judd Gregg

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 31 to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. GRAHAM), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that the Senator from Washington (Mrs. MURRAY) is absent due to a death in the family.

I also announce that the Senator from Minnesota (Mr. WELLSTONE) is absent attending a funeral.

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

The yeas and nays resulted—yes 55, nays 39, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—39

Akaka	Durbin	Lautenberg
Baucus	Edwards	Leahy
Bayh	Feingold	Levin
Bingaman	Feinstein	Lieberman
Boxer	Harkin	Lincoln
Breaux	Hollings	Mikulski
Bryan	Inouye	Moynihan
Byrd	Johnson	Reed
Cleland	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Sarbanes
Dodd	Kohl	Schumer
Dorgan	Landrieu	Wyden

NOT VOTING—6

Biden	Murray	Torricelli
Graham	Rockefeller	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

ADJOURNMENT

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until noon on Wednesday.

Thereupon, the Senate, at 3:14 p.m., adjourned until Wednesday, March 10, 1999, at 12 noon.