COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 10) to provide for pension reform, and for other purposes.

Pending:

Daschle (for Hatch/Baucus) amendment No. 2170, in the nature of a substitute.

Lott/Murkowski/Brownback amendment No. 2171 (to amendment No. 2170), to enhance energy conservation, research and development, and to provide for security and diversity in the energy supply for the American people.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant 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 the pending Lott amendment:

Trent Lott, Frank H. Murkowski, R.F. Bennett, Phil Gramm, Sam Brownback, Don Nickles, Pat Roberts, Mike Crapo, Larry E. Craig, Jon Kyl, Chuck Grassley, Pete Domenici, Mitch McConnell, Judd Gregg, Conrad Burns, Craig Thomas.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Lott amendment 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 Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) would each vote ''no.''

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

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

The yeas and nays resulted—yeas 1, nays 94, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—1

Allen

NAYS—94

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

NOT VOTING—5

Harkin	Leahy	Voinovich
Kennedy	Torricelli	

The PRESIDING OFFICER. On this vote, the yeas are 1, the nays are 94. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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, hereby move to bring to a close the debate on the Daschle for Hatch and Baucus substitute amendment No. 2170 for Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Jack Reed, Jean Carnahan, Mark Dayton, Carl Levin, Tim Johnson, Bill Nelson of Florida, Charles Schumer, Ron Wyden, Debbie Stabenow, Barbara Mikulski, Tom Daschle.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle for Hatch and Baucus substitute amendment No. 2170 to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) would each vote ''aye.''

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

The yeas and nays resulted—yeas 81, nays 15, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—81

Akaka	DeWine	Lincoln
Allen	Dodd	Lugar
Baucus	Domenici	McCain
Bayh	Dorgan	McConnell
Bennett	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Ensign	Murray
Boxer	Enzi	Nelson (FL)
Breaux	Feingold	Nelson (NE)
Brownback	Feinstein	Reed
Bunning	Fitzgerald	Reid
Byrd	Graham	Roberts
Campbell	Grassley	Rockefeller
Cantwell	Hagel	Santorum
Carnahan	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Clinton	Inhofe	Smith (OR)
Cochran	Inouye	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Voinovich
Crapo	Landrieu	Warner
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden

NAYS—15

Allard	Gregg	Nickles
Bond	Helms	Smith (NH)
Burns	Kyl	Thomas
Frist	Lott	Thompson
Gramm	Murkowski	Thurmond

NOT VOTING—4

Harkin	Leahy
Kennedy	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. 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. DASCHLE. 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. DASCHLE. Mr. President, in keeping with our understanding of our current parliamentary circumstances, I make a point of order that amendment No. 2171 is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to extend 10 minutes each.

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

Mr. REID. Mr. President, I ask unanimous consent that the time I have just consumed calling off the quorum call and proceeding to morning business be charged against the 30 hours postcloture.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator may proceed for 10 minutes.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. REED. Mr. President, I rise to discuss the current conference on the reauthorization of the Elementary and Secondary Education Act, known as the ESEA. In particular, I bring to the attention of my colleagues the fact that last Friday the conference rejected the Senate's unanimous support for full funding of the Individuals with Disabilities Education Act, IDEA. I am deeply disappointed the conference would reject this very important legislation that has received unanimous support in the Senate.

IDEA has been an extraordinarily important legislative vehicle for students with disabilities throughout this country. Only 15 percent of students with disabilities were receiving any serious education prior to the enactment of IDEA in the mid-seventies. Today a free, excellent public education is the rule of law for all children in America, including those with disabilities.

Today, IDEA serves approximately 6 million children, the majority of whom are taught in regular classrooms in their neighborhoods. They are with their classmates, and they are learning. They are making impressive progress. High school graduation rates for special needs students have also increased dramatically.

In an interesting study between those students who are beneficiaries of IDEA and older adults who did not have this opportunity although they did have disabilities, those younger students with IDEA are in the workforce at a much higher rate. This is not simply a good thing to do in an altruistic sense, it is an important thing to do for our economy, for our workforce.

We have made progress with IDEA. We have increased the number of students who are covered. We have made it a standard that all students, particularly those with disabilities, would have access to classrooms, but we have not lived up to the real promise we made back in the mid-seventies, and that is that we would, in fact, pay 40 percent of the cost of this education for children with disabilities.

Sadly, the Federal share is about 15 percent, leaving it up to the States to make up the difference. As we all know, this has been a constant source of contention between the States and the Federal Government. It is something we have the opportunity to correct in this conference, an opportunity we have not as yet seen, but it is an opportunity I hope in the days ahead we will be able to realize as we return to the conference and, once again, press for full funding of IDEA.

We have been in this body and the other body over the last several years constantly talking about the importance of IDEA, strongly suggesting our unwavering support for IDEA. But those were easy votes because they were simply about the concept.

The hard vote took place last Friday in the conference where we were actually going to put dollars to our words, to match our rhetoric with real resources. Unfortunately, on that real vote, the conference failed.

We have an opportunity to build on what we did in the Senate several months ago. Senator HAGEL and Senator HARKIN offered an amendment that would fully fund IDEA and make it mandatory spending. The amendment would increase in yearly increments of $2.5 billion until the full 40 percent Federal share is realized by the year 2007.

In the process of making IDEA funding mandatory, it would free up anywhere between $28 billion and $52 billion in funds for discretionary educational programs that the Federal Government supports.

This would be a win-win situation, clearly signaling to the States that they can depend upon a robust stream of IDEA funding and at the same time give us the opportunity to support other worthy Federal educational programs such as title I, such as professional development—all those programs that are so important.

The President has rightly made education an important priority in his administration, and he has taken a very aggressive view toward tough accountability standards for testing, but the reality is, without resources, we cannot fully realize the potential of American students. We can test and test and test, but we do not have the resources for professional development, for smaller class size, for better libraries, for a host of programs.

The testing will show us what we know already: There are students who, because of social circumstances, because of income circumstances, because of lack of resources in the schools, are falling behind. We know we can simply divide districts based upon their income, the affluent versus the poorest, and we will see a startling difference in performance of those children. We want to do better. We want to have tough accountability, but without resources we are not going to get the results.

That, again, is why I am so disappointed we did not follow up with the wisdom of the Harkin-Hagel amendment and in the conference adopt the Senate position: full funding of IDEA, mandatory funding of IDEA. That could be the most fundamental education reform we could ever accomplish this year. Again, we missed the opportunity last Friday, but I hope before this conference concludes we will have another chance to revisit this issue and to seize this opportunity and fully fund IDEA.

Just ask every Governor, every legislative leader, superintendents, principals; they will all say the same thing: The biggest thing we can do to help them provide good education for all students is to fully fund IDEA. That is what I hear when I go back to Rhode Island. I do not hear about more testing. I hear something about libraries and professional development, but what I hear consistently and constantly is: Please, fully fund the IDEA program; please. We are rejecting the pleas of those people who are in the front ranks of education, those people who have the most significant responsibility for education.

Again, I think it is a mistake and a missed opportunity. This issue becomes very real in the lives of the children and the families who deal with issues of disability, and the parents who have to deal with this issue. It is not an academic one. It is not a budgetary issue. It is not an issue that is hypothetical we could debate. It is personal because every parent wants the best for their child. Some parents have to fight constantly to get what is owed their child through the special education program.

In Rhode Island, I constantly meet parents and they contact me. One family, the Gulianos from East Greenwich, RI, wrote to me and told me about their struggle, which is typical of families across this country. From their letter:

> Time and time again, we have heard from very well meaning people that there is just not enough personnel or hours available to provide these kinds of services. We are told that they just don't have the funding. Funding that should have come from the legislation that entitles Jamie to receive appropriate educational services in the first place—IDEA.

This school system, one of the best school systems in my State, is not a school system that would do badly on examinations. This is not a school system that lacks professional development or adequate class size or good facilities, but when it comes to IDEA even this district, this affluent community, lacks the resources to fully serve all the children it needs to serve, and this district is a home to families who are themselves typically college educated and very well off, and they can