

But it was the last concept, point four, which received widespread acclaim and that, in time, became a major component of American foreign policy. In 1950, this "Point Four" policy was approved by Congress in the form of a mandate to create the Technical Cooperation Administration (TCA) within the State Department. It was this "bold new program" drafted by Mr. Hardy that later developed into the Agency for International Development and which, perhaps, was the seed for the establishment of the Peace Corps. These were truly forward-looking concepts.

During this period, Mr. Hardy served as the chief of public affairs for the TCA and the chairman of its policy planning council. Tragically, on December 23, 1951, Mr. Hardy, along with the Director of the TCA, was killed in a plane crash on a flight from Cairo to Teheran. It is a shame that Benjamin Hardy did not have the opportunity to see his concept take root and grow as he would have had it.

Fifty years after Mr. Hardy drafted the Point Four speech, it is fitting that we in Congress pay tribute to the vision and courage of this man, his contribution to American foreign policy, and his commitment to improving the lives of people around the world. Ideas like Benjamin Hardy's have helped demonstrate the generosity of the American people around the world. And it is such ideas that have helped America remain engaged as the world's leader, helping to build a better future for all people. Mr. President, it is my honor to recognize this distinguished American from Georgia and to inform my colleagues of his proud heritage. Thank you.

PERSONAL EXPLANATION

Mr. CONRAD. Mr. President, on Friday, March 5, I was necessarily absent in order to join Secretary of Energy Richardson in Bismarck for meetings with representatives of North Dakota energy industries and to meet with the Governor and other State officials about water resources. Had I been present for rollcall vote No. 33 on S. 280, to table the Graham amendment which would have prohibited the implementation of the "Know Your Customer" regulation by Federal banking agencies, I would have voted "nay."

Mr. President, I yield the floor, and 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. JEFFORDS. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EDUCATIONAL 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 bill 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 amendment No. 37 (to amendment No. 35), to authorize additional appropriations to carry out 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.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I say to the Senator from Massachusetts that I desire to make a statement for a while, if that is all right with him.

Mr. KENNEDY. Absolutely.

Mr. JEFFORDS. Mr. President, we are again back with the Ed-Flex bill, which is a bill, as everybody knows, that would merely attempt to make it easier for States to be able to utilize regulations to their advantage by being able to waive them for communities or school systems within their jurisdiction. This has been used successfully by 12 States now—6 originally, and then another 6. It has demonstrated that there are problems in the present system which make it impossible to take care of very, very minute differences in schools in order to get them to be able to have the flexibility for the utilization of the title I funds.

We are also facing, apparently, a filibuster. Therefore, we will have a cloture vote at 5 o'clock this afternoon. It is my hope that we can proceed perhaps on to another amendment, and then we will be able to make some progress on this bill.

This is our fourth day on the Ed-Flex bill. This bill, which is supported by the administration and all 50 Governors, has broad bipartisan support in both the Senate and in the House. I urged my colleagues last week to limit their amendments to the bill before us. As we have shown, we are perfectly willing to work with the limited issues raised by the Ed-Flex bill.

As my colleagues know, later this year we will be considering the statute that governs the K-through-12 educational programs, the Elementary and Secondary Education Act, and that is

where the debate on these larger questions should take place. I say this not because I am a stickler for procedure, but because the whole point behind the committee system is so that complicated issues can be debated and examined in detail. That is not possible on the floor of the Senate. This doesn't happen in every instance, and I have been on both sides of the question, but I cannot recall when we have been in a similar situation where one side is trying to load up a small, noncontroversial proposal when the logical vehicle for the debate and consideration of these larger questions is only a few months away.

We have never really considered these issues in committee. To be fair, Senator MURRAY offered her class size amendment to the Ed-Flex bill last year. But Republicans felt then, as we feel now, that this issue should be considered as part of the ESEA reauthorization. The amendment was not adopted.

Reducing class size in our Nation's schools is a fine idea. Common sense tells us that a smaller class allows a teacher to spend more one-on-one time with each student. According to my colleagues on the other side of the aisle, common sense has been backed by data that also reinforces that small class size is correlated to higher student achievement.

There is something else that most of the data says. It says that the quality of the teacher leading that classroom makes a significant difference. Contrary to statements made on the floor last week, the class size proposal of my colleague from Washington does little or nothing toward improving teacher quality. Funds allocated for professional development are limited to 15 percent in the first 3 years it is authorized. Worse yet, the legislation prohibits funds from being used to enhance teacher quality in the last 2 authorized years. What kind of sense does that make?

Only after class size is reduced to an average number of 18 students does a school district have the flexibility to use those funds to improve the quality of teaching in the classroom. Proponents point to studies which show that smaller classes make a difference and improve academic achievement. I argue that class size is less important than having a quality teacher. That, to me, is common sense.

As I mentioned, this common sense idea can also be backed with hard data. Ronald Fergeson, in an article entitled "New Evidence on How and Why Money Matters," notes:

What the evidence here suggests more strongly is that teacher quality matters and should be a major focus of efforts to upgrade the quality of schooling. Skilled teachers are the most critical of all schooling input.

Bill Sanders, a statistician at the University of Tennessee, stated in a 1997 article in "The Tennessean":

Teacher effectiveness is the single largest factor affecting the academic growth of students. Poor teachers hold students back,

while strong teachers can push students ahead by nearly a grade. When compared to class size, expenditures, and so forth, they all fail in comparison. The residual effects of teachers can linger at least three years, regardless of the performance of subsequent teachers.

The report "Doing What Matters Most; Investing in Quality Teaching" states that:

Studies discover again and again that teacher expertise is one of the most important factors in determining student achievement, followed by smaller, but generally positive influences of smaller schools and small class size.

Eric A. Hanushek, a researcher from the University of Rochester, concludes:

All things being equal, small classes are preferable to larger ones because teachers can give students more individual attention. However, all things are seldom equal, and other factors, such as the quality of the teacher, have a much more decisive impact on student achievement. Moreover, the huge expense of class-size reduction may impede the ability of schools to make other important investments in quality.

In fact, in nearly all the studies that I looked at on the subject mentioned quality and class size together. While my colleagues say that the class size reduction proposal has quality components, this program actually prohibits funds from being used for improving teaching in the outyears.

This legislation is seriously flawed. It puts quantity over quality. In my opinion, it is not a well-thought-out proposal, and, not surprisingly, it is becoming apparent that it will not work very well in rural America. We have not held one hearing on it. We have not heard from anyone at the local level as to whether this program will meet the real needs that they have in their communities. And we have not heard where these tens of thousands of well-qualified teachers will come from.

Where is the emphasis on teacher quality in this proposal? My colleagues keep telling me there is an emphasis on quality, but nowhere in this proposal do I see a real commitment to professional development.

This amendment would have us agree that a teacher's being "certified" is synonymous with "high quality." Does "certified" equal "high quality"?

Not necessarily. Currently 91 percent of teachers are "certified" in their main field of teaching assignment. Are we all comfortable saying that 91 percent of our nation's teachers are highly qualified? There is a great deal of debate on that issue.

Furthermore, State certification requirements, in many instances, are lacking. Title II of the Higher Education Act we adopted last year recognized that fact and actually encourages States to improve certification standards. Sadly, by today's measure, certification is not a "Good Housekeeping Seal of Approval."

And as I mentioned before, the proposal actually prohibits the use of funds for professional development for teachers in 2004 and 2005 unless the

local educational agency has reduced its average class size to 18.

We have an opportunity to address these problems and consider this legislation in a timely yet thoughtful manner during consideration of the Elementary Secondary Education Act Reauthorization.

Let's not rush ahead. Let's take some time to consider what will really make a positive difference for our nation's students.

The class size initiative is built on a foundation of sand. It came about because President Clinton insisted that it be part of the omnibus appropriations bill last October. It was drafted in a back room by a few people with virtually no input from anyone else.

This happens from time to time, and it doesn't really bother me. But I think it is a bit of a stretch to characterize this process as a "bipartisan agreement" that the Senate is obliged to extend. As I've said, I don't think we should be getting into these issues on the ed flex bill.

But if the ed flex bill is going to spill over in to broader issues, I think we should perhaps revisit whether this attempt to hire one teacher in a hundred or more is the best use of federal funds.

At this point, I think the answer is "no." Education policy must be built on consensus, not focus groups. I have no doubt but that this class size initiative is politically appealing, and the chair of the Democratic Senatorial Committee has already made clear that he wants to use it against those of us who might be running for reelection next year.

But that is exactly my point. As soon as educational policy is driven by the electoral needs of one party or another, we have undermined it. It will change every two years based on the outcome of the elections. And state and local governments, which already chafe at the restrictions that accompany the 7 percent of funds derived from the federal government, will become even more frustrated.

My Democratic colleagues argue that school districts need certainty in planning for the future. Yet the source of the uncertainty is their own failure to build consensus for this proposal. You can, and we all do, force things through in the waning hours of a Congress. But you cannot expect that this process transforms a weak idea into a strong one.

I do not want to paint too bleak a picture. We do have plenty of consensus in education policy. In the last Congress we passed an amazing number of major pieces of education legislation by unanimous or nearly unanimous votes. And none of this would have been possible without support from our Democratic colleagues.

I do not think there is any greater consensus than on the subject of the federal role in helping schools educate the disabled.

The first hearing we held and the first bill we passed were on Individuals

with Disabilities Act. I don't think there is any more important federal role than to meet the basic commitment which we made nearly 25 years ago.

The Committee on Health, Education, Labor, and Pensions held a hearing last month on education budget proposals that drove home this point.

Representative Albert Perry from the Vermont State Legislature and Allen Gilbert, a school board member from Worcester, Vermont, told us unequivocally that the single most important thing we could do to help local school districts was to fulfill our pledge to fully fund IDEA.

Fulfilling an old promise is not as exciting as raising new expectations with new programs. We won't get much press coverage for simply doing the right thing.

But if we fulfill our obligation to fund IDEA, state and local agencies will be able to target their own resources toward their own very real needs.

For some districts this may mean school construction or class-size reduction. In other districts the most pressing needs may include teacher training or music and art education.

If we decide to use this forum to discuss budget priorities, we should all come together and agree that no new and untested elementary and secondary education programs should be funded until we fulfill our basic commitment to programs—like IDEA—that are tried and proven.

The real issue today is not whether the legislation before us addresses all of the problems that plague our education system.

There are issues which are important to me—for example, in the areas of professional development—which I have not addressed on this bill because I believed that it was more appropriate that these issues should be addressed in the context of the reauthorization of ESEA.

My own view is that we should have a longer school year, that children lose too much ground over the summer months. But is this area ripe for federal involvement? I don't know.

The real issue we are considering today is simple. Are we going to give state and local communities the flexibility they have requested to improve the performance of their own students?

I want to emphasize this point. They have not requested this flexibility solely to make their lives simpler or as a way to avoid delivering important services. The accountability requirements that are contained within this bill and that have been implemented in current Ed-Flex states like Texas and Vermont make it clear that this is not their goal.

And we would not expect this to be their goal. I have traveled across the State of Vermont meeting with students, parents, and educators. I can tell you that no one cares more about the

educational achievement of students than do their own parents, teachers and community leaders.

Let us keep ourselves focused on this simple but important task. We must fulfill the commitment we made more than 25 years ago and we must move to quickly pass this important legislation.

In order to do so, I am offering an amendment proposing that all funds made available in Fiscal Year 1999 for class-size reduction will be used instead for part B of the Individuals with Disabilities Education Act (IDEA).

I believe it is important that we honor past commitments before taking on new obligations—particularly those as expensive, untested, and fractious as the class-size reduction initiative. We have never come close to providing local school districts with the level of IDEA assistance promised to them in 1975.

Yet, rather than meeting this long-standing commitment, we are instead encouraging them to take on additional obligations in order to reduce class size. These are obligations for which States and localities will be solely responsible once Federal assistance for class-size reduction efforts disappears.

It is not too late to correct this mistake. No funds are scheduled to be distributed until July. Most school districts have not yet received guidance on the class-size reduction program, as the guidance was not issued until this past weekend.

Perhaps the situation will change now that guidance is available, but school officials in Vermont have been telling me that they have been unable to get answers to even relatively simple questions about the program.

Supporting programs for students with disabilities is a far better use of the \$1.2 billion provided in fiscal year 1999 than is starting up an untested teacher hiring program which was written in about a day-and-a-half in the closing days of the 105th Congress as part of an appropriations bill.

In fact, several school districts may be faced with entirely unforeseen increases in their IDEA funding needs because of last week's Supreme Court decision. Freeing up these funds for IDEA, a program which is in place and the contours of which are well known, is a better use of the appropriations scheduled to be distributed this coming July.

Mr. President, I see the Senator from Washington. I believe she is ready and desires to introduce her amendment.

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

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll. The legislative 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. JEFFORDS. Mr. President, I would ask the Senator from Washington if she would like to discuss her amendment, and I would be happy to yield to her 15 minutes for debate only and then take a look at things as they exist at that time and decide whether or not we should proceed with the offering of her amendment.

Mr. KENNEDY. I ask for the regular order, Mr. President.

Regular order is that a Senator can yield for a question. We are now in debate time; we are not under a time agreement, and I make a point of order.

The PRESIDING OFFICER. There is no time agreement until 3 o'clock.

Mr. KENNEDY. How do we yield time if there is no time agreement?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. I have the floor, and I am yielding for a certain number of minutes. I don't think there is anything wrong with that. I am asking unanimous consent. Object to it.

Mr. KENNEDY. I would object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY addressed the Chair.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Vermont has the floor.

Mr. JEFFORDS. I make a point of order that a quorum is not present.

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.

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The quorum call continues.

The legislative clerk continued with the call of 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.

The Senator from Vermont is recognized.

AMENDMENT NO. 55 TO AMENDMENT NO. 40

(Purpose: 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)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 55 to amendment No. 40.

In lieu of the matter proposed to be inserted, insert the following:

SEC. .IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) by striking “(b)(1)” and inserting “(b)”;

and

(2) by striking subsections (c) through (g) and inserting the following:

“(c) Each local educational agency that receives funds under this section shall use such funds to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”

Mr. JEFFORDS. Mr. President, I offer this amendment in hopes that we can, again, emphasize what the proper procedure is for this bill—to try to see if we can get it through with the least possible delay. At the same time, since there seems to be a desire to utilize the amendment process, we can try to rectify what was an attempted procedure on an appropriations bill at the end of the last session, to get to the question of funds for schools.

We believe very strongly, as we have emphasized over and over again, that the best way to help the schools out, with the money that was appropriated at that time, is to have that money flow to the schools to assist in taking care of children with disabilities. There is no question in the mind of anybody outside of Washington that the best way to help local communities is to get them out from under the problems that were put on them by the Federal Government when it promised to fund 40 percent of special education and only funded it at around 10 percent. That has put huge stress on the local communities, and this stress has just been made even worse by the recent Supreme Court decision which has emphasized, that it is the school's responsibility to have health care available to a child in order for the child to get what is promised under the Constitution, an appropriate education which is free. And “free” is the key word here with respect to the recent Supreme Court decision.

Obviously, if a child cannot concentrate or be effective, as far as the learning process goes, without some help from medication or a nurse, then, without that help, that free and appropriate education is not being provided.

Just to emphasize again where we are, this is the time for us to be helping the States out, to increase their flexibility and their ability to use title I funds in particular. It is not a time to try to place upon them new restrictions or to utilize the funds for less desirable programs than those which are available now, and encumber them with only being able to do it through the decrease in class size, as in the amendment as passed out of the Congress last year.

So I am hopeful we can take the time now to analyze where we ought to be going in education. I already discussed

that to a substantial extent previously, but would like to point out again, as we go forward trying to improve the education of this Nation, this can only be done by the Federal Government and the local communities and the States all working together to provide the kind of educational changes which will maximize the ability of our children to learn. Certainly all the Governors in the country have agreed that the best way to do that is to free the communities from the huge burden we placed upon them back in 1975. Although we made a commitment to take care of 40 percent of that, as has been explained on the floor, we are well lacking that. We have been showing a chart to you for some time which dramatically emphasizes that huge shortfall.

I am hopeful as we go forward today, we will continue to try to find a way to get this bill passed. It is unfortunate it is being objected to for reasons which really are not relevant. It is very important, as we progress towards the end of this year, that we not keep stalling and preventing action that would result in benefiting communities, and stop encumbering ourselves with legislation which will accomplish what is not the highest priority. Depending upon where you are, we would accomplish relatively low priorities. The need for flexibility is immediate in order to help students and teachers, and in order to allow the local communities to be free to provide the education which would be much more beneficial than what could be achieved with the restrictions they currently face.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

MOTION TO RECOMMIT WITH AMENDMENT NO. 56

Mr. KENNEDY. Mr. President, I send an amendment to the desk, and I move to recommit the bill to report back forthwith with the following amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. MURRAY, for herself and Mr. KENNEDY, moves to recommit the bill to report back forthwith with the following amendment numbered 56.

The text of the amendment is as follows:

AMENDMENT NO. 56

(Purpose: To reduce class size)

At the end of the bill, add the following:

SEC. __. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

“PART E—CLASS SIZE REDUCTION

“SEC. 6601. SHORT TITLE.

“This part may be cited as the ‘Class Size Reduction and Teacher Quality Act of 1999’.

“SEC. 6602. FINDINGS.

“Congress finds as follows:

“(1) Rigorous research has shown that students attending small classes in the early

grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

“(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

“(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children’s education.

“(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students’ need for special education services in the later grades.

“(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

“(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

“(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

“(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

“(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

“(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

“SEC. 6603. PURPOSE.

“The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

“(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

“(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

“SEC. 6604. PROGRAM AUTHORIZED.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, \$1,400,000,000 for fiscal year 2000, \$1,500,000,000 for fiscal year 2001, \$1,700,000,000 for fiscal year 2002, \$1,735,000,000 for fiscal year 2003, \$2,300,000,000 for fiscal year 2004, and \$2,800,000,000 for fiscal year 2005.

“(b) ALLOTMENTS.—

“(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

“(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

“(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

“(2) DEFINITION OF STATE.—In this part the term “State” means each of the several

States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

“(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or \$50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

“(c) WITHIN STATE DISTRIBUTION.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

“(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary’s satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

“(B) 20 percent of such remainder shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

“(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

“SEC. 6605. USE OF FUNDS.

“(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

“(b) CLASS REDUCTION.—

“(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

“(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

“(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

“(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

“(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

“(A) to make further class-size reductions in grades 1 through 3;

“(B) to reduce class size in kindergarten or other grades; or

“(C) to carry out activities to improve teacher quality, including professional development activities.

“(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

“(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

“(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

“(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

“SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

“(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

“(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

“(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

“SEC. 6607. REQUEST FOR FUNDS.

“Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency's program under this part to reduce class size by hiring additional highly qualified teachers.

“SEC. 6608. REPORTS.

“(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

“(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring addi-

tional highly qualified teachers and reducing class size.”.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Under the previous order, the hour of 3 o'clock having arrived, there will now be 2 hours of debate equally divided.

Mr. JEFFORDS. As I understand it, no amendments can be offered on the motion to debate relative to the cloture?

The PRESIDING OFFICER. No amendments are in order. The order prohibits amendments at this time.

Mr. JEFFORDS. Madam President, let me give Members a little bit of information on where we are. We are now on debate for cloture. We are trying to get this bill—which is very small in the sense of the number of words—but would be very helpful to the Governors with respect to trying to utilize their title I funds in a better way. The States would be able to assist the maximum number of children in need of help. The 50 Governors support it as it will help them have more flexibility. It does no damage to anyone and would be helpful to many. According to the latest estimates for the Department of Education, this school year there are 6.1 million schoolchildren.

We are also looking at an alternative—if you continue to refuse to let the bill go out in order to help the Governors to help the children, we have offered, and will continue to offer, second-degree amendments. These amendments will not run into the problem of being under the Elementary and Secondary Education Act jurisdiction of the committee, where we are now holding hearings, as the other amendments have. These amendments will say that the highest priority now and the best thing to do now, would be to take the funds appropriated last year or authorized last year and to have those instead utilized to reduce the burden on our local schools caused by the failure of the Federal Government to live up to their promise to provide 40 percent of the funding for children with disabilities. We believe that is, by far, the better option and would not in any way impair our ability to continue to move

forward on the Elementary and Secondary Education Act.

However, and it is unfortunate, the minority believes they would rather try to have the President's program. There are many parts of the President's program that I don't have a problem with. To put these proposals up at this time, however, without going through the normal process of debate, analysis, and hearings that normally go on in the committee process, is irresponsible. We must be able to determine whether the programs work, how best to put them in, what kind of law change would be needed—all those things are normally handled during the committee process. We have already had several hearings and we will have many more hearings on the Elementary and Secondary Education Act. I am anxious to move forward now and continue with those hearings, and at the same time give the Governors maximum flexibility in their ability to be able to utilize funds presently appropriated, especially under title I of the Elementary and Secondary Education Act.

Twelve States have demonstrated how you can utilize this to enhance the education of your children. Texas and Vermont have had a special success in utilizing these flexibilities, but there are now 38 other States that would like to have the same benefits. Why we would want to stall and delay that time, I am not sure, but that is the situation we are in right now.

We, therefore, are going to have 2 hours of debate from now until 5 o'clock on the motion to invoke cloture so that we can proceed to this very important but relatively simple bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am sure that many Members of the Senate, and certainly Americans who have been watching the Senate for the past few days, must have a question on their minds about what is going on in the U.S. Senate. For many of us who have been here for some period of time, it is becoming painfully clear what is going on. Our good friends on the other side look up to the Parliamentarian and ask, “There is no opportunity for them to offer an amendment at all, is there?” and after they get their assurance, then they permit this side to speak. If you agree with them, you get a chance to speak, and they don't object to calling off the quorum; but if you don't agree with them, then you don't get a chance to speak.

This is the new U.S. Senate. I guess this must be part of the attitude we all heard about after the impeachment—that we were going to try and work things out in a way of comity and understanding, and we are going to have give-and-take on both sides. We were denied an opportunity to debate this issue or offer amendments last Friday when we wanted to, and we were denied

the opportunity to offer amendments here today. There are evidently objections to the consideration of the Murray amendment, even though the majority and the chairman of the committee were quite prepared to tag amendments on to this Ed-Flex legislation, which is of so much importance to local districts. I supported this legislation, but it doesn't really compare in importance to the Murray amendment which will result in the reductions of class size.

We saw the acceptance of a far-reaching banking amendment, and I doubt very much whether there are five Members in the U.S. Senate that would be able to explain it. And then the majority talks to us about not trying to clutter up this legislation with amendments, like the Murray amendment to reduce class size, whose only purpose is to continue the commitment made last year which the Republicans signed on for and took credit, to make sure this commitment was going to continue for the next 6 years, but we have been denied the opportunity to bring it to the floor. But we have accepted a banking amendment of enormous significance and importance and there isn't a complaint over here, not a complaint over here.

So now we have a prohibition on offering amendments from 3 o'clock to 5 o'clock. It is neatly timed to divide the time up so that we can talk about this. I dare say when the majority leader comes over here, we will have the same kind of situation tomorrow, the same situation since he has filed the cloture motion. We will have the explanation, "Look, we have been on education for a number of days now and it is time we resolve it."

Madam President, maybe that explanation satisfies some Americans. But it defies logic, Madam President, if we are prepared to try to debate and discuss these matters, why we don't let the Senate make a judgment on it.

I listened to my friend talk about the amendment. Last year, the amendment that was accepted on teachers was drafted in a back room. As I remember, the good Senator from Vermont was in that back room at that time. I didn't hear him complaining at that time about being in the back room. When the chairman of the House committee, Congressman GOODLING, went out there to announce this, he was quite prepared to take very considerable credit for what had been done in terms of expanding the classrooms. He went out and stated at that time:

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, redtape and regulation.

That is what the chairman of the House committee said on this.

Mr. JEFFORDS. Will the Senator yield?

Mr. KENNEDY. I am glad to yield for a question.

Mr. JEFFORDS. Were you in the back room?

Mr. KENNEDY. I was there part of the time, but not when he had his press conference. I was in the room, yes, I was, and glad to be there, because we were fighting then for smaller classrooms.

Mr. JEFFORDS. I think if you check your memory, I was not there.

Mr. KENNEDY. If the Senator wasn't there, I apologize to the Senator. It was, as I see now, Senator GORTON, Chairman GOODLING, Congressman CLAY, and myself.

So I apologize to the Senator. Would the Senator have complained in the back room last year if he had been there?

Mr. JEFFORDS. If I had been there, there would not have been anything to complain about.

Mr. KENNEDY. We will let the record stand and let the people figure it out.

The point is, Madam President, what we have tried to do with this Ed-Flex legislation, which some Democratic Governors and Republican Governors desire, is to create greater flexibility, while at the same time insisting that we are going to have some accountability—those issues have not been completely resolved—and to ensure that Federal funding that was going to be available was going to be targeted to the neediest students. We all want to make sure that we are going to be able to judge the Ed-Flex by how the students' achievement and accomplishment actually are enhanced over a period of time.

There is another amendment by the Senator from Rhode Island, who wants to ensure that parental involvement in these decisions will be considered. That has not been accepted. We certainly hope that will be included, because every single study that has been made with regard to the importance of early education shows the importance and significance of parental involvement.

So we still have to resolve those issues. As our majority leader pointed out when he addressed the Governors two weeks ago, we would get a chance to debate the issue of education. This is what our Majority Leader LOTT, who spoke to the National Governors' Association, said:

Now, when we bring up the education issues on the floor next week, there will be some amendments and some disagreements. But at the leadership meeting we had yesterday afternoon, I said, "That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary, let's talk about education."

What happened, Madam President? What happened to that kind of commitment that was made to the Governors? What happened to the opportunity to be able to address the issue of class size and to be able to vote on it? What happened in the last two weeks which has denied the Senator from Washington the opportunity to offer her amendment last Friday and denied the opportunity to offer it today? I daresay she will be denied the opportunity to offer

it tomorrow. What happened here, Madam President?

What is more important to the families of this country than the issues of education? What is more important than having a good debate on issues such as classroom size? What is more important than considering other issues that our colleagues wanted to bring up for Senate consideration, such as the afterschool programs to try to assist children that too often are finding themselves in trouble or spending too much time watching the television in the afternoon? What is wrong with an amendment to expand that program? Let's hear the arguments and have a vote here. Let's have a short time limit. The Senator from Washington had indicated that she would be willing to enter into a time agreement. We don't need to have a cloture vote tomorrow. We could vote on the Senator's amendment late this afternoon, if that is the desire. I bet the membership would stay here during the evening, if that was the desire and others wanted to speak on it because of its importance to people in communities all across this country—parents, children and schoolteachers. We can do that.

We can reach a time agreement, as our minority leader said, on the floor of the U.S. Senate, for five or six amendments with time limitations. We could wind this whole debate up by tomorrow. But, no. Are we sure we can't have any amendments this afternoon? Yes, the Senate can be assured that it is not possible for any Member of the U.S. Senate this afternoon to offer an amendment. Fine. Then you can go ahead and speak.

That is known as a gag rule, Madam President. We had that kind of problem at the end of the last session. We had the gag rule on minimum wage. We had the gag rule on the Patients' Bill of Rights. And now we start off this Congress and we have a gag rule on education. If the majority agrees with you, you can bring up your amendment. But if you have an amendment like Senator BINGAMAN and Senator REID on school dropouts, where we had a very substantial number of Republicans who supported that, absolutely not. Absolutely not.

The amount of time spent in quorum calls last week when they brought up this simple amendment that had been debated and discussed and accepted and dropped in conference last year is beyond belief. We had a small number of amendments that could have been worked out. All of us understand that there is a program and a schedule, and Senator DASCHLE spoke for all of us on our side to try to reduce any number of amendments, and to try to get a time limitation and to move on. But that continues to be denied.

"Not as long as school class size is one of the amendments," they say. Isn't that wonderful? No agreement as long as school class size is an issue. What is this terrible issue about school

class size that they won't even permit Republicans or Democrats to vote on?

I see my colleague, the author of this amendment. I am glad to yield to the Senator from Washington and withhold the remainder of the time.

CLOTURE MOTION

Mrs. MURRAY. Madam 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, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280:

Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Akaka, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Thank you. Madam President, let me just commend the Senator from Massachusetts for his tremendous work on the education issue and for his repeated help with those of us who would like to offer amendments that would make a difference for young children in this country—in their education and in our responsibilities to live up to promises we made to our voters to deal with the issues of education, whether it is reducing class size; training our teachers; dropout prevention, as Senator BINGAMAN has brought to us; afterschool care, as Senator BOXER has talked about; and numerous other issues that will affect children's education.

I listened to the chairman this morning as he talked about my amendment, which has yet to be offered, on class size. I agree with him that the best thing we can do for our kids in our classes is to have a quality teacher. That is exactly what this amendment that we would like to offer does.

Reducing class size allows 15 percent of the funds to go to recruiting, hiring, and training certified, regular, and special education teachers, and teachers of special needs children, including teachers certified with State and local governments.

I am reading from my amendment, Madam President. This amendment makes sure that the teachers who are put into our classrooms are well qualified. In fact, I worked with Senator JEFFORDS, chairman of the committee, last year, along with our ranking member, in order to deal with the issue of quality teachers. We passed an agreement last year that began to make sure that our young people out in the colleges today who are learning to be teachers are given skills in technology, a very important issue, making sure

that every new teacher who is certified from here on out has training in technology. We intend to work with the chairman of the committee when we reauthorize the ESEA, to make sure that our teachers who are out there are already getting the training and help they need so they can be the best teachers possible.

But it isn't good enough to just have a teacher in the classroom. We need to make sure that those teachers have enough time with individual students to help them with their reading skills, to help them with their math skills, to help them with their introduction to science, to help them with their writing skills. There is nothing more frustrating to a first-grade teacher who is trying to help the young student in her classroom learn to read, and one young student can't get the time and individual attention he or she needs so that they can break through the barrier and learn to read. And there is nothing worse than for a teacher to go home at night and be completely frustrated because they had 30, 35 kids in their classroom and they weren't able to help one child. There is nothing more difficult for a teacher than to recognize that they left the child behind that day or that night or that year because they didn't have the individual attention they needed.

We go out to our communities—all of us—and we talk to business leaders in our communities. Every one of them tells us that they want to hire kids from their local schools to go into their businesses. They look directly at us, and they say, "We want to know when those kids graduate from high school that they know how to read, write, that they have the basics in science and math." What we have found from all of the studies we have seen is that when class sizes are reduced in the first through third grades, those students go on through high school and they graduate with competency in those requirements. It does make a difference.

Madam President, last year I introduced legislation on reducing class size. It was turned down on a partisan vote in the beginning of the year. But we did have a bipartisan agreement. We changed the language of my original bill to add training for teachers, because that is what my Republican colleagues wanted. We added language that included local alternative routes. That was directly in relation to the Republicans asking us to put this in the amendment. We worked the wording back and forth and, last October, agreed with Congressman GOODLING, Senator GORTON, Senator KENNEDY, and others who were in the negotiations, who were representing all of us in those negotiations, to come up with a bipartisan agreement. And it was passed in a bipartisan fashion.

It is now not only extremely timely but necessarily timely that we go back to those districts and tell them that this wasn't just a commitment from

October; we are firmly committed to making sure that young children in our schools get the class size reduction that they need to have the ability to learn the skills they need so that we can make a real commitment to education.

Don't just look at me for this. I am a former teacher. I am a former school board member. I am a parent of two students who went through our public schools. I have been out there as a PTA member. I have been a State legislator dealing with education. And I have been on the committee here that deals with education. I have seen education from every angle—from being a teacher, a parent, a school board member, a legislator—and I can tell you that all of those groups, every one of them, know that when you reduce class size you make a difference in a child's learning.

We all agreed on that last October. We all agreed on that language. We said yes, this is a commitment that we need to make as a Federal Government. We looked at the bill and did everything we could, and brought our Republican colleagues into the discussions, so that there were no new reports, there was no additional paperwork, that the money went directly to our school districts so they could hire qualified teachers. We worked this through in a bipartisan fashion.

Today school boards are out there and they are calling my office—I am sure they are calling every office here—saying, "We are putting our budget together for next year. We are beginning the hiring process to hire our teachers. Is this a commitment that is just a hollow promise, or are you going to follow through?" Our amendment, a 6-year authorization, says we are going to follow through, that we didn't just do it last October, that we meant it as a commitment, that we as a Congress know that class size reduction is absolutely critical.

Madam President, the President has made this a top priority. The Vice President issued a statement in support of it today. The administration is going to be there with us. We will get class size reduction. We all know that. We know we are debating an amendment now. But the school boards don't know that. They need a commitment now so they can put their budgets together and hire those teachers.

I was a school board member. I can tell you, we didn't deal with promises when I was a school board member. When you are putting the budgets together to hire these teachers, everybody loves you. But you don't want to be the school board member a year from now or 6 months from now who tells those teachers, "We are going to fire you, let you go." They do not care if it was the Federal Government or not. They will come to your school board meeting saying, "How can you fire our teachers?" School board members can say, "Well, the Federal Government didn't follow through on their

promise." But that doesn't make a difference when you are a school board member and you have to go to the grocery store the next day with all the parents who are going to be affected by a decision we made.

Madam President, we made a good, solid commitment. We worked a year, along with our Republican colleagues, to add their language to our proposal. That is what was agreed on last October. That is what we have in front of us today, if we are allowed to offer it. And that is a commitment that we ought to make to parents, to students, and to school boards who are doing their budgets, and to our Government, which is also counting on us to make sure that we have our commitments in order to our young children across this country.

Madam President, I have worked long and hard with my Republican colleagues on this issue. It is an extremely timely and necessary issue. We agree that the Ed-Flex bill is one that we can all agree on. But why not do what is really important in this country on this bill? Why should we be precluded from offering these amendments? If our Republican colleagues now don't agree with those on class size, fine; vote no. But let's let our school board members know. They have a right to know. We have an obligation to tell them. That is why we feel so strongly about offering this amendment.

Again, I offer to my Republican colleagues, we would like to work with you on this. We believe this is a commitment that was made last year that we should stand up to. The administration stands with us. Let's put the words in writing, and then we can go on to other issues.

I heard the chairman of the committee say, "Well, let's wait until the ESEA is reauthorized." I have been here in the Senate for 6 and a half years. I know that reauthorizing a bill, bringing it here to the floor, and having it move forward is no guarantee. I know it could be a year from now. It may not happen. I have seen reauthorizations not agreed to. I want to make sure that our class size allocations don't get lost because we can't get a bill through the floor 6 months from now or 8 months from now. Again, our school boards are hiring teachers. They need to know now. They cannot wait.

I have studies, which I will go through when we get our amendment to the floor, which show that reducing class size makes a difference. I have many, many letters, and I have had phone calls from parents. I have heard from students. I have teachers who would like to have their words be put on the floor of the Senate in support of this proposal. I am hearing from them. I am sure many of our colleagues are as well.

This is an important and timely issue. I sincerely hope that our Republican colleagues will allow us to vote on it. I heard the chairman of the com-

mittee, the manager on the floor, talk about the fact that perhaps it would be agreed on now. I again urge you to allow us to vote on it. Let's have the debate.

I heard the chairman talk about the fact that he would second-degree my amendment with legislation to take all of the class size money that was allocated last year and give it to IDEA funding for special education children.

Madam President, I agree with the chairman of the committee, funding for IDEA is absolutely essential. I offered this amendment on the floor during the budget process last year to fund IDEA. I believe in that commitment. But let's not rob those schools of money that we promised them last October for this year to reduce class sizes in first through third grade and give it to IDEA. We can't pit student against student. What an empty promise, to anybody who depends on the future of education, if we come back 6 months later, after a bipartisan agreement has been reached, and say, "Well, gee, sorry. Politics have changed. We are taking the money that we promised you and giving it to another group."

Madam President, kids in the first through third grade in school districts, whether they are in Shoreline, or Seattle, or Wanaque, Kentucky, Florida, or any other community, know that reducing class size makes a difference. Ask any parent how many times, when their child comes home on the first day of school—every parent—the first question is, "How many kids are in your classroom?" Every parent knows that if the class size is small enough—we are asking for 18 in first through third grade—their child is going to get a good education. If the answer is 32, as it was for a friend of mine just a few days ago in enrolling her child in kindergarten, you know your child is not going to get the help they need and deserve in this country today to get a good education.

Madam President, I will retain the remainder of our time. I am happy to hear what our Republican colleagues say.

But I again offer to them that I am more than willing to have a time agreement on my amendment and an up-or-down vote. I am more than willing to do it in an expeditious fashion. I am positive we could finish the bill in the next 24 hours. With a time agreement on my amendment and the other amendments that I am sure our leader, along with yours, can work out on the floor, we can finish this bill by tomorrow and have the whole bill done in a week. But it will allow us to let people in this country know that this is a commitment we have an obligation to keep.

Madam President, I retain the remainder of my time, and I look forward to the debate, and I again plead with our colleagues to allow us to offer these amendments.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. "A commitment we have an obligation to keep." That is what we are hearing from the other side. "A commitment we have an obligation to keep." Tell the special ed child that. Tell the special ed child, whose funds you are raiding. You are raiding those funds to start these new initiatives. That is where the funds are coming from. Every time the President goes to the podium to propose a new program, where does that money come from in education? It comes from the children. It comes from the special ed child.

Why? Because this administration year in and year out has refused to fund special education. In fact, ironically, if you take all of the President's new initiatives, which have been thrown at us on poll number after poll number—every time he takes a poll, he puts out a new initiative. If you take all of his new initiatives on education, they, ironically, happen to add up to almost exactly the amount of money it would take for the Federal Government to fulfill its obligation to the special needs children of this country, an obligation which was made—a commitment, the term used by the other side, a commitment which was not made last fall in order to entertain the concerns of the teachers unions in this country; it was a commitment that was made in 1975—1975—when we passed 94-142, a law which said that the Federal Government would pay 40 percent—40 percent—of the cost of the special needs child.

What happened? The Federal Government reneged on that obligation, to the point where it was down to only 6 percent that was being paid by the time the Republicans took over this Congress.

We have been able to reverse that trend as a Republican Congress. We have increased that funding by almost 100 percent in the last 3½ years. We have gone from 6 percent up to 11 percent but without any help from this White House. Not once did they send up a budget that has said, let's look at the needs of the special ed child. Not once did they send up a budget that said, we have a 40-percent obligation here; we are only fulfilling 6 percent of it, so let's start to fill up the rest of the obligation.

No, every time they send up a budget, it is take the money that should have gone to special education, put it into some brand new program which moves responsibility back here to Washington so we can have more control here in Washington purchased with the money that is supposed to be going to the special needs child.

We have another example of it right here on this floor today that is going to be proposed by the Senator from Washington. Let's add 100,000 teachers. How much does that cost? Billions. Does it say anything about taking care

of the special needs child, the 40-percent obligation? No, nothing. Nothing.

Let me point out that if we took the money that was going to the 100,000 teacher program proposed by the President and sent it back to the communities to spend on their special needs children, that would free up the local dollars so that the local principal, the local teacher, the local school board could make the decision as to whether they needed a new teacher, a new classroom, a new afterschool program, a new computer, a new science program, a new math program, a new language program.

But, no, no, the President and his Members on the other side of the aisle are not going to let that sort of freedom fall into the hands of the local education folks. They are not going to let parents suddenly have some power or teachers have some power or principals have some power.

No, don't let that happen. We have to set up a new program and take all the money going to special ed, which would have freed up local dollars, and tell the school districts how to spend it. Tell them that we, here in Washington, know better. My goodness, we all know that the folks down here on, I think it is 600 Independence Avenue, the Education Department, know a heck of a lot more about the kids in the Epping Elementary School than the principal of the Epping Elementary School.

We all know that. That is sort of one of those *prima facie* facts here in Washington, that the bureaucrat in that building, in that back room there on the 15th floor of some office building knows a heck of a lot more about how to educate a child in Epping, NH, or in Concord, NH, or in Nashua, NH, than the teacher who sees that child every day and the principal who works with that teacher every day or the parent who happens to be involved with this child more than every day, obviously, 24 hours a day.

No, it is the great theory of self-worth which says that Senators here in Washington and bureaucrats here in Washington, especially the President here in Washington, know more about how to educate the child than the child's parents, the child's teachers, the child's principal, or the child's school board. So they take the money that should have gone to special ed and they put it into these new programs.

Let me reiterate what the practical effect of that is, because this is the insidiousness of the proposal that is being made from the other side. You see, if the Federal Government actually funded what it said it was going to fund in special needs, actually paid for the cost of the special education child to the full 40 percent as required, that would free up the local resources, because today what happens is the Federal Government is only paying 11 percent of the cost. It would have been 6 percent of the cost if this administration had been allowed to have its way for the last 3 years. But we changed that. We raised it to 11 percent.

So the next amount of the cost, the difference between 11 percent and 40 percent, has to be found somewhere else; that Federal share that is not being paid by the Federal Government has to be found somewhere else.

Where is it found? It is found in the local taxpayers' pockets and the State. And so the local school district has a special needs child, or maybe a series of special needs children who are costing them a considerable amount of money, and we should fund that; we should take care of them. And they know that and so they pay for that child's proper education. But when they make the decision to pay for that child's proper education, instead of getting 40 cents back on the dollar from the Federal Government for every dollar they spend, they only get 11 cents back, and so they have to find the difference somewhere else.

Where do they find it? Well, maybe they do not hire another teacher that they want for history or art. Or maybe they do not put in a computer room. Or maybe they do not start an afterschool program. Or maybe they do not build a new building or add on to their building. They have to make a decision such as that at the local level. It is a daily decision that is made in this country. All across this country that decision is being made, because the Federal Government refuses to pay its fair share of special education costs to which it has committed.

No, instead we have this arrogance of power that says we are going to take the money from special ed; we are going to create a new program; we are going to give it to you but you have to spend it exactly as we tell you. You have to spend it to hire teachers. You have to spend it for an afterschool program. Or you have to spend it to hire consultants, which is the way it usually works out.

The local school district, instead of having flexibility to make its own decisions with money that it should be getting from the Federal Government, suddenly finds itself hit twice. First, it does not get the money the Federal Government was supposed to send it. And then it is told that if it wants to get the money the Federal Government was supposed to send it, it has to create a brand new program that they may not even want. It is an arrogance of power.

The other side has said, we don't want to pit student against student. We don't want to pit student against student. Tell us about the special needs child and their parents going to a school board meeting in my State.

We have town meetings. School budgets are voted in the open in a town meeting. Anybody can go. Anybody can vote who is a member of that town. Let me tell you, student is pitted against student; parent against parent. It is awful. Why does it happen? It happens because we have failed to pay the obligations of the Federal share of special ed. It is absolutely inexcusable that we

put special ed kids and their parents through the nightmare of having other kids and their parents saying to them, "You are taking our money." But that is what happens every day across this country because the Federal Government refuses to pay its fair share.

So, what does the other side propose? Let's pit more students against students. Let us not increase special ed funding; let's create a brand new program so the special ed kid is once again left out there without the protection of the dollars that were supposed to come from the Federal Government, and once again is thrown into the meat grinder, unfairly and inappropriately being accused by other students and parents in the school district that funds going to that child should be going to the general education activities.

So this student-against-student argument is—well, it is like arguing that black is white, to say that this new teacher program is somehow going to relieve the student-against-student issue. It is just the opposite, just the opposite. It is going to create an excessive problem for the special needs child.

Do they need teachers? I don't know. I don't know whether the town of Epping or Concord needs new teachers. I do know this: The people in the town of Epping and the city of Concord know whether they need teachers. I am not going to tell them whether they do or they do not. What I am going to try to do is give them the money and the flexibility to make the decisions themselves, rather than have it directed here from Washington. But that seems to be an anathema to the President and to the people who are carrying his water in this Congress; the concept that the local community should make these decisions, the concept that the local teacher or the local principal, or even, God forbid, the parent might know more about what the child needs than we know here in Washington. That is the attitude.

That is the attitude that leads to this arrogance which takes the money from the special needs child and moves it over for new programs which happen to poll well, and therefore create some sort of political statement that allows you to create an election event, because that is what this is all about. If this administration wanted to help the children of this country get a better education, the absolute first thing it would have done would have been to fund special education at the full 40 percent, or made a commitment to try to get there. The fact that they did not, the fact that they have not, the fact that the only people who have been committed to this have been on our side of the aisle, reflects the insincerity of their effort in the area of education. It reflects that they are interested in politics, while we are interested in actually producing quality education.

This bill, by the way, is another example of that. It stuns me that this bill

would be held hostage for these really blatant political weapons, especially ones which make so little sense. That is what is happening here. This bill is being held hostage so somebody can take a poll and do a focus group and decide we need a new program. I imagine we will get another one after this teacher one, where the Federal Government can tell the local communities how to run their educational system.

It is inappropriate, to say the least, because everybody supports this Ed-Flex bill. It is supported by the Governors. It was supported by the President. It was even supported by Members on the other side of the aisle. Why? Because it is a good idea. It gives flexibility to local school districts. It allows local school districts to make decisions as to how Federal dollars are spent without the Federal strings. In fact, I think 12 States are already functioning under this and doing extraordinarily well, and all this bill does is expand it to the rest of the States. It is ironic that 12 States should have this benefit, but the rest of the States should not have this benefit.

This second-degree that has been offered, which I think is absolutely on target, takes the money which was stuck in the bill last year for this teachers initiative and moves it over to the special ed accounts, which is where it should be—should have been in the first place. We made a mistake last year. This is an attempt to correct it. This mistake has been confirmed beyond any question by the recent Cedar Rapids decision of the Supreme Court. The Supreme Court said just last week that not only do the local school districts now have to pay for the special needs child's educational activities, they are going to have to pay for the medical activities within the school system that are required in order to educate that child.

I can tell you, those medical costs are going to be extraordinary. This is an exponential increase on the local school districts in order to pay those medical costs. Those medical costs used to come out of Medicaid in most instances. Sometimes they came out of other accounts, but a lot of these kids were Medicaid qualified, so if they were really high they might have come out of there. But they didn't come out of the local school budget. Now they are going to come out of the local school budget.

Many of the New Hampshire school districts, for example, have small numbers of people in them. If you have a child who needs an extreme amount of medical help in order to be mainstreamed—and they should be mainstreamed; this is critical, it works, it is a good idea—but they have to have full-time nursing care, or they have to have very high caliber medical assistance, devices like ventilators or a variety of other things, oxygen, it gets extraordinarily expensive. And every one of those dollars, according to the Supreme Court, is now going to come out of the school budget.

Where is it going to come from? It is not going to come from the Federal Government, because we are not going to pay our 40 percent. No, it is going to come from maybe the math/science department. Maybe the decision to buy new computers will be put off. Maybe the decision of hiring a new teacher will be put off. Maybe the decision to add a wing onto the building will be put off. Maybe the football team will be dropped. Who knows? But somebody is going to have to lose, because there is now a Constitutional requirement that the health needs of that child, when that child is being educated, must be paid for by the school department.

The Federal Government is not going to come through with its 40 percent of that cost. Instead, the administration is going to take the money which should have gone for that cost and move it into some new program which is going to be directed out of Washington where the local school district will be told from Washington how and when they can hire a teacher, and what sort of qualifications that teacher can have. It is, in light of that decision in Cedar Rapids, absolutely inexcusable that we would be initiating new programs without funding the special needs program first—absolutely inexcusable. It is going to put extraordinary pressure on every school district across this country unless we face up to that reality.

So, the \$1.2 billion that last year we put into this teachers program should be taken out of that and moved over to special needs and the special needs child's program, in light of the Cedar Rapids decision. To not do that is to really be derelict in our duty as a Federal Government. We have already walked away from that duty by not funding the full 40 percent. But to fail to do it in light of the decision on Cedar Rapids is really to add insult to injury—to rub salt in the wound.

So I congratulate the chairman of the committee for offering this amendment. I think it is right on. I look forward to this debate, because this is the issue we should join. Are we going to support the special needs children in this country with dollars, not rhetoric? Or are we going to start new programs, directed by Washington, decided by Washington, under the control of Washington, which take the money from special needs which would have freed up local flexibility and put them into categorical decisions out of Washington?

That is the debate here. That is the substance of the education issue and the difference between the two parties on education. It is not an issue of dollars. It is an issue of how local communities get to manage those dollars and where those dollars get spent. There isn't a community in New Hampshire which, if given the option, would take the special ed dollars before they would take a new categorical program from Washington.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

Mr. WELLSTONE. Madam President, how much time do we have?

The PRESIDING OFFICER. The Senators from your side have 34 minutes remaining.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. I thank the Chair.

Madam President, let me, first of all, very briefly explain what this means to Minnesota. I think we on the floor have already gone over what this proposal is. It is \$12 billion over 7 years, \$7.3 billion over 5 years. It is an initiative to enable our school districts to reduce class sizes, grades 1 through 3, to an average of 18 students. It is an additional 100,000 teachers. Estimates are that we are going to need to hire 2 million really good teachers over the next 10 years in our country. This is our way, at the Federal Government level, of providing some resources to States and school districts that are sorely needed.

Under this proposal, Minnesota would receive \$19 million in fiscal year 2000 to support 519 teachers. Minneapolis would receive \$2,355,271; St. Paul, \$1,761,943; and Anoka-Hennepin, \$489,090. This money is sorely needed, and it would be put to great use.

I am pleased to announce that this comes as a complement to what the Ventura administration is planning on doing, which is to provide \$150 million in the next 2 years to reduce class sizes in kindergarten through third grade, with the goal of having no more than 17 students per classroom.

Let me say to my colleague from New Hampshire that in Minnesota, at least, I do not think you are going to get any argument whatsoever that the Federal Government ought to do a better job of providing money for special ed children. There is no question about it, the IDEA program is a great idea. We want children with special needs to be in our schools. We want them to get the best education possible.

What troubles me is two things. No. 1, what troubles me is this sort of playing off one group of children against another group of children. I will say right now that in the State of Minnesota, we have also made it a goal to try to reduce class size because we know—I try to be in the schools about every 2 weeks—that there are a couple of things for sure that work. One of them is to make sure that we have the parents involved, and one of them is to make sure that children come to kindergarten ready to learn. We are not there as a Nation.

One of them is smaller class size. At the elementary school level, it makes a huge difference. It makes a huge difference, I say to my colleague from Washington, at the middle school level, at the junior high school level, and at the high school level. So why are we

talking about these proposals as if it is one versus the other?

I say to my colleagues that what disappoints me the most is that the evidence is crystal clear. Let me just lay this out as I talk about this. Project STAR studied 7,000 students in 80 schools in Tennessee. Students in small classes perform better than students in large classes in each grade from kindergarten through eighth grade. In Wisconsin, the Student Achievement Guarantee in Education Program is helping to reduce class size in grades K through 12 in low-income communities; again, showing significant improvement in reading, math, and language tests. In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have produced a 44-percent increase in reading scores and an 18-percent increase in math scores.

The research shows that it makes a huge difference. When we talk to the teachers, they tell us it makes a huge difference. When I am in schools and I ask students, "What do you think represents real education reform?" the first thing they talk about is reducing class size. They say, "Smaller classes." I ask them, "Why would smaller classes make a big difference?"

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WELLSTONE. Madam President, I ask for an additional 5 minutes.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. WELLSTONE. Madam President, why would smaller classes make a difference? Students go on and they say, "Well, because with smaller classes, we might get more of a chance to interact with our teachers. If we need special help, we get the help from our teachers. The teachers get to know us better as individuals. We establish more rapport with our teachers."

I say to my colleagues, there is not an educator in the country who doesn't believe that we ought to try to reduce our class size. I say it would be better to have classes no larger than 15 students at the elementary school level.

Senator MURRAY and Senator KENNEDY bring an amendment to the floor. What we are saying—I think all of my colleagues know my views about the Ed-Flex bill; I won't go over my views again—today is, if we are going to be talking about education and we are going to pass a piece of legislation, then we bring to the floor a good-faith, positive effort, which will make a huge difference.

Again, in Minnesota, hardly any student I have ever talked to said, "Please, Senator, we want you to support Ed-Flex." They do not even know what it means. Then if I were to tell them about the debate about title I, personally I think most of the students would say, "We are all for flexibility by way of giving the school districts the

discretion to do more on community outreach, if that is what they want to do, or more on teacher assistance, if that is what they want to do, or more on special instruction, if that is what they want to do, but certainly, Senator, we want to keep the basic standards in place." I think most students would agree with that. Most students do not know this debate. What the students and the teachers and the parents and the people in the community who care fiercely about education tell all of us is, "Here is something you can do."

In Minnesota, I do not always agree with the Ventura administration on issues. They did a good job in their budget. They made it a priority to reduce class size. I think that what Minnesota would say is, "Listen, some additional resources that enable us to do this job, we are all for it."

For some reason, I guess my colleagues do not want to let us have an up-or-down vote on this amendment, I say to Senator MURRAY; is that correct? I want to try to stay at as high a level as possible, but I guess I say to the majority leader that I am surprised he is surprised that Democrats on an education bill would come to the floor with an amendment that Senator MURRAY has now presented to reduce class size. It is amazing to me.

Now we are not going to have an up-or-down vote? My colleague, the Senator from Vermont, who is an education Senator, knows that this is an important initiative and knows that we have an education bill out on the floor, that we are going to have this debate, and we are going to have this amendment. Apparently, we are going to have no vote.

I do not like saying this, but I will: From my point of view, if this piece of legislation goes nowhere, the Ed-Flex bill, that is fine. I do not think it is a step forward; I think it is a great leap backwards. I am saddened by the fact that, for some reason—and this reminds me too much of the last Congress—it looks to me like the majority leader and the Republican majority have made the strategic decision that we will not be allowed to have amendments on the floor, debate, and up-or-down votes so all Senators are held accountable about education. You cannot dance at two weddings at the same time. You cannot say you are for education, education, education, you are for children, children, children, and then say, when Senator MURRAY and Senator KENNEDY and some of the rest of us come out here on the floor of the Senate with an amendment to reduce class size, that you won't even let us vote on it. This isn't going to work.

This isn't going to work, because one of the best things we can do is to provide some additional resources so that our school districts can reduce class size and, at least at the elementary school level, our teachers can do better by our students, our parents can do better by our students.

I come to the floor of the U.S. Senate to speak on behalf of this amendment.

I come to the floor of the U.S. Senate with a mixed mind. On the one hand, to use "Fiddler on the Roof," I am not disappointed that the majority leader is blocking Senators from offering amendments, because I think it is going to mean this bill is going to go nowhere, and I think that will be better for the country. On the other hand, I am really saddened by it and outraged by it because I think this amendment to reduce class size is real. This is real stuff. This makes a little bit of a difference. I would rather we do even more on this.

So with all due respect, I think it is a shame. I think my colleagues on the other side of the aisle are making a huge mistake in trying to block a debate, in trying to block a vote, in trying to block an effort to reduce class size. And if it is blocked on this bill, I assume this amendment will come up over and over and over again, and all of us will be out here talking about it on other pieces of legislation. And we will be talking about pre-K, and we will be talking about rebuilding crumbling schools, and we will be talking about support services for kids at a very early age, and we will be talking about a whole lot of other things that lead to an improvement in the quality of education for our children.

I say to my Republican colleagues, you are not going to gag us on this. You are not going to silence us on this. We are going to have debates about education on the floor of the U.S. Senate. This is just the beginning.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I just want to remark very briefly. All we have done—and I do not understand why my good friend from Minnesota cannot agree with it—is to give the Senate a choice. Do you want to send it for special ed, where it is desperately needed, or do you want to see whether the States would prefer to have it to put more teachers in place? It is as simple as that. We are not getting an opportunity to vote on our amendment either.

Madam President, I yield to the Senator from Tennessee—

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

Mr. JEFFORDS. For 9 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Madam President, thank you.

It must be really confusing to people following this debate over the last several days, especially after people have been away for the weekend coming back now. In about an hour, we will have a vote called a cloture vote on a topic that means a great deal to the American people. I had a chance to review some of this in some town meetings over the last 2 days. I have come back even more convinced we have a real obligation to pass this simple, direct bill that will be translated into

improving education opportunities for people all across America.

This bill—a simple bill—is a bill I brought to the floor last week called the Education Flexibility Partnership Act. The cloture vote, in 55 minutes, is an attempt on our part to say, let's bring this bill in as clean a fashion as possible, addressing flexibility, addressing accountability, at no expense—at no cost; this bill does not cost a single cent—and let's vote on that bill. Let's not clutter it with all sorts of different amendments from either side of the aisle.

I think it is very sad that we are having to file cloture on this bill to bring it to a vote, because it is a worthy bill. It is a bill that has the support of every Governor in the United States of America. It is a bill that is bipartisan. My principal cosponsor is the distinguished Senator from Oregon, Senator WYDEN.

It is ostensibly supported by the President of the United States. He first called for this bill, in fact, about 13 months ago, and has been in support of the bill since that time. Just last week he spoke out in support of the bill and said let's pass Ed-Flex. I think it is sadder still—yes, we are voting on cloture—but sadder still that now we are playing politics, playing politics with the future of our children, with our children's education. And that is what it is.

It became really clear to me as I was at home and I was in Mountain City, which is at the far east end of Tennessee, and went across Tennessee and ended up in Memphis yesterday talking about education. They said: "If there's one thing we want you to do, U.S. Senate, Congress, the Washington Federal Government, it is to stop playing politics and pass useful legislation that you know will work." And we have in this Ed-Flex bill. We have 5 years of experience with a program that has been demonstrated to work. Numerous examples have been cited again and again. Stop playing politics.

Let me just very briefly bring people up to date in terms of the history of this legislation. Senator WYDEN and I worked together on a task force on the Budget Committee which complemented much of the work we did last year on the Labor Committee and identified a particular program that, as we held our hearings, very clearly worked. We heard the examples from Texas and from Vermont and from Massachusetts—all of whom came forward and said this is a program that allows us to focus the resources, with the intent out of Washington, DC, but to do it in such a way as we do it with respect to our needs in our local communities, in our local schools, in our local school districts—with the same goals, with the same money, with the same intent of the Federal Government, but without the Washington red tape, without the excessive bureaucratic regulations. And that is what Ed-Flex is about.

I did not bring this bill to the floor to be cluttered with another 25 different

spending programs, however well intended they are. No. There is a more appropriate place to be dealing with that, and that is on the reauthorization which is currently underway in the Health and Education Committee, that reauthorization of the Elementary and Secondary Education Act.

Ed-Flex is a valuable program. It is a bipartisan program. It has been demonstrated to work. We introduced Ed-Flex just last July. I worked very closely with the Department of Education: How can we make absolutely sure that we have strong accountability provisions built into this piece of legislation? It only makes sense, if you are giving local communities more flexibility, to innovate, to be creative, and to answer those challenges that are out there in educating our children—by taking into account those local needs specific to whatever school might be considering a particular issue.

The Department of Education came, and we worked closely together. I worked with Secretary Riley, and last year he endorsed this very bill. The Labor Committee approved this bill 17-1—not 9-9 or 10-8, but 17 in favor of Ed-Flex and 1 against. We ran out of time last year.

We reintroduced Ed-Flex this year. The Health and Education Committee again reported this bill out of committee, and now we are on the floor of the U.S. Senate debating this simple, straightforward bill on education flexibility with accountability. Yet clearly we are getting off in other directions. We have had a list of amendments come in. One program cost \$12 billion, we want to add; another cost \$80 million. I plead with both sides of the aisle, let's step back and pass the bill we brought to the floor.

Let me also say—and again it is an important point—it is important for my colleagues who are not on the Health and Education Committee to understand, and for Americans and Tennesseans to understand, that the vehicle, the appropriate vehicle to which we should be considering, whether it is construction or whether it is getting dollars all the way to the classroom or whether it is 100,000 new teachers or better teacher preparation in terms of quality, the appropriate place is not on the Ed-Flex bill, which does not cost anything, which allows for this innovation, but through the authorization process currently underway. We are having hearings right now, and will over the next several weeks and months, on the Elementary and Secondary Education Act, where we look at all of these programs, kindergarten through 12.

Some, as I said, would rather play politics with this bill. I really call upon my colleagues to put the politics aside and pass this bill.

Ed-Flex does not cost a dime. The bill on the floor does not cost a single dime, yet an amendment just came to the floor which costs \$12 billion over 6

years—\$12 billion. The appropriate place to debate that is where you are looking at other resources we need to put into education and have that debate.

Chairman JEFFORDS offered an alternative to those expensive plans, and that is we should not be out there funding all these new programs which have come along as amendments until we fulfill a promise we made in 1974.

The Senator from New Hampshire just outlined that we should not be debating funding new programs until we fully fund our special needs children, special education, where we made a promise in the past. Indeed, the Senate voted 100 to 0 to support that approach, although it seems now we have people backing away from that commitment.

Madam President, the floor debate has not focused on the real merits of the Ed-Flex bill. In fact, I bet if we can get cloture today, when this bill comes to the floor the vote will be probably 99-1 in favor of the Ed-Flex bill. I plead that people vote in favor of cloture so we can vote on the Ed-Flex bill without introducing myriad amendments.

We have moved beyond talking about Ed-Flex to the political posturing and the doublespeak. America is not going to tolerate it, I don't believe, based on my experiences around Tennessee this week. Every Member on the other side of the aisle voted to fund the needs of special education students before spending on new programs, yet today we have seen another amendment discussed which is yet another new spending program.

We cannot be occupied by political rhetoric. What is at risk is the Ed-Flex bill. This bill could be brought down if we overload it with all of these new programs. That would be a travesty because we could have this bill passed here and in the House and on the President's bill in 6 weeks, and 38 States that don't have Ed-Flex now would have that program available for them if we passed it here in the next several weeks. Ed-Flex streamlines our education process, it cuts through redtape, it allows States greater flexibility.

Let me briefly refer to this chart, and please don't try to dissect the chart. Let me use it as an example of what I am up against. This is the General Accounting Office, and as everybody in the Chamber knows, the General Accounting Office will come in and look at a field and make advice. At one of their presentations, this chart was presented. It basically says here are some target groups that are very important to education. One is teachers, the other is at-risk and delinquent youth, and the other is young children. I asked that group a simple question: What programs do we have today—out of Washington, DC, or what Departments—looking at at-risk and delinquent youth? I don't understand because I have heard that there were hundreds—200 and 260; 500 and 560. I asked a simple question: What is Washington doing for teachers, for example?

This is the chart they came back with.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEFFORDS. I yield an additional 60 seconds to the Senator.

Mr. FRIST. The point I end with, what we are hearing today is to have a new program put on the outside to address a population that we know is important.

Look at the complexity of this on this chart, which my staff jokingly calls the spiderweb chart. Look at the 15 different programs for teachers. What the other side wants to do is put another program out there.

Our argument is to pass a simple program—that allows innovation; it has bipartisan support—instead of introducing a new program. The appropriate debate here is the Elementary and Secondary Education Act.

I plead with my colleagues to pull back on all of these amendments, pass Ed-Flex, vote in favor of cloture today so we can address a bill that has bipartisan support, that is supported by all 50 Governors, supported by the President of the United States, the Department of Education, and, I bet, 99 U.S. Senators.

I yield the floor.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Thank you, Madam President.

I want to express my appreciation to Senator FRIST for his excellent leadership on this bill. Senator JEFFORDS, who has managed it, brought it out of the committee last year 17-1. It has broad bipartisan support, and was crafted by Democrats and Republicans. Yet, we get here now and we get into this kind of political brouhaha, this kind of spat that does nothing for education. It is not healthy for America and confuses people about what is important.

As Senator FRIST noted, we are talking about a bill, Ed-Flex, that will give our school systems some flexibility as we gave the State welfare systems flexibility. We know how well they did when we gave them that flexibility. It would give the school that same kind of flexibility and not cost one dime. It would not cost any money.

Blithely now, we have a Senator walking in here to propose a \$12-billion amendment—just like that—100,000 teachers. Somebody ran a focus group, I suppose, did a poll somewhere and the people said, “We like teachers; we like smaller class sizes.”

We have hired Ph.Ds and experienced teachers to lead our school systems. Principals all across America are concerned about the schools in your community and in my community. I don't know why we should have some mandate here; we haven't even had hearings on this. We will spend \$12 billion on teachers—maybe we ought to con-

sider whether we should spend it on something else.

This legislation is supported by the National Governors' Association. There is not a Governor in America today who didn't get elected who promised to improve education in his State. They are committed to the improvement of education in their States. They love their children in their States as much or more than Senators love the children in each of the 50 States. They want good school systems. They support this bill. They are calling on us to pass this bill and get out of this political folderol we are going through. Our new Governor in Alabama, a Democrat, Don Siegelman, supports this bill. Dr. Ed Richardson, the Alabama State superintendent of education, supports the legislation.

I will share some information with this body. One of my staff people visited a Montgomery title I school in a poor neighborhood, sat down with the principal, and asked him what he would like for his school system if he could name it right now. The principal, Mr. Thomas Toleston, from Southlawn Elementary School, when asked what he would do if he could be free from redtape and Federal regulations, said:

I would ensure that Southlawn implement a comprehensive summer school program.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

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

Mr. JEFFORDS. I don't have the time to give you.

Mr. KENNEDY. We will give you 1 additional minute, Senator.

Mr. SESSIONS. Mr. Thomas Toleston listed a number of items, including taking kids to educational programs like NASA, afterschool programs, he mentioned bringing in extended-day programs and for paying faculty for extended-day programs.

I just say this: The people we elected in our communities care about our children. We ought to allow them to do their job with the least possible headache from Washington. It is arrogant of us to think we know better how to spend the money to educate the children than the people who elected us.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I want to just take a few moments at this time, because we have others who would like to speak, to say that I am somewhat perplexed at some of the arguments that have been made here this afternoon about the importance of local control and the role of the States in terms of education, because just last fall, in October, we gave assurance to the States that there would be help and assistance toward making the classrooms smaller. We gave them those assurances. Communities all across the country were depending on them.

Now we have an amendment on the floor that effectively wipes out that

commitment. So not only do local school districts not know how to plan for the future, but they don't even know now—even with the assurance they have gotten from HEW—about what funds would come into local communities and whether they would have the resources to be able to plan for the fall. If that makes a great deal of sense, it makes a great deal of sense to others, not to me.

Now, Madam President, I will include in the RECORD what we have done over the past several years on increasing funding in education. We have seen that, since 1995, we have made a bipartisan commitment to increase IDEA funding by \$2 billion. That has been very worthwhile. Many of our Republican friends initiated that. I am glad to support it. It made sense and it continues to make sense. We also had a bipartisan commitment to help the neediest children in America by increasing Title I funding by one billion dollars. We have initiated bipartisan commitments for the funding of afterschool programs and education technology by about \$700 million. Since 1995, we have expanded opportunities for qualified students to go to college. And last year, we made a 1-year downpayment on a bipartisan commitment to reducing class size across the country over 7 years.

We reject the idea of pitting children against children. I listened to the eloquence of my friend from New Hampshire, talking about how we wanted one group of children to benefit at the expense of other children. Let me just mention that I am strongly committed toward enhancing the resources available to the IDEA, just as I am for supporting the Murray amendment. Improving teacher quality, having well-trained teachers, can identify children with special needs early and better address their needs. They can also better teach all children. If you are talking about special needs children, improving the teacher quality and getting well-trained teachers helps us to meet that responsibility.

Reducing class size, as the Murray amendment provides for, would help all children—all children—including children with disabilities. They would get more individual attention, which they need. Modernizing the school buildings—school construction—would offer support and help for all children, including those with disabilities and give them access to safe and modern schools. Children with disabilities would benefit from having buildings with appropriate access to school facilities and buildings equipped to handle modern technologies. Expanding the afterschool programs would help all children, including those with disabilities, stay off the street and out of trouble and help them get extra academic help. The Reading Excellence Act will help all children read well early. It will help teachers address reading difficulties early and possibly eliminate the need for costly special

education later. All of these initiatives would help all children, including children with disabilities, get better educations.

We are committed to all of these factors, to try to help children all across the country. So we welcome the opportunity to work with the Senator from New Hampshire, or any others, to see expanded resources for IDEA. It is essential and important. But we don't want to penalize some children to benefit others. Let's make a commitment that we move all the children along together.

I withhold the remainder of my time.

Mr. JEFFORDS. Madam President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I urge my colleagues to vote for cloture on this bill. This is an important piece of legislation in which there is bipartisan support. I just plead with my colleagues on the other side of the aisle—who are being obstructionists and are holding up a piece of legislation that the National Governors' Association supports, Republicans and Democrats support, educators across this country support, and which makes good sense—let's vote for cloture and move on to the debate so that we can give the American people what they deserve in better education.

In voting for cloture, we will be voting to cut educational bureaucracy and ensure greater resources going to the children. In the State of Arizona—

Mr. KENNEDY. Will the Senator yield for a question on my time?

Mr. HUTCHINSON. Yes.

Mr. KENNEDY. What is the objection of the Senator to agreeing to a time limitation on the five amendments and to move toward final passage on tomorrow?

Mr. HUTCHINSON. The five amendments that have been proposed add billions and billions of dollars in costs when the first obligation, the commitment the Senator speaks of, has already been made to the educators in IDEA, in providing the full funding for special education across this country.

Reclaiming my time, to vote for this cloture is to vote to cut educational bureaucracy. In Arizona, 165 employees—nearly half of the whole workforce of their Department of Education—oversee only Federal programs accounting for only 6 percent of the funding. I say that is where we can take a step in the right direction in the passage of this bill.

We should not be funding new programs. This amendment that Senator KENNEDY refers to is a \$12.635 billion amendment. That is the kind of amendment that will destroy the possibility of passing this bill into law and ensuring better education for our children. We don't need new spending programs until we have made the commitment that we made to the Nation's Governors in providing a full 40 percent of

funding for special education. If there is a complaint from local schools, it is not that we are not starting enough new programs, it is that we are not funding the programs that we already mandated to them.

I look forward to debating the amendment for 100,000 new teachers—\$12 billion. Let me just refer to my home State of Arkansas where, between 1955 and 1997, class size dropped from 27.4 students per classroom to 17 students per classroom. We are doing the job on cutting the size of classrooms, but we have not seen a comparable improvement in academic performance. Why do we assume that this is the only great need that schools have and we are going to decide it in Washington, DC? While public school enrollment in Arkansas has decreased by 1.3 percent in the last 26 years, the number of teachers has grown by over 12,000—from 17,000 to 29,000.

We don't need to give them the 3 teachers per classroom that they will get under this amendment. We need to give them greater flexibility so they can do a better job. I ask my colleagues: After 7 years, if we do this, after we fund this, if we fund these 100,000 teachers for 7 years, what then? How will the schools fund those teachers then? I suggest to you that it will be the COPS Program all over again.

I had a call this week from the director of the State police in Arkansas who said, "We hired 90 State police officers under the COPS Program, and now the money is ending. What do we do? How do we pay for them? You have to keep the money coming."

After 7 years, what we will have done is either pull the rug out from under local educators, where they have to come up with additional local funding—schools that are already strapped—or they are going to look to Washington, as they have before, and we will have created another new entitlement in permanently funding teachers from Washington, DC.

That is not what we need to do to improve education in this country. That is not what we need to do for the children of this country. What we do need to do is to pass this bill, eliminate some of the hoops we currently make the States jump through, allow them greater flexibility in doing reforms, and improve education creatively at the local level where the decisions can best be made.

Let's reject the "one-size-fits-all" solution from Washington. Let's approve this cloture motion and move on to provide educational flexibility for the schools of this country.

I thank the Chair. I yield the floor.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, as a newcomer to the Senate, I have been perplexed by the great debate over Ed-Flex. I would like to say that Ed-Flex is not the beginning and the end in terms of education. When we first

talked about Ed-Flex early on in this session, the thought was that we would move it out early before we got into the great debate over the reauthorization of elementary and secondary education and to understanding that there are a lot of things we needed to discuss—more teachers, school construction; on our side of the aisle, block granting all the money into the classroom, and many other things. It was a bipartisan effort.

As chairman of the National Governors' Association a year ago, I was at the White House. I said to the President, "We would like to see Ed-Flex for all the States." By the way, we don't need it in Ohio. We were one of the first States to get Ed-Flex. I thought it would be wonderful if the other States had the same opportunities we had in Ohio. The President said, "I am for Ed-Flex." Tom Carper, now the chairman of the National Governors' Association, Governor Carper, was at the White House. Again, the President said, "I am for Ed-Flex."

This bill is just aimed at giving the other 38 States in the United States of America the opportunity to use these waivers the way we have in Ohio. We believe they have helped us do a better job with the money that has been made available under various Federal programs. We can show, for example, where we have been able to get waivers under title I, and how it has improved the performance of our children in our title I schools. We have been able to show that by getting waivers to the Eisenhower professional grants that the money has been used better than it was before.

One of the things we all ought to be concerned about here in the Senate is you can't get an Ed-Flex waiver without putting a kind of Goals 2000 plan together, getting a State to waive their regulations and some of their statutes, and allowing a school district to look at all of these programs and come up with a plan that is going to do a better job of taking care of their boys and girls in their respective school districts.

I was saying to one of the Senators yesterday that in terms of Ed-Flex I wish every school district that was title I would ask for a waiver, because at least you would then be able to go back a year later and find out whether or not that title I money is really making a difference in the lives of those children.

I just think the issue of—a lot of these great things have been talked about, Senator KENNEDY and others have—but I think the thought was that we need to spend the time discussing those things as we move through the reauthorization of elementary and secondary education. There were a lot of people on my side of the aisle who didn't want to go along with Ed-Flex because they thought it would spoil their bills that block grant money into the classroom.

So I just think that all of us who really care about the kids ought to get

on with Ed-Flex and talk about these other programs as we move through this session as we had originally anticipated.

As I say, the President agrees. All the Governors agree. It is an opportunity for the Federal Government to become a better partner to States and local governments to do a better job in providing help for our children. I just think this concept of "one size fits all" coming out of Washington doesn't work. We don't have a national school board. I must tell you that in Ohio what came out of Columbus, "one size fits all," did not work. "One size fits all" doesn't work in individual school districts because of the fact that those districts are different.

This legislation gives all of the States an opportunity to take advantage of Federal money and meld it with money they are spending on the local and State level and make a real difference in the lives of our boys and girls in this country and achieves measurable improvement in the classroom. That is what people want—accountability.

I urge my colleagues to end the debate. Let's get on with it. Some of these other issues that are so very, very important which are near and dear to their hearts—I am not going to get into the argument about whether class size or the Federal Government should hire more teachers, and so forth; I will not get into that. I have feelings about that. But I think we need to do that later on and not on this piece of legislation.

One other thing that I think needs to be pointed out, Ed-Flex does not cost one dime—not one dime.

What we should think about is that I think it will allow us to use—I don't think—I know it will be able to use the money we are getting from the Federal Government in a more effective way of helping our children in the classroom.

Some of the other things that have been talked about here are the amendments to this legislation are going to cost money. The question is, Where is the money going to come from? That ought to be taken into consideration when we are looking at the whole smorgasbord of educational priorities and look at the dollars that are available, and then conclude that is it better to, say, fund IDEA rather than putting the money into new teachers or into new classroom construction?

As Senator KENNEDY notes, I am very interested in zero to 3. We would be better off taking money from new classrooms and for hiring new teachers and focusing it on zero to 3 where we know that a lot more needs to be done, and where we know that if we invest early on in the child's life we are going to get a better return.

I ask my colleagues to vote for closure. Let's get Ed-Flex done. Let's get on with the debate over how we are going to spend the money available to make the biggest difference in the lives of our children in this country.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Madam President, I appreciate the Senator from Massachusetts yielding me some time to speak.

I strongly support the Ed-Flex legislation. In fact, New Mexico has seen the benefit of being one of the Ed-Flex States for the last 3-plus years. So we have seen there is some value in that. We certainly favor expanding that authority to other States as well. But I don't understand why we are in the condition or situation we are in here on the Senate floor today. I am not opposed to Ed-Flex. I am just in favor of going ahead and doing a few other things at the same time.

I proposed an amendment which incorporates the provisions of the Dropout Prevention Act, which passed this Senate by 74 votes in the last Congress. All we are saying is that is a bill which had 30 Republican Senators supporting it. It had, I believe, virtually all Democratic Senators, or nearly all Democratic Senators, supporting it. That is something we can agree upon. Let's go ahead with that. That is a priority.

We do not need to say, "Look, it has to be Ed-Flex alone, or it can be nothing." That is the part of this debate that I don't really understand. The notion is sort of being left out there that somehow or other we are trying to stall a resolution of this issue or stall the final vote on Ed-Flex.

Nothing could be further from the truth. I would be happy to have a vote on this Dropout Prevention Act amendment which I proposed last week after 15 minutes of debate on our side and 15 minutes of debate on the other side.

So there is no effort by me or my co-sponsors to slow down the consideration of this Ed-Flex bill. I believe that the other Senators who are interested in having amendments brought to the floor for consideration would also be glad to have short time limits so that those amendments could be considered and voted upon by the Senate.

Clearly, if the Senate believes that some of these proposals are too expensive, then we can vote against them. If the Senate believes that some of these proposals are not yet refined enough and need to be postponed until the Elementary and Secondary Education Act comes to the floor, that is fine; you can vote against the amendment at this time and explain that is the reason. But I do not understand why we can't at least have votes on the other important education proposals that people feel strongly about going ahead with.

My own State, as I said, has this Ed-Flex provision in law already. We have had it for over 3 years now. During that time, 1 of the school districts—we have 89 school districts in New Mexico—1 of our 89 school districts applied for a waiver 1 time during those 3 years. As you can see, we have not used the Ed-

Flex authority to great advantage in our State, and I think that may be partly our fault.

But Ed-Flex is not a cure-all. I support expanding the authority to all States. I support putting it in permanent law. But I do not think we should be out here on the Senate floor leaving the impression that, once we pass this, all the problems of education are going to be resolved and the States are going to have this tremendous capability to resolve everything and the problems will go away.

During the 3 years we have had Ed-Flex authority in New Mexico, we have had 1 application by 1 of the 89 school districts for 1 waiver, and at the same time—and that waiver was granted—we have had 20,000 of our New Mexico students drop out of school before they graduate.

So I come to this from the point of view that it is at least as important with my State that we go ahead and consider the problem of students dropping out of school in the early part of this Congress. Some say we can deal with that later. Well, if later means a year and a half or 18 months from now, at the end of the 106th Congress, if that is as soon as we can do it, fine. But if it is important for the Senate to move ahead at this point on Ed-Flex, it is also important that the Senate move ahead at this point on this dropout prevention initiative.

A preliminary analysis of last week's fourth grade reading scores showed where the problem begins—or early indications of the problem. Between 1992 and 1998, the gap in reading skills between Hispanic students and non-Hispanic students in nine of our States widened, and only in four States did that gap decrease. So we are going in the wrong direction as far as heading off this dropout problem. I do not think Ed-Flex is going to solve that. I favor giving that authority to the States. I favor using it more effectively in my own State of New Mexico.

I certainly intend to vote for this bill, but I also think it is appropriate that Senators be allowed to offer amendments and get votes on them. As I say, if people want to vote against the amendments, that is fine. But I don't see why we cannot have a vote on an amendment unless that amendment somehow passes some kind of litmus test.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BINGAMAN. Madam President, I do urge my colleagues to oppose closure at this time so we can offer our amendments.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Rhode Island from the Democratic side.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. I thank the Chair.

I rise today to join my colleagues to urge that we not only debate this Ed-Flex bill but we also consider thoughtfully, carefully, and completely many of the amendments that are being put forward by my colleagues.

Senator BINGAMAN has talked with great eloquence and knowledge about dropout prevention. He has worked for many years to make sure there is a response to that growing problem here in the United States. That is certainly a legitimate issue to bring to this debate on education flexibility. And there are other amendments that should and must be considered.

Many—in fact, all—who have spoken about education flexibility have stressed the need for accountability. The Governors have stressed it. Several Governors appeared before our Education and Labor Committee to talk about not only the need for Ed-Flex but also to insist that they need real accountability to accompany this legislation.

Real accountability means something more than just words. I, for example, have an amendment that would provide for parental involvement in accountability in this process, for notification of parents of the proposed State plan, the pulling together of comments by parents, teachers, and others, and the incorporation of these comments in the application that goes forward to the Secretary of Education. If we can't give parents a voice in education flexibility, then we are not only missing a great opportunity but missing a significant and primary responsibility, and yet that is pending without a vote.

So there is much work left to be done, and I hope we will defeat the motion for cloture so that we can get on with this work, so that we can fairly consider these amendments, we can vote them up or down, but we can consider them. I hope that is the case.

Interestingly enough—and I know this is something that all of my colleagues do—I spent this morning in a school in Rhode Island. I went to the Norwood Avenue Elementary School in Cranston, RI, and I read to first graders, which is a very challenging assignment. And after that, I am even more in favor of smaller class sizes that Senator MURRAY proposes.

Then I went to the Warwick Neck School in Warwick, RI, and read to first graders. Then I concluded the morning by going to the Mandela Woods School in Providence, RI. This is a new school which just opened, and it has the most diverse population you would want to see in an America school—African Americans, Asian Americans, Latin Americans. It is a tapestry of urban education in the United States. While I was there, it struck me again and again the importance of the issues we are talking about—not just educational flexibility but all of the issues, how smaller class sizes contribute to better performance. And this is the case in the Warwick

Neck school, because that is a small school in and of itself with small class sizes. The principal was very, very proud of the fact it had done very well in statewide mathematics testing as a result of their efforts.

So the issue of small class size is there, but also—and I know we have talked about special education—we are beginning to understand now that special education is in many respects a function of early childhood intervention, not just educationally but also in terms of health care. There is a problem in Rhode Island, a terrible problem in Rhode Island, and other places, of lead paint exposure, and that problem leads directly to educational complications.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REED. I thank the Chair for reminding me, and I again urge that we continue this debate, because it is an appropriate, indeed, important, debate, and I hope it continues past this cloture vote.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes remaining on the Senator's side.

Mrs. MURRAY. And how much on the other side?

The PRESIDING OFFICER. Six minutes.

Mrs. MURRAY. Madam President, if I could take just a few minutes, the vote is going to occur here on cloture in a few short minutes. I have to say, I have listened to the debate over the past week, and we are coming to the last several minutes. We are going to be voting at 5 o'clock whether or not to have cloture on the Ed-Flex bill that is before us. If cloture is invoked, essentially what will happen is, all of the education amendments we have been talking about—class size reduction, dropout prevention, parent accountability that Senator REED of Rhode Island just talked about, afterschool care—we will be precluded from offering these amendments.

I have been out here for the last week ready to offer my amendment on reducing class size, willing to work with my Republican colleagues on a time agreement, willing to do what we needed to do in terms of any language that they would like to be amended or changed, but knowing that school boards across this country are waiting for us to make a decision on whether or not we are actually going to authorize reducing class size and make a firm commitment to putting 100,000 new, well-trained teachers in classrooms.

Madam President, I have to say that I am baffled as we come into the last several minutes before we vote on cloture. We worked very hard last year, last fall, as we put the budget agreement together, to put together a bipar-

tisan agreement on class size, and we got that. Republicans and Democrats alike said yes, we are going to make a commitment to reduce class size in the first through third grade. We agree with what the studies show. We agree with what parents are asking us to do. We understand that it makes a difference in the learning of a child in the first, second, and third grade if they are in a class size that is reduced. We understand that their grades will be better as they get into high school. We understand that discipline problems will be reduced. We understand they will have a better and higher likelihood of going on to college. We understand that as the Federal Government we need to reach out and be a part of the solution and give a commitment of dollars to those school districts to hire teachers. It was a bipartisan agreement. I am baffled today by my Republican colleagues who now no longer are supporting this.

Last fall I watched the campaign and elections, and, as did many in my State, I am sure, I watched the ads from the Republicans saying they support reduced class size. Madam President, this is our opportunity to vote to authorize this program and really say we are committed to doing this. It will make a difference. It is absolutely essential. It is important that we be a part of this.

Over the last 6½ years that I have been here, I have listened to a number of my colleagues come to the floor to speak as “a businessperson who has run a major million-dollar business.” I have listened to my colleagues, who come here as former Governors or former attorneys general or former State legislators, talk about their experience in their fields. Madam President, I stand before you today as a former teacher. I can tell you that it makes a difference whether you have 18 students in your class or you have 24 or you have 30. It makes a difference whether or not you have the ability to take that one young boy or girl and help that child really get his or her alphabet down so that child can read later, or if you ignore that child and say, “Gosh, I really would like to help, but I have 30 kids here and there are winners and losers.”

Those young children you cannot help because your class size is too large still grow up. They go on to high school. They probably don't go on to college. They become failures at an early grade.

We have a responsibility. We actually have an ability right now to send a message to those little boys and girls, to young students, to teachers, that we are going to give them the attention they need in first, second and third grade. Our amendment authorizes a 6-year investment in helping school districts hire 100,000 well-trained teachers. If we follow through on this commitment I guarantee, as a former teacher, as a parent, as a school board member, that 12 years from now we will have

young boys and girls, young students, graduating from high school who will be competent in reading, writing and math, because they were in a class with a size we helped reduce today.

If we do not make that commitment, there will be kids who may not graduate from high school, may have discipline problems, will not go on to college. They will become a burden to all of us. They will not be able to get a job in the high-tech industries that are saying, we need highly skilled students who graduate. They will not be able to compete and go on to college. They will become economically disadvantaged, and the Senate will be here, 12 years from now, wondering how we, as a nation, are going to be able to afford to continue to help kids who we didn't help 12 years ago.

Madam President, we have an opportunity to vote on this amendment and on the amendments of several of my colleagues who have made very good, strong arguments about what we can do to make education better in this country; reducing class size, training teachers, school construction, after-school programs—real issues that will help young students. We will have the opportunity to do that if the majority leader will only allow us to offer our amendments.

We should not be precluded on the floor of the U.S. Senate from offering our amendments. If our colleagues want to vote no, they can vote no. If they want to vote with us, they can vote with us. But no one should come to this floor and be told that you cannot present your amendment.

I am ready to go. I am ready to have a time agreement. I ask my colleagues to support us in opposing cloture, and I will be back again and again until I can make a difference with class size reduction. I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

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

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

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 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, 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, Robert Smith, Thad Cochran,

Arlen Specter, Slade Gorton, Mitch McConnell, Richard Shelby, Bill Frist, Larry E. Craig, Jon Kyl, Paul Coverdell, Gordon Smith, Peter G. Fitzgerald, and Judd Gregg.

VOTE

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. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 54, nays 41, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—54

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

NAYS—41

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

NOT VOTING—5

Graham	Lautenberg	Torricelli
Landrieu	McCain	

The PRESIDING OFFICER (Mr. FITZGERALD). On this vote, the yeas are 54; the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 37, AS MODIFIED

Mr. LOTT. Mr. President, I modify my pending amendment No. 37 with the text of an amendment that I now send to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following: “(h) Notwithstanding subsections (b)(2), and (c) through (g), a local education agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

CLOTURE MOTION

Mr. LOTT. In light of the recent cloture vote, I send a cloture motion to the desk to the pending amendment No. 37.

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, John H. Chafee, Craig Thomas, James M. Jeffords, Michael B. Enzi, Mike DeWine, Rick Santorum, Spencer Abraham, Jim Bunning, Wayne Allard, and Jon Kyl.

Mr. LOTT. Mr. President, this cloture vote, then, will occur on Wednesday, March 10.

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.

AMENDMENT NO. 58 TO THE MOTION TO RECOMMIT WITH AMENDMENT NO. 56

(Purpose: 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)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending motion to recommit and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report and read the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. JEFFORDS, for himself and Mr. BINGAMAN, proposes an amendment numbered 58 to the instructions of the motion to recommit S. 280 to the Committee on Health, Education, Labor, and Pensions.

Mr. LOTT. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the instructions, insert the following:

Report back forthwith with the following amendment:

At the end of the bill, add the following:

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

Mr. LOTT. 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.

AMENDMENT NO. 59 TO AMENDMENT NO. 58

(Purpose: 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)

Mr. LOTT. I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. JEFFORDS, proposes an amendment numbered 59 to amendment No. 58.

The amendment is as follows:

In the pending amendment, strike all after the word “IDEA” and insert the following:

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following: “(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

(i) This section shall become effective 1 day after enactment of this Act.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

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

THE EDUCATION FLEXIBILITY BILL

Mr. LOTT. Mr. President, if I could briefly comment on the process we just went through and where we are with regard to this bill, Ed-Flex, the education flexibility bill, that is the underlying bill. It has broad bipartisan support. The President is for it. He had suggested we should pass it last year. We did not get it done, but he went before the National Governors' Association and called again for this legislation and says that he supports it. The National Governors' Association—all 50 of the Governors—supported a resolution in support of this bill, education flexibility.

Twelve States have this flexibility now. My State is not one of those. It has been working quite well, I understand, in Massachusetts and in Maryland and other States where they now have this option in those 12 States. The rest of us want it.

I just came from Chester, PA, earlier today, and Pennsylvania does not have this education flexibility. They would like to have it. They desperately would like to have it. The Governor of that State said: Please, give me this option. Let's waive some of this paperwork and the regulatory requirements. Let's have this option so we can give schools the flexibility, at the local level, to make these decisions to where the funds can best be used but results based. We need to see the proof that it actually is working. And all of that is included in this legislation.

But in spite of that broad bipartisan support that we wanted to continue to show with this legislation, we now see there is a raft of amendments developing that would undermine or stop or add to, explode this legislation. I have asked the Members on this side of the aisle to try to withhold a whole number of amendments.

We started off the first week—last week or the week before last—with a very broad bill in support of our military men and women. The Soldiers', Sailors', Airmen's and Marines' Bill of Rights passed overwhelmingly. I believe that if we can get to a direct vote on Ed-Flex to waive this bureaucratic redtape that the vote would probably be 98-2 or 100-0. But now we see, with all these amendments being offered, and with us having no option but to add amendments of our own, with support for the special education commitment being fulfilled that we have not done, that this legislation now is being bogged down.

We see that the first bill of the year that has broad bipartisan support is now approaching gridlock. Let's don't do that. Free the Ed-Flex bill. Let's let this bill go. There will be other opportunities for Democrats and Republicans to offer their ideas on education on other bills this year. We have the reauthorization of the Elementary and Secondary Education Act coming up. There will be plenty of opportunities to offer that. I would like for us to have another day or 2 to discuss the underlying bill and then vote. Let's get it done. I think it is good that we are having an education debate even on those issues that we might not have agreement, but let's find a way to move this legislation through.

I have encouraged the Members, the Senators that are involved with this, to come up with some recommendations of how maybe we could have a limited number of amendments and then go on to final passage. But again, I call on Senators to free this important legislation. Let's give these other States this opportunity. Let's see if we can't get more decisions made at the local level and give them the option to decide whether this money should go for teachers or to repair roofs or technology for computers—whatever it may be. But in one school, perhaps, they need a greater emphasis on excellence in reading; in another school maybe they don't have a single computer in the classrooms.

Let's give them the option, the flexibility to use these Federal funds without Federal Government mandates that you must use it here, you must use it there. I think the American people would support that. I know the Governors do. We say we do. Let's find a way to get this legislation passed.

I urge the leaders and the managers of the legislation to see if they can come up with some ways to get this bill completed in the next 2 days. But for now we will have a cloture vote on Tuesday. We will have at least one cloture vote, I guess maybe two, on Wednesday. And maybe in the interim we can find a way to get an agreement to provide for final passage.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate very much the statement of the majority leader on the issue that is before us, the Ed-Flex legislation. If you look back over the history, it was officially initiated by an amendment by the Senator from Oregon, Senator Hatfield, and myself. It was initially provided that six States were going to have the power of waiver, and then when we considered the Goals 2000 we added six more States.

So many of us on this side are very familiar with the legislation, are very familiar with the record that has been made, and are in support of the kind of accountability that the majority leader has stated. We are eager to see this legislation move towards completion. But we want to point out too, as the majority leader knows, that the underlying legislation may very well be the major opportunity for debate on education this year. Because the Elementary/Secondary Education Act does not expire until next year, it may very well not be up at that time.

We will have a chance to express a sense of the Senate on the budget items. We will look forward to debating appropriations. That is generally the last piece of legislation that comes here in October. But this may very well be the only serious debate on education for the whole year. That is why, given the fact that there is not an extensive or busy calendar, given the importance of the issue—education—to families all over the country, and given the timeliness of the particular issue—the Murray amendment in terms of giving assurances to local communities all across the country—it is imperative that we have an opportunity for the Senate to address this issue in a brief way. Senator MURRAY has indicated her willingness to enter into a reasonable time limit to move toward a disposition of that legislation and that particular amendment.

I just finally remind our colleagues that our leader, Senator DASCHLE, had indicated that he would urge short time limits on as few as five or six amendments. I would think that Senator DASCHLE might even be able to get