communities. It would require Internet Service Providers with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering systems that will prevent minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

This Internet filtering proposal seems to be a sensible thing to do. As I said, it passed 100–0. Unfortunately, progress on this proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children—which is why that bill passed the Senate by an overwhelming majority over a year ago.

I would like to see us go back to our filtering proposal. We have already voted on it. It is a workable solution. It would bring about what we want to do.

I commend Senator MCCAIN for his leadership and dedication to the subject. I hope we will work together on the issue. We share an appreciation of the Internet as an educational tool, we appreciate it as a venue for free speech, but we also are concerned about protecting our children from inappropriate material whether they are at home, at school, or in the library.

Ultimately, it is not going to be just a question of passing a law to do this. I suggest parents do with their children today what my parents did with my brother, sister, and me when we were growing up: Pay some attention to what their children read.

I was fortunate. I began reading when I was 4, but I had parents who actually talked about what I might read. Parents may want to spend some time on the Internet with their children. There is software that can help to protect their children, and parents should work with that. They ought to take a greater interest in what they are doing and not just assume Congress can somehow pass laws that keep getting knocked down, justifiably so, under the first amendment. Rather, they can work with the tools we can give for their children.

I thank my dear friend from Minnesota for his courtesy.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleagues, Senators SPECTER and HARKIN, are we to go until 12:30 p.m. and then break for the caucuses; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I can in 4 minutes start to describe a little bit of this amendment. I ask unanimous consent that when we come back from the caucuses, my amendment be in order. I will not be able to do this in 4 minutes. Other colleagues have spoken.

Mr. HARKIN. Reserving the right to object, Mr. President, I understand the Senator requested when we come back at 2:15 p.m. that he be recognized to continue to speak on his amendment. The amendment has been laid down; is that correct?

Mr. WELLSTONE. That is correct.

Mr. HARKIN. I modify that unanimous consent request to ask unanimous consent that when the Senator finishes speaking on his amendment, Senator BINGAMAN be allowed to then offer his amendment at this point in time.

Mr. SPECTER. Mr. President, the sequencing suggested by the Senator from Iowa is fine. That will move the bill along. The Senator from Minnesota has laid down his amendment. We have a number of amendments pending at the present time. Subject to the wishes of the majority leader, it is our hope to vote late this afternoon on a number of amendments. That sequencing, as articulated by Senator HARKIN, is fine.

Mr. WELLSTONE. I say to both of my colleagues, I appreciate there are a number of amendments. I will take time just to make sure colleagues know what this amendment is about. I do not intend to take a long time on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, having been a teacher for years, in 1 minute I do not know how to summarize an amendment that is all about education and kids.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:27 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 2001—continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3631

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

Mr. WELLSTONE. Yes.

Mr. GREGG. Will the Senator from Minnesota be interested in entering into a time agreement on his amendment?

Mr. WELLSTONE. I say to my colleague, I do not think it will probably be necessary. At least on my part, I think within a half an hour I can make my case for the amendment.

Mr. GREGG. If the Senator is agreeable, we agree that his amendment will be debated for 45 minutes, 30 minutes to his side and 15 minutes in opposition.

Mr. WELLSTONE. Mr. President, I would be pleased to accommodate my colleague.

Mr. GREGG. I ask unanimous consent that that be the case.

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

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, I would like to send an amendment to the desk that I ask be laid aside, if I could.

Mr. GREGG. Reserving the right to object.

Mr. WELLSTONE. This is just an amendment to be filed.

The PRESIDING OFFICER. The amendment will be numbered.

Mr. WELLSTONE. If I could clarify——

Mr. GREGG. Reserving the right to object, are you requesting there be no second degrees?

Mr. WELLSTONE. That is correct.

Mr. GREGG. Or you just filed one?

Mr. WELLSTONE. Yes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I have no objection to the request of the Senator from Minnesota that there be no second degrees to his amendment as part of the language which was just agreed to relative to the timeframe on his amendment.

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

Mr. WELLSTONE. Mr. President and colleagues—Democrats and Republicans alike—just for a little bit of context for this amendment, this amendment deals with an increase in funding not to where we should be but at least a step forward for the title I program.

When the HELP Committee authorized the title I program, we actually voted to increase the authorization of title I to $15 billion. The interesting thing is that every Democrat and every Republican on the HELP Committee supported this increase. Every Democrat and every Republican supported the increase to authorize up to $15 billion.

As a matter of fact, during the floor debate on May 1, the majority leader himself, Senator LOTT, said:

This is a $15 billion reauthorization bill. Good work has been done by this committee.

We have a budget resolution that doesn't work. We are not able to adequately fund important priorities. Given the emphasis on tax cuts, given the significant allocation of money for the Pentagon, we have robbed ourselves of our capacity to invest in children and in education.

What this amendment does is essentially say that the appropriation would go from $8.36 billion for title I up to $10 billion for title I. Right now, all we have in this appropriations bill is a $400 million increase, when the HELP Committee authorized $15 billion. We are trying to bump up the appropriation so we can do better for our children.

What I was saying on the floor earlier is important: The title I program is one of the heart-and-soul Federal programs. This is targeted money that goes to primarily low- and moderate-income communities and low- and moderate-income students. It is assistance for the schools and the school districts for more reading instruction, for afterschool programs, for prekindergarten programs, for more teaching assistance. It is a very important program. The title I program has made a difference, even as severely underfunded as it is.

One of the reasons I bring this amendment to the floor—I have continued, week after week, month after month, it seems year after year, to come to the floor and talk about the need to provide more funding for the title I program—is that right now this program is funded, maybe, at the 30–35 percent level, so that 65 or 70 percent of the children who could benefit don't benefit. These children come from primarily low-income families. These are kids who have been severely disadvantaged. We are trying to give these schools and the teachers and, most importantly, the children some additional help so they can do better.

In my State of Minnesota, for example, typically the situation is that if a school has less than 65 percent of the students on a free or reduced school lunch program—say it is only 60 percent—there is no money for the school because we have run out of the money. We have run out of financial assistance.

The HELP Committee Democrats and Republicans are on record saying we ought to authorize this to $15 billion. The majority leader came out and said: Authorize the $15 billion; good work. But we have a budget resolution that has so constrained the work of appropriators that we have not made the investment in education. This is precisely the opposite direction of where Americans want us to go. People want more investment in education. Over 60 percent of the American people say that we spend too little on education. The Federal share has gone from 12 cents to 7 cents on the dollar.

The title I program is a flexible program that allows our school districts to use this money to provide help for these children so they can do better. One hundred percent of major city schools use title I funds to provide professional development and new technology, 76 percent of title I funding to support afterschool activities. Ninety percent of the school districts use title I funds to support family literacy and summer school programs. Sixty-eight percent of the school districts use title I funds to support preschool programs. Again, if we look at Rand Corporation studies and others, they tell us that even as a vastly underfunded program, title I is making a difference.

In my own home State of Minnesota, the Brainerd public school district, which is in greater Minnesota—that means outside the metro area—has a 70 to 80 percent success rate in accelerating students in the bottom 20 percent of their class to at least average in their classes following 1 year of title I-supported reading programs.

We are funding title I at only one-third the level of what is needed to help children in this country. Forty percent of America's fourth graders are still reading below grade level. Forty-eight percent of students from high-income families will graduate from college; the percentage from low-income families who will graduate from college is 7 percent. At the very time that we know that a college education is the key to economic success, more than at any other time in the history of our country during the years of our lives, only 7 percent of children from low-income families will graduate from college.

There are dramatic differences in terms of the resources of school districts. My friend Jonathan Kozol, who continues to write beautiful, powerful, and important books about children, sent me some figures from the New York metropolitan area where in the city maybe it is $8,000 per pupil per year that is spent, and in some of the suburbs it is as high as $23,000 per pupil. There are dramatic differences in terms of which schools are wired and which schools aren't; which schools have the technology, which schools don't; which schools can recruit teachers and pay much better salaries, which schools can't; which schools have the support services for students, which schools don't; which schools have the best textbooks and the best lab facilities and which schools do not.

I will only say this one more time because it sounds so much like preaching, but this is the best point I can make as a Senator. It came from my visit to the South Bronx to the Mott Haven community about 2 weeks ago with Jonathan Kozol, meeting with the children at PS–30 and with Ms. Rosa, the principal. My colleagues would love this woman. She will not give up on these children.

I say to my colleagues, vote for this amendment for some additional help for title I which means additional help for these children, not because if you invest in these children when they are younger and give them this help they are more likely to graduate from high school, that is true; not because if they graduate from high school they are less likely to wind up in prison, that is true; not because if you invest in these children and provide a little bit more help, say, for example, in reading, that they are more likely to graduate and more likely to be productive and more likely to contribute to our economy, that is true. I am telling the Senate, this amendment deserves our support because the vast majority of these children are all under 4 feet tall. They are all beautiful. They deserve our support, and we ought to be nice to them. That is why we should vote for this.

I believe this is a theological, spiritual amendment. I do not understand how it can be that we are not investing more money in education and children. I cannot understand why, when we have some proven programs that are so targeted and so helpful to vulnerable children in this country, they are so vastly underfunded. I do not understand our distorted priorities.

We seem to have plenty of money for tax cuts, even tax cuts for wealthy and high-income families. We have plenty of money for the Pentagon. Fine. OK. But why can't we, when we are talking about surpluses and about an economy that is booming, make more of an investment in programs that provide support for these children.

What about our national vow of equal opportunity for every child? I don't get it. I don't get it any longer. I have been a Senator for almost 10 years. I do not understand how it can be, when the polls show that people want us to invest more in education, when we have record economic performance and we are talking about surpluses and not deficits, and when we all go to schools and we are with children—and we all like to have our pictures taken with children—that we cannot make more of an investment in these children?

I am not talking about a new program. I am not talking about a program that has not had a proven record of success. I am talking about the title I program. I am talking about a program that is vastly underfunded. I am just saying we ought to at least get the appropriation up to $10 billion.

I reserve the remainder of my time just to hear what my colleagues might say in opposition.

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

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes. The Senator from Minnesota has 19 minutes.

Mr. GREGG. Mr. President, let me make a couple of points on title I generally. Title I is one of those programs which was conceived as an excellent

idea and which has accomplished many things. Unfortunately, it hasn't accomplished one of its most critical goals.

When title I was originally created, the purpose was to get low-income children into the educational system in schools which would have the capacity to teach them and the ability to teach them at a level that was equal with their peers. The concern was that many low-income children weren't getting fair treatment in the school system. That was a good idea. Unfortunately, the way it has worked out over the last 35 years, it has not proven to be such a great success. In the last 35 years, we have spent $120 billion on title I, attempting to educate and give a better chance in life to low-income kids. The problem, however, is that we have accomplished very little.

Most low-income kids today are not getting any better education than they were getting 10 years ago, 20 years ago. Their academic achievement levels are actually stagnant or they have dropped. We have seen that instead of improving the academic capability of these children, we continue to send these children through school systems that essentially end up passing them through the system and not giving them the skills they need to compete in America, to take part in the American dream.

The statistics are fairly staggering. I think I have some of them here. Just off the top of my head—I believe I recall most of them—over 7,000 schools that have title I kids in them have been identified as failing—not by the Federal Government but by the school systems themselves, generally. We know that in our schools where we have children who are under title I, low-income kids, those children are learning at at least two grade levels less than their peers—in the area of math, for example. We know that children in the third and fourth grades who are low-income are consistently at least a grade or two grades behind their peers. We know that low-income fourth graders are simply not able to compete with other fourth graders who are not low-income. We know that in our high schools we are seeing the child who has been a low-income child, who is qualified for title I dollars, who has gone through the system—it turns out that their skills are right at the bottom of their classes in many cases and as a matter of average. The achievement gap really has been dramatic. Yet we have spent all this money to try to improve their achievement.

So we as Republicans, in the markup of the title I bill this year, the ESEA bill, attempted to try to address the problem. We put forward a whole series of ideas, the purpose of which was to improve the academic achievement of the low-income child. Instead of warehousing these children and moving them through the system, we would actually expect and demand that for these Federal dollars we received results.

One of the suggestions we made was called Straight A's, where we said to the local school districts: Your results on low-income kids hasn't been that good; maybe it is because the programs are too categorical. We will let you merge them and put them into a flexible program. But if you take the money under this scenario, you have to prove there has been academic achievement by low-income kids; that the gap between low-income kids and kids who are not low-income is closing—not by reducing the abilities of the higher income kids or the average children in the school system but by actually improving the capability of the low-income child.

Another suggestion we made was called portability, where we said that the low-income child in a failing school should not have to stay in that school; They should be able to move to another public school system, and the dollars that are allocated for the purpose of trying to help that child out should follow the child to the different school. That is called portability.

The reason we suggested that is that the present title I program is structured so the money goes to the administrators and the schools; it doesn't go to the kids. In fact, in cities such as Philadelphia, if you aren't in a school where 70 percent of the kids are low income, you get no dollars from title I. So maybe if you have a low-income child attending a school where, say, 50 percent of the kids are low income, that school will get no title I money. That is true in a lot of different cities across this country. In fact, there is a threshold of 35 percent, I think, where, if you are in a school with only 35 percent low-income kids, that school absolutely gets no money. Other cities have adjusted that. In Philadelphia, as I said, it is up to 70 percent.

The practical effect, under the law as presently structured, is that a lot of the dollars that should be going to children are not going to them. A lot of the low-income kids who should be getting assistance dollars for tutorial help or special needs help are not getting them; those dollars don't flow to that child. So we end up with a system where the dollars flow to the school and the administrators but not to the children.

We suggested that we actually have the dollars go with the child, and if the child goes from school to school—or if they decide to do so and their parents want to get involved and make that decision—let the dollars that are supposed to support the child also go from school to school.

We have put forward a whole lot of ideas. Those are only some of them. We also have something called ''choice'' for public schools, where parents will be able to move their children from school to school. We have the Teacher Empowerment Act, which affects the title I kids, which comes out of the ESEA bill, to try to improve teacher capability. We have a whole set of ideas to make title I work better. That is the bottom line.

What the Senator from Minnesota has suggested is that in a program that has already spent $120 billion over 30 years and has produced negative results in the area of academic achievement for children, it should today arbitrarily get an additional $10 billion. In this bill, we already increase that funding significantly. But this $10 billion should be on top of what is already in title I.

Unfortunately, what would happen is the same thing that has happened to the $120 billion. It would end up being spent and going to bureaucracy and going into school systems. It would not necessarily end up giving children a better education—especially low-income children—because we have already proven fairly definitively that the present system isn't doing that.

So rather than breaking the budget by adding $10 billion which is not offset—and it is subject to a budget point of order, by the way—what we should do is reform title I and reform the ESEA bill. We tried to do that. We brought the bill to the floor, and, unfortunately, a number of Senators wanted to put extraneous matter on it, and, as a result, it got all balled up and wasn't able to be moved. But the point here is that until we get fundamental reform of title I and until we get fundamental reform under the new ESEA authorization, putting another $10 billion into this system is not going to help.

Therefore, I oppose this, first, on the budgetary grounds that it is not offset and therefore is a $10 billion increase that has no way to be paid for; second, on the grounds that it probably won't accomplish what the sponsor would like to accomplish, which is to improve the achievement of low-income kids.

Until we require that low-income kids' academic achievement goes up for the dollars we are spending on them and put in place systems that are going to give the local school districts the capacity of accomplishing that and to give them the flexibility of Straight A's, or portability, or the parents the chance to participate through public school choice, there is really no point in making this type of huge increase in funding in this program—especially on top of the fact that this committee has already significantly increased funding for this program in this bill.

Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope the Senator from New Hampshire and all Senators understand this point clearly. This amendment does not call for an additional $10 billion in appropriations. This amendment just simply says we should go from $8.36 billion to $10 billion—a slight increase. It is not an additional $10 billion.

Second, my colleague from New Hampshire and every Republican Senator and every Democratic Senator on the health committee voted to authorize title I to $15 billion.

Can I repeat that?

Every single Member of the health committee—Democrat and Republican alike—voted to authorize title I to $15 billion, and the majority leader came out here on the floor and said:

This is a $15 billion reauthorization bill; Good work has been done by this committee.

If my colleague thought that the title I program was such a miserable failure—and I intend to certainly take that argument on in a moment since I don't think there is a shred of evidence to support it—then I don't understand why my colleague and all the Republicans on the health committee and the majority leader said that they supported an authorization up to $15 billion. This amendment just tries to get it from $8.36 billion up to $10 billion.

Third, in regard to the Elementary and Secondary Education Act, I sure would like for you folks to bring that bill out to the floor. I have been waiting for my Republican colleagues to bring the Elementary and Secondary Education Act to the floor. I have a lot of amendments. I am ready for the debate on education. You pulled the bill from the floor, and I would love it if you would bring it back.

My colleague, the Senator from New Hampshire, talks about how the title I program has been such a miserable failure. The largest gains in test scores over the past 30 years have been made by poor and minority students. One-third to one-half of the gap between affluent whites and their poor and minority counterparts closed during this time. The Center on Education Policy 2000 report, a study by the Rand Corporation, linked these gains to title I and other investments in education and social programs. The final report of the National Assessment of Title I by the U.S. Department of Education showed that national assessment of education progress scores for 9-year-olds in the Nation's highest poverty schools have increased over the past 10 years by nine points in reading and eight points in math.

The Council of Greater City Schools shows that 24 of the Nation's largest schools were able to decrease the number of fourth grade title I students achieving in the lowest percentile by 14 percent in reading, and 10 percent in math.

I say to my colleague from New Hampshire that is pretty remarkable, given the fact we don't even fund this program except at a 30-percent level. We severely underfund the program. We make hardly any investments in pre-K education.

The Federal Government and the Senate ought to be a player in getting money to the local communities so we can have not custodial but development child care—so that when children come to kindergarten they are not so far behind.

We don't make that investment.

We don't make the investment in health coverage. We still have millions of children without health care coverage. When they come to school with abscessed teeth, they cannot learn. Is it any wonder? They live in communities where their parents can't afford housing, and they have to move three, four, or five times a year because we don't make the investment in affordable housing.

My colleagues, in the face of our failure to do anything about the grinding poverty in the country, in the face of our failure to invest in the title I program, in the face of our miserable failure to invest in education, my colleague from New Hampshire comes out here and says this has been a miserable failure when I can cite reports showing that title I has made a real difference.

Colleagues, 46 percent of title I funds go to the poorest 15 percent of all schools in America.

When the Senator from New Hampshire says—and I agree with him—that it is just outrageous if a school has a 60-percent low-income population and there may be no money, this is why: Because it is so severely underfunded.

We have one group of low-income children in a zero sum game relationship to another group of low-income children.

It is severely underfunded. Seventy-five percent of title I funds go to schools where the majority of children are poor. The General Accounting Office estimates that title I has increased funding to schools serving poor children by 77 percent. It is going up.

This is a targeted investment that can make a huge difference. Yet even with the increases, we are only reaching one-third of the children who could use our help.

By the way, I would like to say this to every Senator before you vote on this amendment. If your staff is looking at this debate, and they are going to be reporting back to you on how to vote, I will tell you: Go back to your States and meet with the educators. Talk to people in your school districts. They will tell you they need more money for the title I program. They will tell you they are interested in a whole range of issues. Senator BINGAMAN is going to be talking about some of those.

Again, just looking at where the money goes, 100 percent of the city schools use title I funds to provide professional development and new technology. Does that sound like a flawed program? Ninety-seven percent use title I funds to support afterschool activities. Does that sound like a mistake? Ninety percent of the school districts use title I funds to support family literacy and summer school programs. Do you want to vote against that? Sixty-eight percent use title I funds to support preschool programs. Do you want to vote against that?

The title I program has been a remarkably good program given the realities of these children's lives.

I didn't quite add it up. But I think what my colleague from New Hampshire was saying is we spent $4 billion a year, or thereabouts, for title I programs over the last 30 years. I say to the Senator that is not a bad investment. The largest group of poor citizens in the United States of America are poor children. There are 14 million poor children in America today. Twenty percent of all the children in our country are growing up poor today. Fifty percent of those children are children of color. I don't think it is too much to provide a little bit more help for these children.

When you go to these schools, you meet people who do not give up. You meet principals and teachers who do not give up on these kids. You wonder how they do it. But they are so dedicated. And the largest part of title I money goes to the children of the youngest ages.

I will repeat what I said before. Make the investment and provide the additional help for these children because they are small. They are little. Most of them are under 4 feet tall. They are beautiful. We ought to help them.

I rest my case, although I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes remaining. The Senator from Minnesota has 10½ minutes remaining.

Mr. GREGG. Mr. President, the Senator from Minnesota has made a couple of points to which I think I need to respond. First, the reason the authorization bill is not on the floor is because Senators from the other side decided to put a political agenda on that bill. The unanimous consents which were requested by the majority leader to limit the number of amendments to that bill and make them education amendments and thus complete that bill were rejected by the other side.

Second, yes, we strongly supported increasing funding for title I, if it was reauthorized under a bill which was student centered. The problem with the present law is it is not student centered. It is bureaucracy centered.

I am not surprised the other side of the aisle is defending the bureaucracy-centered bill. It was their idea in the first place. Our position is we should look for academic achievement. We should not leave these children behind. The Senator says these are poor children. Yes, they are poor children. Regretably, they are poor children caught in the cycle of poverty for generation after generation because their educational system has failed them for generation after generation, even though we spent $120 billion on title I. Child after child has come out of the system unable to compete with their peers because their academic achievement has been so low.

What we suggest is a proposal which is child centered, which is flexible, which is targeted on academic achievement, and which has accountability standards which will work so these children are not left behind.

The Senator on the other side of the aisle makes the argument these children are being left behind not only because they are educationally underfunded but because they have all sorts of other concerns. Yes, there is no question about that. But when we look at school systems that work, because they demand achievement from the children they are serving, the same children, then we know success in this area is possible. We can look at our Catholic school systems in which the same population is served. Yet they accomplish good things with those students' academic achievement.

The statement there has been a great increase in academic achievement among low-income kids is simply not accurate. What has happened is the academic achievement of low-income kids has finally gotten back to the level it was in 1992. From the period 1992 to 1998, the gap in academic achievement between African American and white students actually grew. The same was the case for Hispanic students and white students; it actually grew in a number of the most critical States that have a large population of African American and Spanish students.

The simple fact is, we have not been serving these kids effectively. We do not have a program that serves these kids effectively.

The Senator from Minnesota is right on one count. It is not $10 billion he is proposing this year, but over a 5-year budget it would add up to approximately $10 billion. I stand corrected.

I join the Senator from Minnesota. If he is willing to put forward a program that is child centered, dedicated to academic achievement, giving the local schools accountability and flexibility, then we should talk about dramatic increases in funding because we would get something for the dollars that would be effectively used. But to simply put more money in here on top of money that has been already increased outside the budget priorities which we have already set—and remember there are other major budget priorities in this bill that have been paid for, such as special needs, special ed kids—it is just not appropriate. That is why I oppose this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague for his remarks. I always enjoy discussions with him on education. I don't want to try to score debate points. I cannot resist, though, saying to my colleague, on the Elementary and Secondary Education Act, when he says that we pulled the bill because the minority wanted to impose a political agenda, it is interesting; a political agenda means the minority wanted to put some amendments on this bill that they, the majority, didn't want to have to vote on; therefore, it becomes a political agenda.

Mr. GREGG. Will the Senator yield on that point?

Mr. WELLSTONE. I will be pleased to yield, if the Senator will be brief. I will yield on my time because I know he has no time. But I want to reserve a little time.

Mr. GREGG. I wonder if the Senator believes campaign finance and gun issues, which are not relevant to schools, are issues which we should have been debating on the ESEA bill or should we hold them for another agenda?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 9 minutes remaining.

Mr. WELLSTONE. Mr. President, I say to my colleague from New Hampshire, first of all, the campaign finance reform amendment of course was initiated by Senator MCCAIN, a well-known Republican, and Senator FEINGOLD, a well-known Democrat. I support the amendment. Do you want to know something. The more I think about it, the more I think it is very relevant to education, because I think if we don't clean up this sick system, the way in which big money dominates, then we are never going to have Senators voting for children and education. They are going to continue to vote for the big, huge, economic interests. So I say, actually I can't think of a more important amendment to an education bill.

This is the debate we have been having. The Senate, over the years, has been a very special institution. Part of it is because of the Senators' right to debate and the Senators' right to introduce amendments. That is what the Senate is about. It is not a political agenda, I say to my colleague. It is just an agenda that makes my colleague from New Hampshire and other Republicans uncomfortable. They don't want to vote on campaign finance reform or sensible gun control measures. I would argue, in case anybody has taken a look at violence in the schools, that sensible gun control amendments are very relevant to the lives of children, very relevant to education.

As to the title I program, I want to respond to my colleague's comments about the achievement of low-income children. Honest to goodness, first my colleague came out and said it has been a miserable failure; it hasn't work. Then I cited study after study showing title I has made a difference. Then my colleague retreats and comes back with another argument which is: Well, yes, low-income children are now doing better in some of the reading scores and mathematics scores, but they are only getting back to the 1993 level.

The truth is, here you have a title I program that is vastly underfunded—30-percent level. Here you have a House of Representatives and Senate, too dominated by the way in which money dominates politics, that have been unwilling to make the investment in children, unwilling to make the investment in their skills and intellect and character and, I argue, the health of children, and therefore there are too many poor children. I think it is a scandal that the poorest group of citizens in America today is children. Too many children literally grow up under the most difficult circumstances. Therefore, is anybody surprised the title I program does not perform a miracle?

The title I program does not mean those children succeed, I say to my colleague from Iowa, who come from poor communities, whose parents are not high income, who had none of the encouragement, none of the great preschool programs other children have, who live in families who have to move four times because they cannot afford the housing, who live in neighborhoods where there is too much violence, who don't have an adequate diet, who don't have adequate health care. Guess what, those children don't yet do as well in reading scores and mathematics scores. And you want to pin that on the title I program, even though the title I program has helped them do a little better?

If any Senator wants to vote against this amendment on the basis of that kind of argument, so be it. But I certainly hope you will not.

Finally, I get a little nervous with all this discussion about accountability and achievement because I think my good friend from New Hampshire has the causality backwards. He is putting the cart before the horse. Absolutely, let's put the focus on achievement. Let's put the focus on accountability. But this is my question. Don't you think, at the same time that we put the focus on the achievement, and the same time we put the focus on the accountability, we also need to make sure every child has the same opportunity to achieve? Why is it my colleagues are so silent on that point? They want to rush to vouchers, they want to rush to privatizing education, they want to rush to saying all these children have to achieve and we are going to hold everybody accountable if your children don't achieve. But they don't want to make sure every child has the same opportunity to achieve.

Let's not hold our children responsible for our failure to invest in their achievement and their future. This title I program is but one small program that doesn't lead to heaven on Earth, but makes it a little bit better Earth on Earth for some of these children.

I say to my colleagues, I think we ought to vote for this amendment. I think we ought to do better by these children. This amendment, in its own small way, just going from $8.3 billion to $10 billion, not even close to the $50 billion that the HELP Committee unanimously voted to authorize appropriations up to, at least makes a bit of a difference.

Your school districts are for this, your principals and teachers in the

trenches are for this, and most importantly, we ought to provide these children with some additional help. They deserve it.

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

Mr. GREGG. How much time is remaining?

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire has 1 minute remaining. The Senator from Minnesota has 3 minutes remaining.

Mr. WELLSTONE. I yield the Senator from New Hampshire 30 seconds of my time.

Mr. GREGG. That is very generous of the Senator from Minnesota. I appreciate it.

Mr. WELLSTONE. I yield the Senator from Iowa 1 minute of my time.

Mr. GREGG. Mr. President, did I understand the Senator from Minnesota to say he would be willing, if I were to propound a unanimous consent request that we go to the ESEA bill with 5 amendments on both sides, that the amendments be relevant, and we have final passage—the Senator would agree to that?

Mr. WELLSTONE. That is an easy question.

Mr. REID. Was this a unanimous consent request?

Mr. GREGG. I was asking if he was agreeing that would be an acceptable approach.

Mr. WELLSTONE. My answer would certainly be no, since I talked about what the Senate was about and talked about those other amendments are terribly important amendments that affect the lives of children.

Mr. GREGG. I simply state the reason we do not have the authorization levels we should have on the ESEA is that we have not passed ESEA, and the reason we have not passed ESEA is that we have been unable to debate on this floor the issue of education. We have had debate on the issue of campaign finance, on the issue of guns, on the issue of prescription drugs, but not on the issue of education, which is too bad, because the bill out of committee was a good bill and, by the way, it did not demand the States do anything. It set up a set of options for the States which the States could then follow. They could choose to use portability, they could choose to use Straight A's or they could choose the present law. It gave the States total flexibility. The goal was to get the academic achievement of low-income kids up. That should be our goal as a Senate, and that was our goal when we reported out the bill.

Mr. President, I reserve the remainder of my time.

Mr. HARKIN. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota has 2½ minutes. The Senator from New Hampshire has 16 seconds remaining.

Mr. HARKIN. Mr. President, I thank the Senator for yielding me a little bit of time. I appreciate what the Senator from Minnesota said a while ago. He is absolutely right. We are blaming these kids.

Title I: Do my colleagues know how much each kid gets from title I? Somewhere between $400 and $600 a year. Go to the best schools in America in high-income areas where they have nice houses and high incomes. Do my colleagues know what they are spending on kids there? Six to eight thousand dollars. Yet we are going to put $400 to $600 into some of the kids who have the poorest lives.

As the Senator said, they move around a lot. They have been denied the opportunity since they have been born, and we expect all these great results from $400 to $600 per student.

If the Senator from New Hampshire wants to propose we spend $6,000 on each one of those poor kids, then maybe we will see them start to advance more rapidly, but on $400 to $600 we are not going to do it. The Senator's amendment would only get that up just a little bit more. We are still way behind in what we ought to be doing in this country to help low-income students attain the same opportunity in education as kids from better, higher income areas are getting. The Senator from Minnesota is right on with this amendment.

Mr. WELLSTONE. How much time do I have left?

The PRESIDING OFFICER. One minute 30 seconds.

Mr. WELLSTONE. I yield 30 seconds to my colleague from New Hampshire.

Mr. GREGG. This abundance of generosity has carried me away. I yield my time back if the Senator wishes to yield his time back, even the additional time the Senator has yielded.

Mr. WELLSTONE. I yield back the remainder of my time. I ask for the yeas and nays.

Mr. GREGG. I raise a point of order against the pending WELLSTONE amendment No. 3631 in that it violates the Budget Act.

Mr. WELLSTONE. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the vote in relation to this motion occur at 5 p.m. and that there be 4 minutes equally divided for explanation prior to the vote.

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

Mr. GREGG. I move to table the motion to waive.

The PRESIDING OFFICER. The Senator from New Hampshire moves—

Mr. GREGG. 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. GREGG. 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 New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we need to make sure we understand what is happening here.

The PRESIDING OFFICER. Is the Senator raising an objection?

Mr. REID. There is nothing pending.

Mr. HARKIN. He asked unanimous consent to set the amendment aside.

Mr. REID. I do not object to that.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

Mr. REID. Reserving the right to object. The Senator from New Hampshire asked to set the amendment aside, and the time was set for a vote.

Mr. GREGG. On the motion to waive the point of order.

Mr. REID. He did not make his offer to table; is that right?

Mr. GREGG. Correct.

Mr. REID. We are soon going to proceed with an amendment by the Senator from New Mexico.

Mr. GREGG. That is correct.

Mr. REID. Mr. President, I want to make sure everyone understands the challenge made by the Senator from New Hampshire. We, the minority, are willing to take that at any time. There was an education bill on the floor that we did not have anything to do with pulling. We are willing to start debating the education bill 10 minutes from now, 10 days from now. We have a lot of things about which we want to talk regarding education.

The Senator says there is something keeping this education bill from going forward. It is not our fault. We are willing to spend whatever time is necessary to complete debate on the education bill that was before this body for a short time earlier this year. We want to debate the education issue.

For people to say it got pulled because we wanted to talk about campaign finance reform, you bet we do. We still want to talk about campaign finance reform. But we want to talk about education issues also. The fact that we have an education bill on the floor does not mean we cannot talk about other issues. We would be willing to have the education bill come back, and we have a lot of education issues we would bring up immediately.

Mr. GREGG. Mr. President, did the unanimous consent request get approved and was the amendment laid aside?

The PRESIDING OFFICER. Both unanimous consent requests have been approved. The amendment was laid aside, and the vote is scheduled for 5 o'clock.

Mr. GREGG. If I may engage the assistant leader from Nevada in a colloquy, I am interested in knowing

whether the assistant leader would agree to a unanimous consent request that would bring back the ESEA bill as reported out of committee with five relevant amendments on both sides, with a vote on final passage. If the Senator is agreeable to that, I am willing to walk down the hallway and probably get it signed onto by the majority leader.

Mr. REID. Mr. President, this is interesting, I say to my friend from New Hampshire. We are in the Senate. My friend from New Hampshire has had wide experience in government. He served in the House of Representatives. We had the pleasure of serving together. He was Governor of the State of New Hampshire and has been a Senator for many years. He understands what the Senate is about as well as anybody in this Chamber. That is, we have had rules which have engaged this Senate for over 200 years, and they have worked well. We are the envy of the world, how our legislative body has worked for more than 200 years.

What I am saying to my friend from New Hampshire is, yes, we are willing to bring the education bill back today, tomorrow, any other time, but we do not need these self-imposed constraints. We are not the House of Representatives. We are the Senate. We have the ability to amend bills that come before this body. Had we been allowed the opportunity to treat the elementary and secondary education bill as legislation has been treated for two centuries in this body, we would have been long since completed with that and would have been on to other issues.

No one should think we are afraid to debate education issues. We have a lot of education issues to debate. The Senator from New Mexico and I have worked for 3 years on high school dropouts. I am not proud of the fact that the State of Nevada leads the Nation in high school dropouts. We lead the Nation. But we are not the only State that has a problem. Every State in this Union has a problem with high school dropouts.

In the United States, 3,000 children drop out of high school every day; 500,000 a year. I want to talk on the Elementary and Secondary Education Act about what we can do to keep kids in school.

The Senator from New Mexico will have an amendment that passed the Senate 3 years ago. Last year, on a strictly partisan vote, our amendment was killed in the Senate. Democrats voted for it. Republicans voted against our dropout amendment. It is really ''radical.'' I am saying that facetiously. What it would do is create, in the Department of Education, a dropout czar, someone who could look at programs that are working around the country and have challenge grants in various States, if they were interested in the program. We would not jam anything down anyone's throat. A simple program such as that was defeated.

We would be happy to ask unanimous consent—as Senator DASCHLE has done on other occasions—to resume consideration of the elementary and secondary education bill, and that following the two amendments previously ordered, the Senate consider the following first-degree amendments, subject to relevant second-degree amendments, and that they may be considered in an alternating fashion as the sponsors become available, and that they all be limited to 1 hour each equally divided in the usual form——

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection——

Mr. REID. I have not propounded my request yet, Mr. President.

We would have Senator SANTORUM offer an amendment dealing with IDEA funding; Senator BINGAMAN, one on accountability; Senator HUTCHISON, one on same-sex schools; Senator DODD, afterschool programs; Senator GREGG, afterschool programs; Senator HARKIN, school modernization; Senator VOINOVICH, IDEA funding; Senator MIKULSKI, dealing with technology; Senator STEVENS, physical education; Senator WELLSTONE, educational testing; Senator GRAMS, educational testing; Senator REED of Rhode Island, dealing with parents; Senator KYL, bilingual education; Senator LAUTENBERG, school safety, dealing with guns. We would be willing to do this right now. It would take about 10 or 12 hours. And I say——

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. There are Republicans and Democrats on this list. We would do it in alternating fashion. They believe strongly in their education issues. We believe strongly in our education issues.

I say that is what we should do. That would bring the education issue to the forefront of this body, as it should have been brought to the forefront of this body a long time ago.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire

Mr. GREGG. If we are going to propound unanimous-consent requests, I propound a unanimous consent request as follows: That we proceed to the Elementary and Secondary Education Act, as reported out of the HELP Committee, at such time as the leader shall determine is appropriate, in consultation with the Democratic leader; that both sides be allowed to offer, I will make it seven amendments to the Elementary and Secondary Education Act; that the amendments shall be relevant, and that there shall be a vote on final passage.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Well now, the Senator from New Hampshire said that he wanted a unanimous-consent request that we would go to ESEA, at a time to be determined by the majority leader——

Mr. GREGG. In consultation——

Mr. HARKIN. In consultation with the minority leader.

Well, we have asked the majority leader. The minority leader has propounded this unanimous consent request in the past. We are not running the floor. The Republicans are running the floor, not the Democrats.

Mr. GREGG. Mr. President, is debate appropriate?

The PRESIDING OFFICER. The Senator from New Hampshire, having propounded the unanimous consent request, has the floor.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. It is the Republican side that is running the floor that schedules the bills, not the Democrats.

My friend from New Hampshire just said he would be willing to have seven amendments on either side.

Mr. GREGG. Relevant.

Mr. HARKIN. Oh, relevant amendments. See, there you go.

The last ESEA bill we had up was 4 years ago. We had amendments offered on the Republican side that were not relevant. We didn't say anything. We debated them. We debated them and we voted on them. Oh, but now they don't want to do that. The Republicans say: It has to be relevant. And they will preclude us from offering amendments on that bill that are relevant—maybe not to education but relevant to what is happening in America today. Yet they do not want to do that.

We would agree to time limits. Senator DASCHLE has here: 1 hour each, equally divided. That is 14 hours. In 14 hours, we could be done with the Elementary and Secondary Education Act.

Mr. GREGG. Will the Senator yield on that point?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. GREGG. I would be willing to agree to time limits also: 1 hour on each relevant amendment.

Mr. HARKIN. All amendments that are offered here, seven on each side?

Mr. GREGG. In my unanimous-consent request.

Mr. HARKIN. To these seven amendments?

Mr. GREGG. It is my unanimous-consent request to which I am agreeing. You already have that in your request. I was just trying to be accommodating to your time constraints.

Mr. HARKIN. You can have whatever seven you want, and we will take our seven amendments.

Mr. GREGG. As long as they are relevant.

Mr. HARKIN. I reclaim my time. The Senator says: Relevant.

Mr. REID. Will the Senator yield without losing his right to the floor?

Mr. GREGG. I want to debate education, not national policy.

Mr. HARKIN. Yes, I yield without losing my right to the floor.

Mr. REID. One of the amendments, the Senator is aware, the Lautenberg amendment, deals with gun safety.

Are you aware there are precedents for gun control amendments to education bills? In fact, is the Senator aware that in 1994, Senator GRAMM of Texas offered an amendment on mandatory sentences for criminals who use guns, and it was put to a vote on the education bill that year?

Mr. HARKIN. That is right.

Mr. REID. I say to my friend, doesn't it seem logical and sensible to the Senator from Iowa that with all the deaths in schools related to guns, on an education bill we should have a conversation about gun safety in schools?

Mr. HARKIN. To this Senator, it makes eminently good sense. We are talking about education and safety in education. Senator LAUTENBERG has an amendment on gun safety. That is what the Republicans do not want to vote on. Yet the Senator from New Hampshire said: Relevant amendments. I am looking at the list of amendments we have. They all deal with education in one form or another.

Mr. GREGG. Then the Senator should have no objection to my offer.

Mr. HARKIN. If the Senator from New Hampshire would agree that school safety and guns is a relevant amendment, we can make an agreement right now. Will the Senator agree to that?

Mr. GREGG. I do not make that ruling. It would be up to the Parliamentarian to determine what a relevant amendment is.

Mr. HARKIN. No. A unanimous consent that the Lautenberg amendment is relevant.

Mr. GREGG. I will not make that decision. The offer is very reasonable. We are willing to debate relevant amendments on education. There are a lot of relevant amendments on education that deal with guns. All you have to do is make it relevant and you can involve a gun issue. There is no question, for example, if you want to offer an amendment that deals with using title I money for the purposes of allowing people to put in some sort of screening system for going into a school relative to guns, that is a very relevant amendment, I would presume. But I am not the one who makes that decision. The Parliamentarian makes the decision.

Mr. HARKIN. No. But a unanimous consent.

Mr. GREGG. I am perfectly willing to make an adjustment, to give you a timeframe, so we can have a timeframe on the debate. We can have relevant amendments, 1 hour on each amendment. I have gone up to seven amendments now because the Senator from Nevada made a good case that we might not have gotten the amendment of the Senator from New Mexico into the mix. So that is seven amendments on each side and a vote on final passage—that is 14 hours—we vote on final passage, leaving it to the majority leader to call the issue to the floor. I think we could have a deal.

Mr. HARKIN. Mr. President, I find it interesting, my friend from New Hampshire making this argument. Four years ago, when the Senator from Texas offered a gun amendment on the Elementary and Secondary Education Act, I didn't hear a peep from my friend from New Hampshire, not a word. But now, when we want to address the issue of school violence and guns, the Senator from New Hampshire says: Oh, well, now we can't discuss that. It is not relevant.

The Senator from New Hampshire knows, as well as I do, there is no rule in the Senate that demands relevancy. That is the House. That is why we are the great deliberative body that we are. We can debate and discuss things. If the Senator wants to go back to the House, where they have a Rules Committee, and they only discuss issues that the Rules Committee says are relevant—that is the House of Representatives. This is the Senate. We do not have such a rule. Thank God we do not because it allows us, as Senators, to have the kind of open and free debate and discussion that I think distinguishes the Senate from the House of Representatives. That allows us a time to cool things down, as Thomas Jefferson said.

We are willing to bring up the Elementary and Secondary Education Act and agree to a time limit. We could be done in 1 day. But the Republicans do not want to vote on the gun issue.

They don't want to have to belly up to the bar and vote to keep guns out of the hands of kids. They don't want to have that amendment. Therefore, all of the rest of the Elementary and Secondary Education Act is held hostage by the refusal on the Republican side to allow even 1 hour of debate and an up-or-down vote on the Lautenberg amendment. That is the essence of it right now. As my friend from Nevada said, we are willing to go to the Elementary and Secondary Education Act right now with a time limit, debate them, vote them up or down. It is the other side that won't let that happen.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we know there are other things to do, but there is nothing more important to the American people—I know there is nothing more important to the people of the State of Nevada—than to do something about education. The Senator from Iowa talked about guns. Of course, they don't want to debate that issue, even though we did more than a year ago. Remember the clamor here that we had to do something as a result of the Columbine killings. Then we had a series of killings by guns in schools. We just recently had one in Florida where a boy was sent home because he was dropping water balloons. He came back and killed the teacher. There was no safety lock on that gun. It was laying around. Some felon had it. I don't know who had it. Anyway, the kid was able to get it.

The majority's argument is simply a smokescreen. Of course, they don't want to talk about gun safety. They also don't want to vote on other priority issues such as modernizing schools. The average school in America is almost 50 years old. In Nevada, because we have to build one new school a month, we also need some help building schools, renovating schools. We have a tremendously difficult problem. People think of Nevada as the most rural place in America. It is the most urban place in America. Over 90 percent of the people live in two communities: Reno and Las Vegas. We have the seventh largest school district in America, with over 230,000 students. We need some help. The majority does not want to modernize the schools.

Wouldn't it be great if we could do something about afterschool programs? That is where kids get in trouble, latchkey children, without sufficient supervision. We have amendments, some of which were read by the Senator and I, that deal with afterschool programs. We want to do something about having not only more teachers but better teachers. That is what we want to consider. That is why we want to talk about education.

The Senator from New Mexico is shortly going to offer an amendment dealing with quality education. If not now, he will do it later. I know it is something he has talked about. Yes, Senator LAUTENBERG wants to offer an amendment joined by numerous others. He is the lead sponsor to deal with safety in schools, more accountability. If the majority doesn't think that guns in schools and school safety are priorities for the American people, then they have not been reading the papers. They have not been reading their own mail that comes from home. These are important issues.

All we are asking is that the pending business, Order No. 491, a bill to extend programs and activities under the Elementary and Secondary Education Act, be the order of the day; that it be called off the calendar and we get back to working on it. It is the pending business right now. It is here in the Senate calendar of business. We should get back to that. We offered strict time agreements on all amendments, and then we get the retort from our friend from New Hampshire: Relevant, relevant.

We know what happens here. We know who controls what goes on. It is the majority. If they don't want something, it is not relevant. We are adults. We know how things work around here. We give them the title of the amendments; we tell them what they are about. We limit the time on them. I don't know what we could do that would be more fair and would allow this agenda to move along.

We want the opportunity to vote. We don't want the opportunity to debate for more than a half hour. A half hour is all we get. We feel very confident that our priorities are the needs of the majority of the people of this country. We are not afraid to vote on them.

The real reason the majority doesn't want to vote on these proposals is because we are going to win. People over there are going to vote with us. We are going to win. There are only 45 of us. We know we can't win unless we get support from the majority. We will get support from the majority. This is a procedural effort to block the education agenda of the minority from going forward. It is too bad.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I don't want to prolong this ad nauseam because it is sort of an internal debate. I know the Senator from New Mexico has an amendment he wants to offer.

I will make a couple of points in response to the Senator from Nevada, who always eloquently presents the minority's position.

The fact is, all the amendments he talked about in the area of education are amendments which we are perfectly willing to get into. We got into them in committee, and we are happy to get into them on the floor. I suspect they would have no problem being found as relevant—school construction, after-school programs, safe schools. In fact, we have done a great deal in the area of all of these accounts. On the Safe Schools Program, aftershool programs, we have increased funding dramatically in both those proposals.

We have brought forward an ESEA bill in a creative and imaginative way. I think it is being held because there are amendments people want to put on it which they know will cause it to not go any further than this body because the bill has so many imaginative and creative ideas in it which the Federal bureaucracy and the educational bureaucracy do not like because they return power to the States, power to parents, power to children, power to principals. They just don't like the fact that this bill is coming up for a vote with a whole cafeteria of ideas that threaten the present educational lobby here in Washington. Therefore, they have decided to gum it up with a bunch of amendments that have no relevance at all.

''Relevant'' is an important term for the education issue. The education debate should be on education. There are a lot of gun issues which are education related. We are perfectly happy to take those as relevant. But there are some that are not, and they know that. That is why they are throwing it on this bill, because they know it will stop the bill on the floor. They can use that as an excuse for stopping the bill rather than being the actual reason the bill is being stopped.

As to gun amendments, we have voted on those enumerable times in this body. We have had amendments relative to abortion clinics, relative to gun-related debt. We have had them relative to gun violence crime protection, safe school new Federal restrictions on firearms, on education and violence protection. There have been votes on these. The list goes on and on. There have been gun amendments all through the process. There are gun amendments that can be made relevant. I would presume if they wanted to include those seven that I suggested, it would be easy enough to do it.

I do think that the defense that they don't want relevant amendments, that they want to have the freedom to throw whatever amendment they want on this bill, is a puerile defense. ''Puerile'' is the wrong word. It is a sophomoric defense because basically what they are interested in is not having the ESEA bill come through this House in its present form because it is not a form that they liked when it was reported out of committee.

Mr. HARKIN. We had seven amendments. That was all that was on the list.

Mr. GREGG. All I am interested in is seven relevant amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, does the Senator from New Hampshire retain the floor or is it open?

The PRESIDING OFFICER. The regular order is the recognition of the Senator from New Mexico to offer an amendment.

AMENDMENT NO. 3649

(Purpose: To ensure accountability in programs for disadvantaged students and to assist States in their efforts to turn around failing schools)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN], for himself, Mr. REED, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 3649.

Mr. BINGAMAN. Mr. President, 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:

On page 57, line 19, after ''year'' insert the following: '': *Provided further,* That in addition to any other funds appropriated under this title, there are appropriated, under the authority of section 1002(f) of the Elementary and Secondary Education Act of 1965, $250,000,000 to carry out sections 1116 and 1117 of such Act''.

Mr. BINGAMAN. Mr. President, I have indicated to the majority that I would take a half hour to discuss the amendment on our side. I know Senator REED also wishes to speak about the amendment, and perhaps others.

If the Republican side will take the same limited amount of time, I believe that is the arrangement.

This is an amendment to address the central issue that has been part of the education debate all along, and that is the issue of accountability. On the last amendment Senator WELLSTONE proposed, I know the discussion back and forth between Senator WELLSTONE and the Senator from New Hampshire. The position of the Senator from New Hampshire was that he could support increases in title I if there was proper accountability for how the money was spent, if we could be sure the money was spent for the purpose it was really needed.

The amendment I am proposing would try to put into place the mechanisms to ensure that accountability. That, I believe, is a reason the amendment should be supported by everyone.

Let me indicate what current law is. Current law says that of the title I funds a State receives, they can spend a maximum of one-half of 1 percent of those title I funds in order to ensure accountability in the expenditure of those funds. That is, if you have a failing school—for example, take my State. If one of our school districts in New Mexico has an elementary school that is not doing well and is not showing improvement in student performance, then the State has one-half of 1 percent of the title I funds it can spend in trying to assist that school to do better. That is all it can spend, and that is for the entire State.

It is clear to anybody who has worked in education that this is an inadequate amount of money. I have here a letter that has been sent to me by the Council of Chief State School Officers. I want to read a section from that where they indicate their support for this Bingaman amendment to restore an increase in funding for title I accountability grants to assist low-performing schools:

Last year, Congress appropriated $134 million in title I accountability funds to help aid over 7,000 schools, to help low-performing schools that were identified. The Council of Chief State School Officers supports providing assistance to low-performing schools through an increased State setaside. The accountability grants are essential to help turn around our Nation's most troubled schools. Several of our States have already expressed reluctance to undertake the new grants due to an certainty over future funding. It is critical that the accountability grants be sustained and funded and funding increased to the President's request of $250 million, so that States and districts can continue to help improve these schools. Mr. President, I ask unanimous consent that this letter, dated June 21, 2000, be printed in the RECORD immediately after my remarks.

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

(See Exhibit 1.)

Mr. BINGAMAN. I believe that letter summarizes very well the thrust of my argument. We have the Federal Government now spending over $8 billion this next year—almost $9 billion—to assist disadvantaged students through the title I program. But the accompanying accountability provisions in the law have not been fully implemented. That is, we have not seen the

results we would like to see in all cases—in the case of these failing schools in particular—due to a lack of dedicated funding that would be necessary to develop improved strategies and create rewards and penalties that hold schools accountable for continuous improvement in their student performance.

The bill before us does not identify any specific funds for accountability enforcement efforts. We need to ensure that a significant funding stream is provided so that these accountability provisions are in fact enforced. The amendment I have offered seeks to ensure that $250 million, which is a small fraction of the total amount appropriated under title I, is directly spent on this objective. This money would be used to ensure that States and local school districts have the resources available to implement the corrective action provisions of title I by providing immediate and intensive interventions to turn around low-performing schools.

What type of interventions am I talking about? What are we trying to ensure that States and school districts can do by providing these funds? Let me give you a list.

First of all, ongoing and intensive teacher training. If you have a failing school where the students are not performing better than they did last year, it is likely that the problem comes back to the teachers. We need better training of some of our teachers in that school. These funds would make that possible.

Second, extended learning time for students, afterschool programs, Saturday, and summer school to help students catch up. Again, a failing school, in many cases, needs those kinds of resources.

Third, provision of rewards to low-performing schools that show significant progress, including cash awards and other incentives, such as release time for teachers.

Fourth, restructuring of chronically failing schools. In many cases, you need a restructuring of a school. You need to replace some of the people in the administration. You need to have a restructuring so that the school can start off on another foot.

Fifth, intensive technical assistance from teams of experts outside the school to help develop and implement school improvement plans in these failing schools. These are teams that go into the school and determine the causes of the low performance—for example, low expectations, outdated curriculum, poorly trained teachers, and unsafe conditions—and assist those schools in implementing research-based models for improvement.

Here is one example of what I am talking about. A program with which many of us have become familiar—I certainly have in my State—is called Success for All. This is a program which is called a whole school reform program for the early grades, elementary schools. It was developed by researchers at Johns Hopkins University, and it has been implemented in over 2,000 elementary schools throughout the country. There were over 50 schools in my home State of New Mexico this last year that implemented the Success for All Program. The program is a proven early grade reading program which, if implemented properly, can ensure better results. All of the studies demonstrate that it can lead to better results.

At the end of the first grade, Success for All schools have average reading scores almost 3 months ahead of those in matching control schools, and by the end of the fifth grade, students read more than 1 year ahead of their peers in the controlled schools. So the program can reduce the need for special education placements by more than 50 percent and virtually eliminate the problem of having to retain students in a grade more than a year.

The funding contemplated in this amendment I am offering is authorized under both the old version of the Elementary and Secondary Education Act and the proposed new version, on which we just had a debate about how to get that back up for consideration in the Senate. Under section 1002(f) of the Elementary and Secondary Education Act currently in effect, Congress is authorized to provide such sums as may be necessary to provide needed assistance for school improvement under sections 1116 and 1117 of the act. That is the current Elementary and Secondary Education Act.

Last year, we did provide additional assistance in this bill—this exact appropriations bill we are debating today. We provided $134 million for this purpose, and we need to follow through on that commitment this year.

We also agreed, on a bipartisan basis, that these funds were necessary during the reauthorization of the Elementary and Secondary Education Act, the bill which was reported out of the committee. Under S. 2, the chairman's bill, there would be an automatic setaside of increased funds for title I for this purpose.

Unfortunately, as has been discussed here at length, the Elementary and Secondary Education Act appears to be in limbo, and we are having great difficulty getting back to it on the Senate floor. It is simply irresponsible for us to invest $9 billion—or nearly that—in the title I program and, at the same time, still fail to provide necessary resources to ensure that the States, districts, and schools are held accountable for how that $9 billion is spent.

Title I requires the States and districts to implement accountability and assist failing schools. But we in the Congress have failed to give the States and districts the resources necessary to carry out those mandates.

Title I authorizes State school support teams to provide support for schoolwide programs, to provide assistance to schools in need of improvement through activities such as professional development, identifying resources for changing and instruction, and changing the organization of the school.

In 1998, only eight States reported that school support teams have been able to serve the majority of schools identified in need of improvement.

Less than half of the schools identified as needing improvement in the 1997–1998 school year reported that this designation led to additional professional development or assistance.

Schools and school districts that need this additional support and resources do five things: Address weaknesses quickly soon after they are identified; second, promote a progressively intensive range of interventions; third, continuously assess the results of those interventions and monitor whether progress is, in fact, being made; fourth, implement incentives for improvement; and, fifth, implement consequences for failure.

I think many in this Senate would agree that a crucial step toward improving the public schools lies in holding the system accountable for student achievement and better outcomes.

I hope everyone is able to demonstrate with their vote on this amendment that they support these positive initiatives toward establishing that type of accountability.

Unfortunately, our debate on the Elementary and Secondary Education Act was prematurely ended. As I indicated, it is not clear when that will come back. I continue to hope it will come back to the Senate floor so we can complete that bill and send it to the President.

I think that is a high priority that the American people want to see us accomplish before we leave this fall.

When we resume consideration of that bill, I intend to offer an amendment that would address the area of accountability in all education programs.

This amendment will enhance the existing accountability provisions in title I. As you know, this is the largest Federal program in the Elementary and Secondary Education Act, and it has been discussed before as to the great good this program does.

We made some important changes to title I. I indicated that the chairman's mark has some provision for a significant increase in the amount of funds that could be used for these accountability purposes. But under current law, States and the school districts are not able to spend the money they need in this area.

That is why the amendment I am offering today is so important.

I hope very much that Senators will support the amendment.

In my home State of New Mexico the need is enormous.

In 1994, fourth grade reading data showed that an average of 21 percent of fourth graders in my State were reading at a level that was considered proficient.

There is a tremendous need for additional resources in this area. The fact

is that many of these students are minority students, and many of these students require the assistance that title I was intended to provide. We need to be sure that the accountability is there so these funds are spent in an effective way.

I know that Senator REED is also here on the floor and is a cosponsor of this amendment. He would like to speak to it.

Let me indicate also, if I failed to do so at the beginning of my comments, that the amendment is offered on behalf of myself, Senators REED, KENNEDY, MURRAY, DODD, and WELLSTONE.

EXHIBIT 1

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, June 21, 2000.

Member,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the state commissioners and superintendents of education, I write to comment on the FY2001 Labor, Health and Human Services, and Education Appropriations bill (S. 2553), which the Senate Appropriations Committee passed last month. While the Council is extremely pleased with the bipartisan effort to significantly increase the overall funding level for education programs, we have several concerns with education policy issues reflected in the bill, as well as programs which are underfunded.

The Council applauds the Committee's decision to increase funding for education by over $4.6 billion, which is higher than the President's request. We are grateful that the Senate recognizes the need to substantially invest in education, and S. 2553 is responsive to recent polls that show 61% of the public believe that the federal government does not invest enough in education. Specifically, we are pleased that the bill increases funding for programs such as Title I, IDEA, and vocational education, although these programs still remain critically underfunded.

Despite the high total funding level, there are several elementary and secondary education issues included in the bill which greatly concern the Council. We urge adoption of amendments to address these issues. Amendments are needed as follows: (1) restore and increase resources to assist low-performing Title I schools; (2) continue development and implementation of aligned state and local standards and assessments; (3) provide separate, guaranteed funding streams for class size reduction and school modernization; (4) increase funding for teacher quality in Title II, ESEA and Title II, HEA; (5) restore and increase funding for the Comprehensive School Reform Demonstration program; and (6) delete provisions that would allow community based organizations to operate the 21st Century Community Schools program. The Council urges adoption of the following amendments to S. 2553:

Support the Bingaman amendment to restore and increase funding for Title I accountability grants to assist low-performing schools. Last year Congress appropriated $134 million in Title I accountability funds to help aid over 7,000 schools identified as low performing. While CCSSO supports providing assistance to low-performing schools through an increased state set-aside, the accountability grants are essential to help turn around our nation's most troubled schools. Several of our states have already expressed reluctance to undertake the new grants due to uncertainty over future funding. It is critical that the accountability grants be sustained and funding increased to the President's request of $250 million, so states and districts can continue to help improve these schools.

Provide guaranteed funding to allow SEAs to continue the key functions of Goals 2000. This funding is necessary for states and districts to continue development and implementation of high standards for student achievement with aligned assessments to measure progress of students, schools, and systems. Goals 2000 has been the leading source of funds for localities and states to develop standards and innovative improvement strategies. Funding for continuing these purposes must be included in Title II or Title VI, ESEA.

Support the Murray and Harkin amendments to provide separate, guaranteed funding streams for class size reduction and school modernization. S. 2553 contains provisions for the use of a $2.7 billion block grant within Title VI, ESEA to allow funding for any programs that a LEA determines are ". . . part of a local strategy for improving academic achievement". While CCSSO strongly supports a substantial increase in funding for Title VI, Innovative Strategies to enable states and districts to continue development and implementation of challenging standards and assessments, we oppose block granting of education programs such as Class Size Reduction and School Modernization. Block granting of federal education programs leads to reduction of federal funding, as evidenced by the 1981 consolidation of 26 federal education programs with appropriations of $750 million. Today, the appropriation for these programs is $375 million. When adjusted for inflation, the current appropriation is only one-fourth of the $1.5 billion value these programs would have today if the programs prior to block granting were kept at 1980 levels. To be sustained at effective levels, federal education funds should be targeted to educational priorities that serve America's neediest students.

Separate programs for reducing class size and school modernization are essential. We urge the Senate to guarantee separate funding streams for these two critical programs and to fund School Modernization at $1.3 billion and Class Size Reduction at $1.75 billion in FY2001.

Support the Kennedy amendment to increase funding for Teacher quality by providing substantial new funds for Title II, ESEA, and Title II, HEA. S. 2553 reduces funding for teacher quality by over $500 million below the President's request. This funding is necessary since schools will need additional resources to recruit and train the 2.2 million new teachers needed in the next decade, as well as to strengthen the skills of current teachers.

Restore and increase funding for the Comprehensive School Reform Demonstration program. This highly successful program has been in existence for 3 years and has provided critical assistance to our nation's neediest schools and students. By eliminating funding for CSRD, more than 3,000 schools in need of improvement will be denied the opportunity to receive funding for research-based models of schoolwide improvement.

Delete the Gregg amendment adopted during Committee markup to allow community-based organization (CBO's) to apply for and operate the 21st Century Afterschool program. This innovative program should be continued to be based at schools with orientation toward academic success through after-school enrichment program targeted to disadvantaged youth. Current law has successfully promoted LEA–CBO partnerships to expand learning opportunities for youth during non-school hours, weekends, and summers. Authorizing CBO's to operate the programs alone would completely alter this partnerships and undermine the focus on academically-related extended learning. Additionally, the funding level for this program is $400 million below the President's request, which would result in 1.6 million fewer children receiving services.

We urge the Senate to address these issues during floor action. These changes together with the commended strong bipartisan increase in funding for education programs would provide an important new appropriation for education. However, if the above issues are not addressed, we cannot support the bill.

We look forward to working with Members of the Senate to increase federal education support which connects with state and local efforts to strengthen classroom quality and access to education excellence for all students. If we can be of any assistance to you or answer any questions, please call me or Carnie Hayes, our Director of Federal State Relations, at (202) 336–7009. As always, thank you for considering our recommendations.

Sincerely,

GORDON M. AMBACH,
Executive Director.

Mr. GREGG. Mr. President, will the Senator be willing to enter into a unanimous consent that we vote on his amendment, if there is a vote, at 5 o'clock?

I withdraw my unanimous consent request.

Mr. BINGAMAN. Mr. President, since the Senator has withdrawn his request, I don't agree to it.

I yield to my colleague from Rhode Island, Senator REED, the cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in very strong support of Senator BINGAMAN's amendment to provide additional resources to support State and local accountability efforts. Last year's budget included these funds, and this investment must be continued.

I have worked long and hard on school accountability. But, frankly, the leader in this regard in this body is Senator JEFF BINGAMAN from New Mexico. He is a champion for ensuring that Federal resources go to schools. But we also provide incentives and opportunities for accountability and for improvement, along with Federal dollars. His efforts have been in the forefront of this great effort to improve the quality of our education and the quality of our schools.

The Federal Government directs over $8 billion a year to provide critical support for disadvantaged students under title I. But even with this great amount of money—$8 billion—there are still insufficient resources to provide for the accountability provisions that are part of title I.

We essentially face a situation, given the number of students who qualify for title I and the limited resources for the program, where most of the funds go simply to providing services and not the type of careful overview and thoughtful review that is necessary for program improvement.

With the resources that are proposed by Senator BINGAMAN, we will be able to identify more closely and more accurately schools in need of improvement. We will be able to provide assistance for activities like professional development and technical assistance to schools so that they can in effect improve their performance and implement State corrective actions for schools that we should and must improve.

Today, as I mentioned before, most of the dollars are simply going out to meet this overwhelming demand for services without the ability to review, evaluate, and correct programs. With this ability we would not only get the best results for our dollars, but we could materially improve the educational attainment of children throughout this country, and particularly disadvantaged children under title I.

In 1994, much of the impetus for accountability began with the prior reauthorization of the Elementary and Secondary Education Act.

The 1994 amendments allowed States to move forward and develop their own content performance standards and to develop their own assessment measures to provide the details for our direction to improve the accountability of title I money.

But as I mentioned—this is a constant theme—because of limited resources, there is the difficult choice between providing the service and doing the accountability.

On a day-to-day basis, States try to keep up. But over time, they are falling behind in terms of improved performance and improved quality of education for students. What results is States can't as effectively address weaknesses that they see. They can't invoke a progressively intensive range of interventions to improve schools. They can't do the continuous assessments that are necessary to keep these programs on target, focused, and provide quality education for all of our children.

The amendment, which the Senator from New Mexico proposes, would provide resources for schools and school districts to enable them to address the challenges of helping low-performance students and low-performance schools. In fact, we know those students in our lowest performance schools will immediately and directly benefit from the Bingaman amendment because studies clearly show that students in low-performance schools are at least a year or two behind students in the high-performing schools within the title I universe.

As we provide these resources, we need to focus them on the more problematic schools so we can help disadvantaged children to attain better educational achievement throughout our country.

We are still in the midst of trying to reauthorize the ESEA. Within the context of that act, Senator BINGAMAN has other accountability language which I am proud to support with him.

But we have a critical opportunity—and we are at a critical juncture today—to provide resources and directions so that the accountability issue at least will not have to wait upon final reauthorization of the ESEA if that final reauthorization is indeed forthcoming in this legislative session.

I once again commend Senator BINGAMAN for his leadership.

I conclude by simply saying that we have a situation where there is a great deal of knowledge and a great deal of intuition at the local level about how they can improve this program.

These resources in the hands of local school authorities would make a real difference in the lives of disadvantaged children, and would ultimately go to the heart of, I believe, what our greatest challenge in this country is, which is to use education to provide all of us, but most particularly the most disadvantaged Americans, the opportunity to learn, to succeed and to contribute to this country and to our economy. I urge passage of the Bingaman amendment, and I yield to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed there is no time agreement; is that correct?

The PRESIDING OFFICER. It is the Chair's understanding that there is no time agreement.

Mr. BINGAMAN. Mr. President, we do have one other Senator who I believe is on his way to the floor and wishes to speak. If there are any Senators wishing to speak in opposition, we will be glad to hear from them.

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

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

Mr. DODD. Mr. President, I commend our colleague from New Mexico for offering what I think is about as important an amendment as you can have, when it comes to the issue of education. Regrettably, we have abandoned—I hope only temporarily—the Elementary and Secondary Education Act, the authorization bill. That bill is only dealt with once every 6 years by the Congress. It is the bedrock piece of legislation that deals with the elementary and secondary educational needs of America's children; the some 50 million who attend our public schools every day of the school year. Of the 55 million or so children who go to elementary and secondary schools, roughly 50 million of them attend a public school.

Despite the efforts of the committee of jurisdiction—we spent 2 or 3 days discussing the Elementary and Secondary Education Act—we have now decided we are no longer going to debate that or discuss that issue any longer. I think that is a tragedy when we consider how important to the American public is the issue of education, how important it is to strengthen our schools. Everyone knows so many of them are in desperate need of help. That we cannot find the time—only once every 6 years—to talk about this issue is deplorable.

It was through the efforts of my colleague from New Mexico, in fact, that we were able to provide language in the Elementary and Secondary Education Act to deal with the issue of accountability in our public schools. I regret this bill has been abandoned. I hope we will get back to it, although I am doubtful that will be the case. But, if we do, we will have a chance to further discuss it.

The Senator from New Mexico has offered an amendment to set aside $250 million within title I to help States implement effective programs to turn around failing schools. Last year, $134 million was appropriated for this purpose, and the committee's appropriations bill does not include any funding for accountability grants. The President requested $250 million, and this amendment meets that request.

The fact that the proposal coming out of the committee disregards accountability altogether is a stunning failure to recognize how important it is that we make a concerted effort to put these failing schools back on their feet.

What is title I? We talk in terms of titles, dollar amounts, and alphabet soup when it comes to certain programs. Title I is the basic education program to provide assistance to the most disadvantaged students in the country, whether they live in urban, rural, or suburban areas.

Roughly $8 billion, more than half the entire Federal budget's commitment on education, goes for title I, disadvantaged students. In fact, it is an indictment of the Federal Government that we only contribute less than one-half of 1 percent of our entire Federal budget to elementary and secondary education. Imagine, less than one-half of 1 percent of the entire Federal budget goes to elementary and secondary education, despite the fact that most Americans say with a single voice that education is about as important an issue as this country has to address. Despite those feelings, we contribute a tiny fraction of the entire Federal budget to this most compelling need.

Of the $15 billion we spend on education, half is spent on these disadvantaged children through title I. That is title I.

Senator BINGAMAN has offered an amendment that provides that of the $8.3 billion, we are going to allocate $250 million, which is not included in the present bill. It provides $250 million to do something to get these failing schools back on track.

It has been suggested that a failing school ought to be shut down. I understand the frustration that leads people

to that conclusion, but too often when we shut down one of these schools, there are no great alternatives around the corner for these children. There is not that well-run little parochial school or some private school to which these children can go. Too often these schools exist in the worst neighborhoods and worst areas of the country in terms of economics. We need to do something to get these schools back on track and functioning well so these children, who, through no fault of their own, are born into these circumstances in these neighborhoods and communities across the country, have a chance.

It is one thing to talk about accountability, but the Senator from New Mexico has offered some strong, thoughtful language on how to achieve that accountability in our Nation's educational system. We have shifted our focus from what the Federal education dollar has bought to more on outcome: What do you get; what comes out of that school.

It is a worthwhile shift to begin to determine what schools are producing, how well are these children prepared to move on to the next level of education to become productive citizens of our country, good citizens, and good parents. There are too often a staggering number of schools that fail when it comes to outputs.

Effective accountability measures is what business leaders call quality control measures. They determine whether students are achieving to the high standards they ought to be, to make sure public dollars are being spent wisely. Accountability is especially important in schools with high concentrations of disadvantaged students to ensure all students have an opportunity to meet high standards of achievement.

In our view, we must spur change and reform in these failing schools. Shutting them down is not the answer. Getting them to perform better is. Setting positive accountability standards is one of the ways to help achieve that goal. That is what the Senator from New Mexico is offering in this amendment: Some dollars allocated and setting accountability standards will help us achieve the desired results.

As we all know, despite concerted efforts by States and school districts, accountability provisions in title I have not been adequately implemented due to insufficient resources. When we have a budget, such as this one, that does not allocate even a nickel for accountability, we cannot give a speech about accountability and then not provide any of the resources to see to it that accountability is achieved.

In 1998, to make the point, only 8 States out of the 50 reported that school support teams were able to serve the majority of schools identified as being in need of improvement. Less than half of the schools identified as in need of improvement in the 1997–1998 period reported they received additional professional development or technical assistance.

It seems quite obvious we need to strengthen title I with only 8 States out of 50. Even among those States, the results are paltry when it comes to accountability. We clearly need to do a far better job if we are going to give these students and these families a chance to have a school to continue and provide the education these children ought to be receiving.

We have to strengthen title I to make more schools more accountable for the academic success of all the children who attend them and to assure States and districts do all they can to turn around failing schools by using proven, effective strategies for reform.

We must make all schools accountable for good teaching and improved student achievement. We cannot turn our backs on low-performing schools, as I said. We must do all we can to improve them. If all else fails and we have to close them down, that is one thing, but if we jump to close schools without trying to improve them, too often we abandon these young students.

School districts and States need the additional support. Less than one-half of 1 percent of the entire Federal budget is dedicated to education, and we are talking about $250 million out of the title I resources to improve the accountability standards. My view, and I think the view of most of us, is that we ought to act now and make these schools more accountable for these disadvantaged children. I am hopeful that will be the case.

Again, I congratulate our colleague from New Mexico for offering this amendment. I mentioned one-half of 1 percent of the Federal budget is spent on elementary and secondary education. Out of 100 cents in the dollar we contribute, one-half of 1 percent represents 7 cents when it comes to an education dollar; 93 cents come from our States and mostly local governments who support the educational needs of the local communities. When we get to our poorest communities in rural America—I know the Presiding Officer can relate to this; he represents a very diverse State, one that has strong urban areas but strong rural areas as well—when we get to a poor rural community or poor urban area, the tax base, in many cases, does not exist to provide for the educational needs.

My hope is in the coming years we are going to do a better job of being a better partner with local towns, a better partner with our States, so the Federal Government is contributing a greater share, about $1. Seven cents out of 100 cents toward the needs of America's children in the 21st century is an appalling indictment of failing to improve the quality of education.

I do not know of a single Senator who dissents when it comes to the issue of accountability, making sure these students are coming out of educational institutions with the abilities, the talents, and the knowledge they need to move on. On this we can all agree. We have to not just talk about it, we have to invest in it.

The Senator from New Mexico has offered a proposal that will at least put some dollars into the accountability standards, along with the language that tells how best to achieve accountability. I strongly endorse this amendment and hope our colleagues will support it.

I thank the distinguished managers of this bill, Senator SPECTER and Senator HARKIN, for their willingness to provide for a new and significant investment in child care. I have been critical about the accountability standards and the lack of funding. Before those remarks, I should have commended them for the work they have done on child care. As most of my colleagues know, I have spent a good part of my career in the Senate trying to improve the quality of child care in this country. This bill raises the level of the child care development block grant to a total funding of $2 billion which will allow an additional 220,000 children across this country to be served in a child care setting.

To put this investment in perspective, I note that this year's increase in funding of child care is double the program's growth in the previous 10 years of its existence. This funding represents the fruits of 2 years of bipartisan efforts.

In addition to thanking the chairman and ranking member of this appropriations subcommittee, I want to recognize individuals who have fought long and hard to provide this assistance to America's working families.

My colleague from Vermont, Senator JEFFORDS, my colleagues from Maine, Senator SNOWE and Senator COLLINS, and my colleague from Massachusetts, Senator KENNEDY, who has been a stalwart in fighting for this issue for many years. There are a lot of other people here who have been involved.

Senator John Chafee, who was a terrific fighter on many issues—by the way, Parade magazine, this past Sunday, had a wonderful story by Mr. Brady, who served with John Chafee in Korea. It was a wonderful piece about John Chafee's service in the Korean war, as we remembered the veterans of that conflict that began 50 years ago the day before yesterday.

John Chafee was a tremendous fighter and great ally when it came to child care. I do not want to conclude these remarks without mentioning his wonderful contribution in this area.

The funding allocation that is in this bill demonstrates that helping working families is not a partisan issue. I am glad to report that, in fact, in the last year, on four different occasions, we had votes on child care in the midst of some very tense and heated debates. In every single instance, this body—by a fairly significant margin—supported increasing the allocations for child care. It did not get done in conference reports, with the House of Representatives, in the first session of this Congress.

But Senator SPECTER told me last year: I promise you this year we will put the dollars in to get that level up to $2 billion. He did so. I thank him for fulfilling that commitment, not to me so much but to the working families in this country, who need this help tremendously.

So for 220,000 families who do not have the choice of staying at home or going to work but must work, either as single parents or two-income-earning parents, who need the resources to provide for their families, decent child care is worthwhile.

I note, just as an aside on this issue, we have a wonderful child care facility that serves the family of the Senate. One of our colleagues, JOHN EDWARDS of North Carolina, is the proud father of a new baby, but also has another young child. He brought the child to the child care center in the last few days to receive the services of that setting.

He was notified that in the 35-year existence of the child care center that serves the Senate family, he is the first Member of the Senate who actually has a child in that child care center. Certainly, we get some indication of maybe why we have not been as aggressive in pursuing the child care issues, when for obvious reasons—age and so forth—Members here are not likely to have children of child care age and needs.

But most Americans who have young children and work have a need today. This appropriation will assist the neediest people in the country, the neediest who are out there working every day to provide for their families and also need to have a decent place, a safe place—hopefully, a caring place—where they can leave their child in the care of others when they go off to work and provide for their economic needs.

I applaud the committee for its efforts in that regard. But as I said at the outset, I am very disappointed we have not done more in the area of accountability when it comes to elementary and secondary education needs and our failing schools.

In this context, I urge the adoption of the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending business be set aside in order that the Senate may consider Senator MURRAY's amendment concerning class size.

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

The Senator from Washington.

AMENDMENT NO. 3604

(Purpose: To provide for class-size reduction and other activities)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3604.

Mrs. MURRAY. Mr. President, 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:

On page 29, line 12, before the period insert the following: ": *Provided further*, That $1,400,000,000 of such $2,700,000,000 shall be available, notwithstanding any other provision of law, to award funds and carry out activities in the same manner as funds were awarded and activities were carried out under section 310 of the Department of Education Appropriations Act, 2000: *Provided further*, That an additional $350,000,000 is appropriated to award funds and carry out activities in the same such manner".

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as additional cosponsors Senators BIDEN, DODD, ROBB, WELLSTONE, KENNEDY, TORRICELLI, REED, LAUTENBERG, REID, LEVIN, AKAKA, and BINGAMAN.

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

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to argue, again, that no child should have to struggle for a teacher's attention in an overcrowded classroom. Every child deserves a classroom environment where they can learn and grow and get individual attention from a caring, qualified teacher. With the amendment I am offering this afternoon, we have an opportunity, again, to make that happen.

I am proud to report that classrooms across America are less crowded this year than they were last year. In fact, this year, 1.7 million children benefited from less crowded classrooms. The reason those students are learning in smaller classes is because this Congress made a commitment to help local school districts hire 100,000 new fully qualified teachers. We are now about one-third of the way towards reaching that goal.

By all measures, this has been a very successful program. Given the progress we have made, many parents and teachers would have a hard time believing that this Congress is about to abandon its commitment to reduce class size, but that is exactly what the bill before us would do. It would abandon our commitment to helping school districts reduce classroom overcrowding.

This bill would take the promise of smaller classes and yank it away from students and parents and teachers. This underlying bill does not guarantee funding for the Class Size Reduction Program as it is currently written. If it is passed without the amendment I am offering, school districts across the country cannot rely on having the money available to hire new teachers or to pay the salaries of the teachers they have already hired.

I have talked to hundreds of local educators, parents, and students. To them, that is unacceptable. That is why I have come to the floor today to offer my amendment that would continue our commitment to reducing class sizes.

Under this successful program, we have hired 29,000 new teachers, and we have given 1.7 million students across the country less crowded classrooms. Clearly, we are making progress, but we can't be satisfied with the status quo. We need to bring the benefits of smaller classes to more students. It is clear that smaller classes help students learn the basics with fewer discipline problems. Parents know it. Teachers know it. Students know it.

On the chart behind me, I have listed some of the benefits of smaller classes. They include better student achievement, something every Senator has come to the floor to speak for; fewer discipline problems, something about which we hear constantly; more individual attention; better parent-teacher communication; dramatic results for poor and minority students.

As a former educator, I can tell the Senate, there is a difference between having 35 kids in your classroom and having 18 kids in your classroom. With 35 kids, you spend most of your time on crowd control. With 18 kids, you spend most of your time teaching. But it is not only my experience. National research proves that smaller class sizes help students learn the basics they need in a disciplined environment.

A study that was conducted in Tennessee in 1989, which is known as the STAR study, compared the performance of students in grades K through 3 in small and regular size classes. That study found that students in small classes, those with 13 to 17 students, significantly outperformed other students in math and in reading. The STAR study found that students benefited from smaller classes at all grade levels and across all geographic areas. The study found that students in small classes have better high school graduation rates. These were kids who were in smaller classes in kindergarten through the third grade. They found, as they followed them through later on, they had better high school graduation rates, higher grade point averages, and were more inclined to pursue higher education. Certainly these are goals this Senate should be proud of helping to achieve.

According to the research conducted by Princeton University economist, Dr. Alan Kruger, students who attended small classes were more likely to take ACT or SAT college entrance exams. That was particularly true for African Americans students. According to Dr. Kruger:

Attendance in small classes appears to have cut the black-white gap in the probability of taking a college-entrance exam by more than half.

Three other researchers at two different institutions of higher education found that STAR students who attended small classes in the early K through 3 grades were between 6 and 13 months ahead of their regular class peers in math, reading, and science in

each of grades four, six, and eight, as they followed them through.

In yet another part of the country, a different class size reduction study reached similar conclusions. The Wisconsin SAGE study, Student Achievement Guarantee in Education, findings from 1996 through 1999 consistently proved that smaller classes result in significantly greater student achievement.

Class size reduction programs in the State study resulted in increased attention to individual students. It produced three main benefits: Fewer discipline problems and more instruction; more knowledge of students; and more teacher enthusiasm for teaching.

The Wisconsin study also found in smaller classes teachers were able to identify the learning problems of individual students more quickly. As one teacher participant in the State class size reduction study said, ''If a child is having problems, you can see it right away. You can take care of it right then. It works a lot better for children.''

The data is conclusive. Smaller classes help kids learn the basics in a disciplined environment. I am also proud that the class size program is simple and efficient. The school districts simply fill out a one-page form, which happens to be available online. Then the Department of Education sends them money to hire new teachers based on need and enrollment. The teachers have told me they have never seen money move so quickly from Congress to the classroom as under our class size bill.

Linda McGeachy in the Vancouver school district in my State commented, ''The language is very clear, applying was very easy, and their funds really work to support classroom teachers.''

The class size program is also flexible. Any school district that has already reduced class sizes in the early grades to 18 or fewer children may use the funds to further reduce class sizes in the other early grades. They can use it to reduce class sizes in kindergarten or they can carry out activities to improve teacher quality, including professional development.

I am sure some Members are going to argue that schools could still hire teachers if they wanted to by using the title VI funding in this underlying bill. Now, that may sound good at first, but it doesn't recognize the reality of how school boards work. The language in the underlying bill won't work. Mr. President, I served on a local school board. Finding the money to hire and train new teachers requires a financial commitment over many years in the face of many competing priorities. That is one of the reasons why school districts have so much trouble reducing class size without our Federal partnership.

Last year, we told school districts we would give them the money to hire teachers for 7 years. They heard our commitment and they hired more than 29,000 new teachers. Unfortunately, today, this underlying bill asks school districts to choose whether or not to keep those teachers, without any assurance that the money will still be there in the coming years.

I can tell you, if I were still on a school board, I would find it very difficult to keep those teachers, not knowing if I would have the money for them in the future. That is why we need to protect that money and guarantee that it goes to reduce class sizes. Because this bill abandons our commitment as a Federal partner, it leaves school districts with a false choice, and it means our kids are going to lose out. We should keep our commitment to reducing class size.

There is another reason why my amendment is so necessary, another critical reason why using the general title VI funding is not an adequate substitute. I have discussed this, as my colleagues know, many times on the floor of the Senate—why programs that are put into block grants with no specific purpose, such as title VI, are much less effective in targeting resources to our neediest students. Under the class size program, money is targeted to those needy students. For example, from the State level, funds are targeted 80 percent based on poverty and 20 percent based on student population. The program is designed to make sure economically disadvantaged students who benefit the most get smaller classes. We know poor and minority students can make dramatic gains in less crowded classrooms. And this amendment targets new teachers directly to those vulnerable students. Without my amendment, however, there is no guarantee those poor students will get the support they need.

Let me be clear. A block grant that is not targeted toward a specific educational purpose fails to ensure that our most vulnerable students get the resources they need. We need to pass this amendment so we can guarantee those students can benefit from smaller class sizes.

Before I close, I want to make one final point. We are going to continue this program sooner or later. The President has made it clear that he will veto this bill unless it funds the Class Size Reduction Program. His track record on this is pretty clear. He has stood up for the class size program time and again in the past. So the real question is, Are we going to vote to fund the program now, in June, or are we going to wait until the end of the fiscal year, sometime in October, when the clock is running and the congressional majority has to negotiate again with the President?

We should do it now. We should pass this amendment now, early in the process, so that school boards across America will have a clear indication that money for their new teachers will be there.

In closing, this amendment gives my colleagues the opportunity to support one of the most successful efforts we have ever seen in our schools in years. This amendment gives us a chance to fix the underlying Labor-HHS bill so that our students are not trapped in overcrowded classrooms. Let's invest in the things we know work. Let's support local school districts as they work to hire new teachers, and lets keep our commitment to America's schoolchildren so that they can learn the basics in a disciplined environment.

This is an issue we have worked on for some time, and the underlying bill will not keep our commitment to class size that is so important, that so many parents, students and teachers are waiting for us to make. That is why this amendment is so important.

I see that my colleague from Massachusetts is here.

Mr. KENNEDY. I wonder if the Senator will be good enough to yield for a question or two.

Mrs. MURRAY. I am happy to.

Mr. KENNEDY. Mr. President, I have had the good opportunity to listen to the persuasive arguments of the Senator from Washington. Does the Senator from Washington agree with me that historically the Federal role of helping local schools assist the most economically disadvantaged and challenged children in this country has been very limited? This was basically the origin of the Title I program back in the mid-1960s. We have had some success and we have had some failures. But I think the successes have been in the most recent time.

This is where we have been focusing our limited resources. However, the change in the formula in the underlying bill, which is in complete contrast to what the Senator from Washington has drafted, would target 80 percent of the funds for the neediest children, and 20 percent for the population. Now we are finding out that there has been a dramatic shift and the guiding force is going to be the population. So this whole block grant which has been explained to be available for smaller class size really isn't going to be targeted or really available to the children who probably need it the most. Am I correct in my understanding that this is one of the concerns the Senator has pointed out?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. There is a role for local school districts. There is a role for States, and there is a role for Federal Government, however small it is, in this country in terms of education.

The public has told us overwhelmingly time and time again they want the Federal role to remain. The Federal role, historically, has been to make sure the most needy and disadvantaged students in the country, wherever they are, are not left behind.

In the class size amendment, we target the funds directly to those kids because they need it the most and they are helped the most by it. The underlying bill, which I am amending, as the

Senator from Massachusetts stated, block grants the money to title VI funds and therefore is block granted to all students, and it is not what the Federal role has been or should continue to be. So the Senator from Massachusetts is absolutely correct that this amendment is important.

Mr. KENNEDY. Further, there are no provisions to target these funds to the poverty districts, which runs in complete conflict as to what we understand. We are all for additional funding in terms of education, if the States want to do it. But the funding, historically, that we have provided has been targeted to those areas of special needs.

I have been enormously impressed with Project STAR in Tennessee, which studied 7,000 students in 80 schools. It was initiated in 1985 and has had extraordinarily positive and constructive results in terms of academic success for children.

I was in Wausau, WI, and met with a number of people who are involved in the SAGE Program, which was developed in 1995. Again, it is a program for smaller class size.

The SAGE program is intended to help raise student academic achievement by requiring that participating schools do the following: reduce the student-teacher ratio in class sizes from 15 to 1 in K through 3; stay open for extended hours; develop vigorous academic curriculums; and implement plans for staff development and professional accountability.

I listened to the Senator speak about each of these issues. In Wisconsin, they had at least one school serving 50% or more children living in poverty was eligible to apply for participation in SAGE. One school, with an enrollment of at least 30% or more children living in poverty, in each eligible district could participate. Again, it is targeted among the most challenged children.

The evaluation done on the 30 schools that implemented the program is absolutely remarkable.

In the SAGE Program, from 1996 to 1997, and again in 1997 to 1998, first grade classrooms scored significantly higher in all areas tested.

In 1997–1998, achievement advantage was maintained in the second grade classrooms.

The achievement benefit of SAGE small class size was especially strong for African-American students. In 1997–1998, the SAGE first grade post-test results showed that African-American students were closing the achievement gap.

Further, the analysis suggests that the teachers in these classrooms have greater knowledge, to which the Senator from Washington spoke. They spend less time managing their class and they have more time for individualize instruction emphasizing a primarily teacher-centered approach.

This has had extraordinary success—it has been tried. When the Murray amendment was first accepted, it had broad bipartisan support. That is why many of us find it troubling. When we have something that we know has been successful, why are we moving in a different direction? Will the Senator help me understand that in some way?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is correct. There have been a number of studies that have followed class size reduction—from the Tennessee study in 1985 and 1990; the STAR study in 1996–1997; the SAGE Program that the Senator from Massachusetts mentioned in 1998–1999; the educational testing service study in 1997; New York City school study in April 2000; the Council for Greater City Schools in October of 1990.

All of these studies have followed up on what we have been able to do in reducing class size and have shown the same benefits of better student achievement, fewer discipline problems, and better test scores for students as they moved into the upper grades.

It is astounding to me that we had a bipartisan agreement 2 years ago to begin to reduce class size and every year, it seems, we have to come back and argue this again, debate it again, move on to a vote, then get to a point in October where we again amend the budget, and finally put it in the budget.

It seems to me, and I assume to the Senator from Massachusetts, that we would be smarter to put it in the bill now so school districts that are trying to figure out what we are doing will have the knowledge that this program will continue; that they can begin to hire their teachers, as they do in the months of June and July, and be ready to move on without the question of being left out there.

Mr. STEVENS. Mr. President, will the Senator yield for one second without losing her right to the floor?

Mrs. MURRAY. Mr. President, I yield to the Senator from Alaska without losing my right to the floor.

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that votes occur in stacked sequence following the 5 p.m. vote on the Wellstone amendment with 4 minutes equally divided prior to each vote for explanation on or in relation to the Bingaman and Murray amendments, in that order, and no second-degree amendments be in order prior to the votes on any of these amendments.

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

Mr. KENNEDY. Mr. President, if I could just ask the Senator a question.

My State of Massachusetts hires an average of about 500 teachers each year. That is certainly not going to solve all of the problems. But it is making an important difference in my State, particularly when we know we have hired qualified teachers, and particularly when we know that across the country we have hired 50,000 unqualified teachers. We are getting qualified teachers who are involved in these programs. The selection of these teachers are worked out through the local process. That is a decision, I understand, that is made locally.

Unless the Senator's amendment is successful, what is going to happen to these teachers who have been effectively hired with the understanding that they are going to have the responsibility of teaching children in smaller class sizes?

We are now in the summertime. What sort of message does this send to school boards, to teachers, and particularly to parents who may be looking forward to their child staying in a smaller class size in the next year, if the Murray amendment is not accepted?

Mrs. MURRAY. Mr. President, I respond to the Senator from Massachusetts by reminding my colleagues that I formerly served on a school board. I can tell you what you do in the months of June and July. You hire teachers and renew contracts. School districts out there that have used the Federal dollars that we have provided them for the last 2 years have hired those teachers and they now have to make a commitment to continue.

For example, the Takoma School District in my home State of Washington used the class size dollars to reduce class sizes of 58 first grade classrooms. In that school district, they now have 15 students in those classrooms. It has made a tremendous difference. But they have hired these additional teachers, and they are now looking at the underlying bill that we have which says to them that this is now going to be a block grant with no guarantee that this money will go to the most needy 80 percent of the schools. Under the block grant program, they are going to lose some of the money in their districts for these teachers. They, therefore, right now can't make a commitment to these teachers that they will be able to hire them again in September.

This sends a very bad message to local school boards across the country that have hired teachers. And school boards are not going to be able to make the commitment that they need to make. That is why this amendment is so important. It will send a message today—right now, almost at the end of June—that they can make a commitment to those teachers.

Being a teacher right now is extremely difficult, as the Senator from Massachusetts well knows. Most teachers aren't paid well. They have trouble staying in schools because of the many challenges that are there already with this kind of uncertainty: Well, we might be able to hire you. You have to wait and see what Congress does in a couple of months because they haven't given us a commitment. We are not sure you are going to be able to go back. If I were a teacher in those circumstances, I would be out finding another job immediately. These teachers have to put food on the table, pay their rent, and they have all the expenses

the rest of us have. They can't live in an uncertain job market such as this.

We have a responsibility to tell them the truth and to tell them what we are doing. By passing the underlying amendment today, we will send a message to those school boards that they can give a commitment to those teachers, and those teachers will know where they will be in September. Without passage of this amendment, I guarantee you that we are going to be in a budget debate in October where we are going to be having the President say he will veto the budget without this. And we will be making a decision in October that we could very easily and simply make today.

That is why this amendment is so important.

Mr. KENNEDY. Who loses out, if that is the case?

Mrs. MURRAY. First of all, our students, because they won't have the opportunity to be in a small class to which we committed.

I know parents today with kids in kindergarten who maybe had an older child in first or second grade, because of reduced class sizes, have called, saying: Please, my second child is on the way. For my first child, it has made such a difference in their life, being in a smaller class size. Make sure my second child coming behind them has the same opportunity.

That is what we are talking about today. So kids in these classrooms can read, learn, write, have an adult who has the time to pay attention to them. That is what this amendment guarantees to students in this country.

I have taught before. I know what it is to have too many kids in your classroom, especially in today's overcrowded classrooms across this country. Kids come with all kinds of problems that many professionals did not experience when we were in classrooms many years ago. In my classroom, I had an experience sitting with 24 4-year-old kids talking about the ABCs. When I called on one child, he looked directly at me and said: My dad did not come home last night; the police arrested him.

I didn't have the time to stop and deal with a child who certainly was in a traumatic situation because I was going to lose the attention and the ability to discipline 23 other kids immediately.

With a class size of 15, and a child coming to the classroom with traumatic problems, the teacher will have the time to sit down and deal with that child.

I wonder what happened to that 4-year-old. That was several years ago. I wonder what happened to him. If I had the time to deal with him, he would probably be doing better today.

We have a responsibility, for so many reasons, to continue this funding. The most important reason is because of the kids.

Mr. KENNEDY. I have heard the Senator from Washington tell that story on other occasions, but I find it as powerful and as important hearing it again.

Does the Senator remember the first time the Class Size Reduction Amendment was accepted, and later it was promoted as one of the major achievements by the Republican Policy Committee? It was achievement No. 13: Teacher Quality Initiative. It mentions the $1.2 billion additional funds to school districts, returned to local schools for smaller class sizes. Then Mr. GOODLING said:

This is a real victory for the Republican Congress, but more importantly, it is a huge win for local educators and parents who are fed up with Washington mandates, red tape and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create big, new federal education programs. Rather our proposal will drive dollars directly to the classroom and gives local educators more options for spending federal funds to help disadvantaged children.

Mr. Gingrich called it, ''a victory for the American people. There would be more teachers and that is good for Americans.'' Mr. ARMEY said the same.

At one time, there was very strong support. The only thing that happened in the meantime is the record has demonstrated that it is even more effective than we could have imagined.

I am hopeful this Senate will go on record in support of the Murray amendment. I am also hopeful it will support the Bingaman amendment on accountability. We spent a great deal of time on that issue. It is enormously compelling. The most recent GAO studies indicate the reasons that should be supported. I hope we will support the Wellstone amendment to make sure we provide resources. At a time when we have the record surpluses in this country, it seems to me we ought to be able to use some resources to reach out, help, and assist children who would otherwise be eligible if there were those resources, and give them a good start from an education point of view.

I thank the Senator from Washington for bringing this matter before the Senate. I hope we will have a strong vote.

Mrs. MURRAY. I thank the Senator from Massachusetts for his questions, comments, and support. I, too, am surprised our Republican colleagues, who took full credit for this several years ago when we began it, sending out press releases touting it, don't understand this issue is still as powerful.

I have talked to many of my colleagues who have gone home to their States and visited classrooms where Federal dollars were used to reduce class size. The accolades received from the kids, the parents, the teachers, the people who work with the kids are tremendous.

I offer to my colleagues on the other side, who have consistently voted against this, if Members want to have a good experience, vote for this amendment, go home to a classroom and talk to the kids, the parents, and the teachers who have been directly impacted. You will see some of the good that comes from voting on an amendment such as this.

I see the Senator from Minnesota is on the floor.

Mr. WELLSTONE. I thank my colleague.

I ask one question so the Senator can finish a very moving presentation. When I am in schools, which is every 2 weeks, I always have a discussion with the students about education, and I ask them what makes for good education. They talk about good teachers, and they talk about smaller class size. I ask my colleague, Is that the experience the Senator has?

This is an amendment for all Senators who spend time in schools with kids in their States because I deal with students over and over again. This is what we need; does the Senator hear the same thing?

Mrs. MURRAY. The Senator from Minnesota is absolutely correct. We hear from teachers, students, and parents: Smaller class sizes are critical, schools need to be safe, up to date, up to code, and teachers who are trained and qualified and able to be in the classroom. Those are the top three changes parents request.

Mr. President, I remind my colleagues how critical this issue is, and I ask for their help and support when this issue comes up.

AMENDMENT NO. 3631

The PRESIDING OFFICER. There are 4 minutes of debate equally divided prior to the vote at 5 o'clock.

Mr. STEVENS. Mr. President, there are 4 minutes equally divided on the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my amendment simply says we take the title I and move the appropriation up from $8.36 billion to $10 billion.

Our committee, the HELP committee, authorized the full $15 million for the title I program. Title I money is used for additional help for kids in reading, for afterschool programs, for prekindergarten programs, for professional development. This is a program which helps especially low-income children throughout the country. This is a program in which the last half decade has made a difference.

As I said earlier, it is not Heaven on Earth, but it is a better Earth on Earth. We provide more help for kids. This is a very important program. I say to my colleague from Washington, again, if you go to your school districts and schools and talk to teachers and parents, they all say they need more help right now. This program is funded at about a 30-percent level. Many more children all across the country could be helped by this program if we were willing to make this investment.

I said it earlier; I will say it a final time. Vote for additional help for these

kids, mainly the younger children, not because it makes them more productive—it will; not because it prevents them from dropping out of school—it will help; not because it makes a difference in terms of not dropping out of school or winding up in prison—that is true. Vote for it because the vast majority of them are under 4 feet tall. They are all beautiful and we ought to be nice to them. We ought to be able to provide them with some more assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. A point of order has been raised against this amendment because the bill already contains an $8.3 billion increase for this function. The bill also increases the title 1 program by $394 million over the current fiscal year level.

These provisions in the Senator's amendment are in violation of the Budget Act. We have raised a point of order reluctantly, but this bill is at its level under the budget resolution. We must object to the Senator's amendment on the basis that it does violate the Budget Act. I raise that point of order.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to waive the Budget Act.

The legislative clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.—

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—47

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Lugar
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Jeffords	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Chafee, L.	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—52

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

NOT VOTING—1

Inouye

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that on the next two votes, if there are two votes, the time for each vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3649

Mr. GREGG. Mr. President, is the Bingaman amendment in order? What is the regular order?

The PRESIDING OFFICER. The Bingaman amendment. There are 4 minutes equally divided.

Mr. GREGG. Mr. President, I am ready to yield back our time if Senator BINGAMAN is ready to yield back his time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3649

Mr. BINGAMAN. Mr. President, I understand the next order of business is the amendment I offered.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. Mr. President, the amendment I have offered is a straightforward amendment to add $250 million to the title I part of the bill and provide that that funding has to be spent to ensure accountability in the expenditure of the remaining nearly $9 billion.

One of the problems we have had in the past—and it has been referred to by many Senators—is that we haven't had funds available to States and local school districts to ensure that title I funds are spent to accomplish their purposes. We need to enable States to assist failing schools. They have not been doing that effectively. The Council of Chief State School Officers supports this. I have a letter from them that I have printed in the RECORD.

Last year, we put $134 million into this effort on this exact bill. This year, the President has requested we put $250 million into it. That is what my amendment proposes to do. Otherwise, current law limits them to one-half of 1 percent of the title I funds. They cannot ensure accountability unless we add this amendment. For that reason, I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as the Senator has mentioned, this is $250 million of additional funds that exceeds the subcommittee's 302(b) allocation.

I yield back the remainder of our time, if the Senator from New Mexico is ready to yield back.

Mr. BINGAMAN. I yield the remainder of my time.

Mr. GREGG. Mr. President, I make a point of order that under subsection 302(f) of the Budget Act, as amended, the effect of adopting the amendment provides budget authority in excess of the subcommittee's 302(b) allocation under the fiscal year 2001 concurrent resolution on the budget and is not in order.

Mr. BINGAMAN. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable sections of the act for consideration of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Bingaman amendment No. 3649. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—49

Akaka	Edwards	Lincoln
Baucus	Feingold	Lugar
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Collins	Kohl	Snowe
Conrad	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—50

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

NOT VOTING—1

Inouye

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Will Senators please take their conversations out of the Chamber.

Mr. BYRD. Mr. President, I ask that the well be cleared.

That includes everyone.

The PRESIDING OFFICER. Everyone will clear the well.

The PRESIDING OFFICER. On this vote, the yeas are 49; the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 3604

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Murray amendment.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment we are now going to vote on simply continues our commitment to reduce class sizes for the first through the third grades across this country. Because of the work we have done in the past day, 1.7 million children are in smaller class sizes.

We have a commitment. We should keep our commitment to continue to reduce class size. The underlying bill simply block grants the money. That will hurt our neediest and most disadvantaged students who will lose under that kind of proposal.

School boards are meeting today to determine who they will keep as teachers and whether they will be able to make a commitment in the hiring of teachers.

We should make this decision now so those school boards can make the decisions for the coming school year rather than once again negotiating this in October when the President has said he will veto a bill that does not keep the commitment to reduce class size.

I urge my colleagues to vote for this amendment today and prevent school boards across the country from having to wonder all summer long if we are going to keep our commitment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this bill accommodates the President's request for $1.4 billion for class size reduction. It is joined with $1.3 billion for school construction, trying to structure a bill which could be signed. But we leave, in the final analysis, the judgment to the local boards as to whether the local boards decide that they do not need construction or if they do not need class size reduction.

That is what is objected to by the Senator from Washington. We have gone more than halfway to meet the President in putting up this money.

In addition, the Murray amendment would add $350 million, which exceeds our allocation. We think we are stretching and stretching and stretching. If the President is going to veto this bill, then let him do so. We expect to present this bill to him long before the end of the fiscal year, and then we will debate it before the American public.

I make a point of order that the amendment violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Murray amendment No. 3604. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—44

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

NAYS—55

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

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed as in morning business for no longer than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object—and I don't want to object to my friend doing his 10 minutes—I would like to know what we are doing on the bill. I hope we will have some information so Senators will know whether we are going to go ahead and debate this and have amendments tonight or not, on our bill.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2801 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the rejection of the last motion to waive, I think, was a wise action on the part of the Senate. I am here primarily to congratulate the Senator from Pennsylvania for the way in which he has dealt with the challenge of education in this bill. More than $40 billion for education is a very substantial increase over the current year.

That is more than a $1 billion increase in special education programs, at least moving us one step further toward the promise of 40-percent funding of the cost of special education to the school districts of the United States.

In my view, the centerpiece of this bill is in its expression of trust and confidence in our local school authorities, our parents, our teachers, our principals, our superintendents, our elected school board members, a trust and confidence expressed in a more than $3 billion appropriation for title VI, the innovative education program strategies.

The last amendment would have taken roughly half of that amount of money and mandated that it go solely for additional teachers in the first three grades. Title VI, as it appears in this bill, says in effect our school districts—the men and women who know our children's names—are better suited to make the decisions in 17,000 separate school districts about what can most improve the quality of education for their children. As such, we are far better off passing the bill as the Senator from Pennsylvania has written it than we would be in including more mandates in this bill.

There are at least two outside experts who agree with that proposition. One comes in an interesting paper by Andy Rotherham at the Progressive Policy Institute, an arm of the Democratic Leadership Council. He now, incidentally, works for President Clinton. He wrote a little bit more than a year ago:

> President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.

In my own State, the Legislative Audit and Review Committee came to this conclusion:

An analysis of 60 well-designed studies found that increased teacher education, teacher experience and teacher salaries all had a greater impact on student test scores per dollar spent than did lowering the student-teacher ratio. According to one researcher, ''Teachers who know a lot about teaching and learning and who work in settings that allow them to know their students well are the critical elements of successful learning.'' Given limited funds to invest, this research suggests considering efforts to improve teacher access to high quality professional development. A recent national survey of teachers found that many do not feel well prepared to face future teaching challenges, including increasing technological changes and greater diversity in the classroom.

The legislature's—

In this case, Washington—

approach to funding K–12 education is consistent. . . . The legislature has provided additional funding for teacher salaries, staff development, and smaller classes, with more funding going to support teachers and less for reducing the student-teacher ratio.

The point is that reducing class size is not a bad option. It is a good option. I think we can all agree that it is one good thing for students. It is best done, however, when the decision about whether or not to do it and how it is to be accomplished is made in local communities and not in Washington, DC.

Even that proposal pales in comparison with the now platform of the Vice President of the United States. He calls for a massive Federal effort from recruiting to setting teaching standards in a sense that will make the Federal Government clearly a national school board. Teachers who please Washington, DC, bureaucrats will get bonuses. Those who do not do so will risk being fired.

The only thing bold about that initiative is that he has no qualms in taking over each and every one of the 17,000 school districts in the United States. If he becomes our President, education policy will undergo a significant shift. Local community school boards and teachers will be shut out of the process.

What we are doing in this bill is moving significantly in the right direction. There is little disagreement over the necessity of a significant Federal contribution to education. It is only about 7 percent of the money we have spent, but it is the persistent drive of this administration and of this Department of Education to increase to well over 50 percent the rules and regulations governing our schools that accompany that 7 percent.

This bill takes a dramatic step in a far better direction, a direction in which the support from the Congress is generous, but the trust of the Congress in the ability of school boards, teachers, principals, and superintendents to make decisions about our education is vastly increased all to the benefit of our children's education.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, there are a couple of Senators who are reviewing language, and I hope we can enter into this unanimous consent agreement momentarily. While we are waiting on that, I will outline what we have worked out.

We have an agreement that I believe will satisfy all the Senators involved.

The Smith amendment will be modified with changes that are at the desk. Then it will be in order for Senators HATCH and LEAHY to offer a second-degree amendment to the pending McCain amendment No. 3610. I believe Senator SPECTER will be prepared to do that on behalf of Senator HATCH. Then there will be 10 minutes equally divided for debate relative to the first- and second-degree amendments. I believe that will be McCain and Hatch. Then we will ask the amendments be laid aside, and the Santorum amendment will recur, with the time between that time, which will be about 6:30 p.m., I presume, and 7 o'clock to be equally divided between the Senators who are interested—Senator MCCAIN and Senator SANTORUM—and we will have two voice votes on the Smith issue and then two votes back to back on McCain and then Santorum.

That is the outline of what we will do. We will have two recorded votes then at 7 o'clock. I am prepared to offer that unanimous consent request at this time.

I will read the unanimous consent request. I believe Senator SMITH will be here in a moment.

AMENDMENT NO. 3628, AS MODIFIED

Mr. LOTT. Mr. President, I ask unanimous consent that the SMITH amendment be modified with the changes that are at the desk and, further, the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 3628), as modified, was agreed to, as follows:

At the appropriate place, add the following:

"SEC. . FETAL TISSUE.

The General accounting Office shall conduct a comprehensive study into Federal involvement in the use of fetal tissue, for research purposes within the scope of this bill, be completed by September 1, 2000. The study shall include but not be limited to—

(a) The annual number of orders for fetal tissue filed in conjunction with Federally funded fetal tissue research or programs over the last 3 years;

(b) the costs associated with the procurement, dissemination, and other use of fetal tissue, including but not limited to the cots associated with the processing, transportation, preservation, quality control, and storage, of such tissue;

(c) The manner in which Federal agencies ensure that intramural and extramural research facilities and their employees comply with Federal fetal tissue law;

(d) The number of fetal tissue procurement contractors and tissue resource sources, or other entities or individuals that are used to obtain, transport, process, preserve, or store fetal tissue, which receive Federal funds and the quantity, form, and nature of the services provided, and the amount of Federal funds received by such entities;

(e) The number and identity of all Federal agencies, within the scope of this bill, expending or exchanging Federal funds in connection with obtaining or processing fetal tissue or the conduct of research using such tissue;

(f) The extent to which Federal fetal tissue procurement policies and guidelines adhere to Federal law;

(g) The criteria that Federal fetal tissue research facilities use for selecting their fetal tissue sources, and the manner in which the facilities ensure that such sources comply with Federal law.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for Senators HATCH and LEAHY to offer a second-degree amendment to the pending McCain amendment No. 3610; that there be 10 minutes equally divided for debate concurrently relative to the first- and second-degree amendments. I further ask unanimous consent that the amendments then be laid aside and that the Santorum amendment recur, with the time between then and 7 p.m. equally divided, with no second-degree amendments in order prior to the vote in relation to that amendment.

I also ask unanimous consent that the Senate proceed to a vote in relation to the Hatch-Leahy second-degree amendment at 7 p.m. this evening, and following that vote, the Senate proceed to a vote in relation to the McCain amendment, as amended, if amended, to be followed by a vote relative to the Santorum amendment, with 4 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I shall not object, do I understand correctly, I ask my friend from Mississippi, that on the Hatch-Leahy amendment, somewhere within the agreement there is time on that?

Mr. LOTT. Right.

Mr. LEAHY. Some of that time is time for the Senator from Vermont?

Mr. LOTT. I believe we have 10 minutes that would be equally divided on that.

Mr. LEAHY. Yes.

Mr. LOTT. So the Senator would have 5 minutes.

Mr. LEAHY. That is fine. Plain enough.

The PRESIDING OFFICER. The Chair hears no objection, and, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor. I believe we are ready to proceed.

Mr. HARKIN. Mr. President, if I might ask the leader, so everyone knows, what we are facing are three recorded votes beginning at 7 o'clock; is that correct?

Mr. MCCAIN. Two.

Mr. HARKIN. We have two recorded votes, one on McCain and one on Santorum.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

AMENDMENT NO. 3653 TO AMENDMENT NO. 3610

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 3653 to amendment numbered 3610.

Mr. HATCH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the end the following:

SEC. . PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers. In performing such surveys, neither the Department nor the Commission shall collect personally identifiable information of subscribers of the Internet service providers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term ''Internet servicer provider'' means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

Mr. HATCH. Mr. President, I have offered this amendment on behalf of Senator LEAHY and myself. I believe this amendment is going to be accepted because it clarifies some matters that are very good.

I strongly urge my colleagues to support this Hatch-Leahy amendment which is aimed at limiting the negative impact violence and indecent material on the Internet have on children.

This amendment does not regulate content. Instead it encourages the larger Internet service providers to provide, either for free or at a fee not exceeding the cost to the service providers, filtering technologies that would empower parents to limit or block access of minors to unsuitable material on the Internet.

We simply can not ignore the fact that the Internet has the ability to expose children to violent, sexually explicit and other inappropriate materials with no limits.

A recent Time/CNN poll found that 75 percent of teens aged 13 to 17 believe the Internet is partly responsible for crimes like the Columbine High School shooting.

Our amendment respects the First Amendment of the Constitution by not regulating content, but ensures that parents will have the adequate technological tools to control the access of their children to unsuitable material on the Internet.

I honestly believe that the Internet service providers who do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests and that the market will demand it.

A recent survey reported in the New York Times yesterday, found that almost a third of online American households with children use blocking software.

In a study by the Annenberg Public Policy Center of the University of Pennsylvania, 60 percent of parents said they disagreed with the statement that the Internet was a safe place for their children.

And according to yesterday's New York Times, after the shootings in Colorado, the demand for filtering technologies has dramatically increased. This indicates that parents are taking an active role in safeguarding their children on the Internet.

That is what this amendment is about: using technology to empower the parent. I urge my colleagues' approval of the amendment.

I yield the remainder of my time to Senator LEAHY, who would like to speak on this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I described this amendment earlier this morning on the floor. But for those who came in late, this is an amendment that Senator HATCH and I offered on the juvenile justice bill. You may recall when we voted on that, the vote was 100–0.

It is a filtering proposal that leaves the solution on how best to protect children from inappropriate online materials accessible on computers in schools and libraries to the local school boards and communities.

Anybody who spends any time on the Internet knows that there is inappropriate material for children on there. And oftentimes you might hit it accidentally.

Having said that, we also know that you should not block out certain online material because somebody thinks that Mark Twain is inappropriate or they may believe that James Joyce is inappropriate, or other such things, or it may be even the paintings on the Sistine Chapel that some may believe are inappropriate because there are nude figures in there. You have to have some kind of balance.

I think that local communities can do that. I know of libraries, for example, that put computers monitors that have Internet access right out in the main reading room. This is one form of blocking because there are not too many children who are going to be downloading wild, offensive things when they know their parents, their teachers, and the librarians are going to be walking back and forth and seeing it.

As I explained earlier today, I have serious concerns with the McCain proposal to require schools and libraries to send certifications to the FCC about their installation of certain blocking software and the risk that the FCC will become a national censorship office, with the responsibility of both policing local enforcement of the Internet access policy and exacting punishment in the form of ordering E-rate discounts to stop and carriers be reimbursed.

The Hatch-Leahy amendment would require large Internet service providers with more than 50,000 subscribers to provide residential customers, either for free or at low cost, software or other filtering systems that can protect them. It is relatively easy to do this.

I would encourage parents, if this passes, to get that software and also spend some time seeing what their children are looking at on the Internet. This requirement on large Internet Service Providers would only become effective if surveys conducted jointly by the FTC and the Department of Justice demonstrate that voluntary efforts are not working.

Senator MCCAIN has worked very hard on this. I commend him for it.

Any one of us who has young children has to worry about this. We also have to worry about what they are reading in the library or what they pick up at the corner bookstore or anything else.

But before we reach a point where we assume we can be the parent of every child in this country, I think we ought to give to the parents the tools to use, and let them make the kind of judgments and show the kind of observation of their children that parents should, and that my parents did and that I do with my children.

I think the reason the Hatch-Leahy amendment passed 100–0 earlier in the juvenile justice bill is because it is a reasonable compromise. It is a reasonable compromise. I hope it will be added on to this bill. I look forward to working with Senator MCCAIN as this bill moves to conference to address the serious concerns I and others have with his proposal.

I yield the floor.

Mr. HATCH. Mr. President, I yield back whatever time we have.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator HATCH and Senator LEAHY for this amendment. I think it is a very positive contribution. I think it is one that will again empower parents to be able to screen and filter information that their children may be receiving. It is something that I think will be very helpful to this bill, and I strongly support it.

I know we have spent some time working out the details of this amendment. I think it is a very good one. I thank Senator LEAHY and Senator HATCH for their involvement in this very important issue.

I will urge, at the appropriate time, a voice vote and adoption of this amendment.

Mr. President, I yield the floor.

AMENDMENTS NOS. 3635 AND 3610

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, are we now on the time for the McCain and Santorum amendments to be debated?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. I ask the Senator from Arizona if he wants to divide the remaining time in half. I ask unanimous consent that the time be equally divided, and that I control the time in support of my amendment and Senator MCCAIN control the other time.

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

Mr. SANTORUM. Mr. President, as I discussed very briefly today, I rise in support of what the Senator from Arizona is trying to accomplish. I think he was the first to bring this issue to the floor of the Senate. He is to be congratulated for that.

He has a piece of legislation that has been out there for a couple of years and has fostered a lot of good thought and a lot of discussion as to what the best Federal policy should be in dealing with the problem of inappropriate use of the Internet at schools and libraries. His legislation actually led me to look further into it as constituents contacted me with respect to it. So let me say, from the outset, I congratulate the Senator from Arizona for his work and for his effort in this area.

I have a little different approach I want to talk about today that I believe improves upon the base bill that Senator MCCAIN came up with a couple of years ago. I have been working with a group of people, from the left to the right, if you will—from the Catholic Conference to the National Education Association, from the American Libraries Association to Dr. Laura Schlessinger. So I think our effort here covers the ideological spectrum pretty well and is a consensus that is built around one thing—that while Internet filtering software is a good idea, generally speaking, it is an imperfect tool to meet the real complicated needs of teachers, administrators, and librarians who have to deal with the Internet on a daily basis in their schools.

I think the Catholic Conference put it best in their letter, actually to Senator MCCAIN, which says that his legislation ''fails to include one of the most effective tools utilized by the vast majority of Catholic schools throughout our Nation, the Ethical Internet Use Policy''—in other words, a comprehensive policy at the school level to deal with not only access to sites that may be inappropriate on the Internet, which is what filtering gets to, but a variety of different things that are very important.

For example, electronic mail. Unfortunately, we hear so many stories about people being contacted through electronic mail, chatrooms, that are if not as dangerous in some cases even more dangerous than the sites that may be accessed on the World Wide Web, where you have predators who are out there trying to grab the mind of a young person.

Again, the attempt to do filtering software is helpful. But we have to have a policy developed at the community level that deals with things that go beyond these dangerous Internet sites, such as the electronic mail and chatrooms, and other kinds of direct electronic communication.

Under this legislation, we require that a policy be developed at the local level with respect to unauthorized use of minors, such as hacking, another area which is of grave concern not just for the minors themselves but for the user community at large, and a policy with respect to the dissemination of personal information of the minor. These minors log on. They have personal information in there. There needs to be a policy to take care of that.

What our legislation simply does is—it would actually amend the McCain amendment, although not formally here in the Senate—say that you must have a local policy that includes, No. 1, at least, public hearing and notice requirements, a public hearing where the community gets together and, at the community level, we come up with an Internet policy that has to meet these certain criteria. In other words, we don't say how they do it, but that, in fact, they have policies that address these broader concerns than just eliminating one particular Internet site or Internet sites. So it is, in fact, a requirement to develop a local policy.

If they choose not to do that, then the McCain language becomes operative. You must buy filtering software. We don't require filtering software. Even the Senator from Arizona has admitted there are 90-some titles out there—some are good; some are not. His legislation doesn't direct you to have buy a good one; you just have to buy one. It is certainly not the most comprehensive way of dealing with it. In fact, it may be a way that creates a false sense of security that you are dealing with problems, and it may actually reduce the amount of oversight that should be present in schools and at public libraries.

Again, I compliment the Senator, but we need to take one step further. Given the problems we have seen develop through chatrooms, through e-mail, through hackers, and through dissemination of information about minors, to do it at the local level is the best way to accomplish this with the fallback hammer, if you will, of the McCain underlying requirement to buy filtering software.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I oppose the amendment of the Senator from Pennsylvania. It does provide for schools and libraries to deploy blocking or filtering technology. The amendment provides what is essentially a status quo loophole.

The Senator's amendment would allow schools and libraries the option of implementing an acceptable use policy. Schools and libraries are free to do this today. Papers are full of reports of young children surfing foreign libraries in school and being innocently exposed to pornography downloaded by adults and left on a computer screen for children to see.

It is interesting to note that the American Library Association, an outspoken advocate for the amendment of the Senator from Pennsylvania, is adamantly opposed to use of filters or any other type of protection for children.

In 1997, the American Library Association passed a resolution against filtering Internet pornography out of public libraries. The ALA's interpretation of their resolution contained in their library bill of rights states that the rights of users who are minors shall in no way be abridged. According to Judith Krug, director of ALA's Office of Intellectual Freedom:

> Blocking material leads to censorship. That goes for pornography and bestiality, too. If you don't like it, don't look at it.

Ms. Krug goes on to discuss the concerns of parents about their children viewing pornography on library computers:

> If you don't want your children to access information, you had better be with your children when they use a computer.

That would be very interesting information to working mothers all over America as well as working fathers. I guess this is the ALA's concept of an acceptable use policy: Parents beware.

The Santorum amendment does nothing about adult computer use in libraries. This amendment would require libraries to block or filter access to child pornography. I want to describe what my bill does as far as local control is concerned. It requires that schools and libraries must block or filter children's access to child pornography and obscene material. Further, libraries must block adult access to child pornography on all computers. Why? Because we know that neither category, child pornography nor obscene material, enjoys protection under the first amendment. The Supreme Court has decided that on several occasions.

Though the bill is clear on what sort of material must be blocked, local authorities are given complete authority to select the type of software they deem to be appropriate. Further, local authorities are given unfettered authority to determine what material can constitute child pornography and obscenity. Under this legislation, the Federal Government is expressly prohibited from interfering in the process of local control. Schools and libraries are simply required to certify to the FCC they have a technology in place and are using such technology in coordination with the locally developed policy designed to achieve the goals of the Children's Internet Protection Act. Schools and libraries are required to make their blocking and filtering policies publicly available so that parents, patrons, and citizens can scrutinize the policies and work with local authorities to ensure they reflect contemporary community standards.

Again, parents beware of the status quo loophole contained in the Santorum amendment. It is big enough for every pornographer, pedophile, and hate group in America to drive a truck through.

The Senator from Pennsylvania has criticized my amendment with the claim that my amendment does nothing to address chatrooms. The Senator is mistaken. First, schools and libraries are granted the unfettered authority to block access to any material they determine to be inappropriate for minors. Clearly, this would provide them with the ability to restrict kids' access to chatrooms or any other realm of the Internet. Despite claims to the contrary, blocking and filtering software does restrict such access. The state-of-the-art technology clearly is capable of blocking such access. Filtering software would restrict any communication based off keyword restrictions.

I could go on, but I will wrap things up with a letter signed by virtually every major pro-family group. I ask unanimous consent this letter, dated June 22, be printed in the RECORD.

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

AMERICAN FAMILY ASSOCIATION,
Washington, DC Office, June 22, 2000.

Hon. JOHN MCCAIN,
Russell Senate Office Bldg.,
Washington, DC.

DEAR SENATOR MCCAIN: We strongly oppose the Neighborhood Children's Internet Protection Act, S. 1545, which we believe would be an ineffective tool to protect children from Internet pornography in schools and public libraries. The bill offers schools and libraries the option of either blocking pornography or implementing an Internet use policy. It is this option that troubles us. Schools and libraries have that option today and, sadly, most have chosen to allow children access even to illegal pornography, such as obscenity and child pornography. Under S. 1545, we presume those schools and libraries would maintain the status quo.

It also must be noted that the Neighborhood Children's Internet Protection Act only addresses use of computers by children. A major problem, particularly in libraries, is the use of computers by adults to access illegal pornography. For example, pedophiles are accessing child pornography on library computers and some are even molesting children in those libraries. Yet, S. 1545 does not address this matter.

While we believe that the author of this bill, Senator Rick Santorum (R–PA), has the best of intentions, his bill will not provide an effective solution to the problem of pornography in schools and public libraries.

American Family Association
Family Research Council
National Law Cntr. for Children & Families
Traditional Values Coalition
Morality in Media
Family Friendly Libraries
Citizens for Community Values, OH
Family Policy Network, VA
Christian Action League, NC
Family Association of Minnesota
American Family Assoc., OH
American Family Assoc., MI
American Family Assoc., KY
American Family Assoc., PA
American Family Assoc., TX
American Family Assoc., AR
American Family Assoc., MS
American Family Assoc., NJ
American Family Assoc., AL
American Family Assoc., GA
American Family Assoc., MO
American Family Assoc., CO
American Family Assoc., OR
American Family Assoc., IA
American Family Assoc., IN
American Family Assoc., NY

Mr. MCCAIN. Reading from the letter:

Senator MCCAIN: We strongly oppose the Neighborhood Children's Internet Protection Act which we believe would be an ineffective tool to protect children from Internet pornography in schools and public libraries. The bill offers schools and libraries the option of either blocking pornography or implementing an Internet use policy. It is this option that troubles us. Schools and libraries have that option today and, sadly, most have chosen to allow children access even to illegal pornography, such as obscenity and child pornography. Under S. 1545, we presume these schools and libraries would maintain the status quo.

It also must be noted that the Children's Internet Protection Act only addresses use of computers by children. A major problem, particularly in libraries, is the use of computers by adults to access illegal pornography. For example, pedophiles are accessing child pornography on library computers and some are even molesting children in these libraries. Yet, S. 1545 does not address this matter.

While we believe that the author of this bill, Senator Rick Santorum (R–PA), has the best of intentions, his bill will not provide an effective solution to the problem of pornography in schools and public libraries.

That is signed by a large group of people, including the American Family Association, Family Research Council, National Law Center for Children and Families, Traditional Values Coalition, et cetera.

On the other side, the amendment of the Senator from Pennsylvania is supported by the American Library Association. On that note, I will read very briefly from an editorial contained in the January 14, 2000, Wall Street Journal:

Maybe blocking software is not the solution. We do know, however, that there are answers for those interested in finding them, answers that are technologically possible, constitutionally sound and eminently sane. After all, when it comes to print, librarians have no problem discriminating against Hustler in favor of House & Garden. Indeed, to dramatize the ALA's inconsistency regarding adult content in print and online, blocking software advocate David Burt three years ago announced ''The Hustler Challenge''—a standing offer to pay for a year's subscription to Hustler for any library that wanted one. Needless to say, there haven't been any takers.

Our guess is that this is precisely what Leonard Kniffel, the editor of the ALA journal American Libraries, was getting at last fall when he asked in an editorial: ''What is preventing this Association . . . from coming out with a public statement denouncing children's access to pornography and offering 700+ ways to fight it?''

Good question. And we'll learn this weekend whether the ALA hierarchy believes it worthy of an answer.

The ALA hierarchy met, and obviously they seemed to defend what I believe is an indefensible position.

I hope we will defeat the Santorum amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, in response to the critique of the Senator from Arizona who says ours is really status quo and this is a large loophole, it is not status quo. No. 1, it is not required under law today; we require a public notice and a public hearing and a policy to be formulated at the local level that addresses inappropriate matter on the Internet, the World Wide Web, electronic mail, chatrooms, and other forms of direct electronic communication, such as hacking and other unlawful activities by monitors, and any other kind of dissemination of personal identification information regarding minors.

That is not current law. The review body is the same review body in his legislation, the FCC. He requires a filtering software to be purchased, and you have to certify that with the FCC. We say that you have to implement a

policy, have public hearings and meetings, and you have to submit that policy to the FCC for them to review to ensure that you have covered the areas that we require. That is not status quo.

He may not agree that decision should be made at the local level, and I accept that. I think we have an honest philosophical disagreement on whether we should have a one-size-fits-all Federal mandate that you have to buy filtering software. By the way, that filtering software may cover chatrooms; it may not. That is called monitoring software. There is no requirement for monitoring software to be covered for this, just filtering software. Some filtering software is better than others; some is comprehensive, some is not, and some is older. There is no requirement as to what software and how good it is that needs to be purchased under the McCain legislation.

What we say is that we believe this is best implemented at the local level. If you read from the Catholic Conference—and the Senator from Arizona suggested that all the profamily groups were supporting his legislation. I think the Catholic Conference can stand up as a profamily group, and they don't support the McCain legislation; they support ours. I think one of you who are Dr. Laura Schlessinger listeners know that she has been outspoken on the issue of Internet pornography and has been leading a campaign on that issue. She has been working with us and she supports the idea of having local communities have public hearings and notices so parents know they can have input so that we can raise the visibility of the issue at the local level in dealing with a variety of issues, not just a simple filtering software mandated by Washington, DC.

So it is a one-size-fits-all, and I believe incomplete, solution. Do you trust the local schools and do you trust the local communities to come up with a standard that meets the needs of that community? That is much more comprehensive by definition—it has to be—than the filtering software alternative being offered by Senator MCCAIN. I just suggest, and historically I have supported—particularly in the area of education—local communities making those decisions for themselves, as opposed to a Federal mandate from Washington, DC.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I want the Record to be clear that the Catholic Conference is not in opposition to this legislation. Here is the problem contained in the report ''Filtering Facts,'' which is a very deep, detailed analysis of this problem that we are facing.

On page 8 is a chapter entitled ''Adults Accessing Child Pornography: 20 Incidents'':

There were 20 incidents of adults accessing child pornography in public libraries. Child pornography is different from other forms of pornography in that it is absolutely illegal and, like drugs, is treated as contraband by Federal law. Of particular concern is that many public libraries employ policies that would seem to encourage the illegal transmission of child pornography. Many public libraries not only have privacy screens, but also destroy patron sign-up sheets after use, and employ computer programs that delete any trace of user activity. These policies make it almost impossible for law enforcement to catch pedophiles using public library Internet stations to download child pornography. At the Multnomah County, OR, Public Library, and the Los Angeles, CA, Public Library, pedophiles have taken advantage of the anonymity to actually run child pornography businesses using library computers 34 and 35.

The staff at Anderson, IN, Public Library observed a pedophile accessing child pornography on three separate occasions: ''A customer who is known to frequent Internet sites containing sexually explicit pictures of nude boys . . . This is the third time this customer has been observed engaging in this activity.'' Yet, the only appropriate action the library saw fit was to ''highly recommend that he be restricted from the building for a period of not less than 2 months.''

One of the two incidents where the library actually notified police occurred at the Lakewood, OH, Public Library. In an account from the Akron Beacon Journal, ''But it was the library more than the police and prosecutor that alarmed Chris Link, executive director of the American Civil Liberties Union of Ohio. Traditionally, librarians have protected their records of lending activity to the point of being subpoenaed or going to jail,'' she said. But now, she said, ''Librarians are scrutinizing what it is you look at and reporting you to the police.'' In the case of kiddie porn, Link said, such scrutiny ''would seem to make sense'' until it is viewed in light of the Government's history of searches for socialists and communists or members of certain student movements.

The Callaway County, MO, Public Library even actively resisted police efforts to investigate a patron accessing child pornography. Library staff refused to cooperate, even when issued subpoenas.

Mr. President, the list goes on and on. There is a need for this kind of legislation to make sure that child pornography and forms of obscenity, which are clearly delineated by the U.S. Supreme Court and are beyond any constitutional protection, are made unavailable to children.

Mr. President, this Santorum amendment would remove that very important provision of this legislation. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, in response to the Senator, we do not remove the requirement. We say that we would like to see the local community participate and develop a comprehensive policy. If they fail to do so, then they have to buy the filtering system. I have visited 160 schools since I have been in office. Over the last year and a half, in particular, I have talked to a lot of school librarians and administrators about the Internet and Internet pornography. All of the ones I have talked to, when I discussed the legislation and the ideas—in fact, some of this has come from the schools themselves throughout Pennsylvania. The ones who glow about their policy are the ones who have comprehensive policies.

Yes, they have filtering software, but that is just a piece of a bigger puzzle. If you just rely on that piece, I think what you can do is create a false sense of security that you have solved the problem, particularly in community libraries. I argue that in requiring public hearings and notice and input, that will put a chilling effect on some of the librarians who Senator MCCAIN referred to, who maybe are not as concerned about pornography as they should be, or not as concerned about chatrooms as they should be, or not as concerned about e-mails as they should be. But a public consciousness and the public input that will result from a community standard being applied to those people who work at these facilities is the answer to that—not a filtering software which is imprecise and, in cases of chatrooms, hacking, e-mail, and a variety of other things, ineffective. It is not comprehensive. And so I agree.

There is nobody who would like to see more protection from that than me. I have five little kids under the age of 10. So I understand the need and the concern. I come here as a father who is very concerned about the ability of children to be able to access sites they should not get to or communicate with people with whom they have no business communicating. But it is up to the community to take an interest in their children, to design a policy that is comprehensive, and this requires a comprehensive policy. By the way, if the librarians and those who run the libraries or the schools say they don't want to deal with this, then you have the McCain mandate. You will have the mandate that you have to buy the filtering software. So they can't avoid doing something. Again, the body that will oversee this is going to be the FCC, the same body the Senator from Arizona puts in place to oversee his requirement.

So I believe what we have done is tried to build upon a positive step. Again, I congratulate the Senator from Arizona. He has been a leader in this problem. He has blazed the trail. I believe what we have offered is a constructive addition to his policy.

I will step back on this point. The Senator from Arizona said the Catholic Conference doesn't oppose his bill. As I read it again, they did not oppose it, but they listed two pages of concerns about his policy. Then they wrote to us recently and talked about how they liked what we did. But I understand they are not in the business of opposing and supporting. Let me just say their intentions are clear.

The PRESIDING OFFICER. The question is on agreeing to the Hatch-Leahy amendment.

The amendment (No. 3653) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 3628, AS MODIFIED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to be recognized for 4 minutes for the debate on the Smith amendment, which was agreed to. I was detained unavoidably in the car coming over here.

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

Mr. SMITH of New Hampshire. Mr. President, I appreciate that many of my colleagues, I am sure, as I, have been stuck in the tram coming over here.

I thank the managers who have worked so hard to resolve the amendment that I had on fetal tissue research. I know Senator SPECTER is opposed to illegal trafficking of fetal tissue. This amendment, I hope, will get some information on the Federal Government's policies in this regard.

I look forward to reviewing the study that we have set up in this amendment that was agreed to. It is my hope that we can ensure that the spirit of the law is being adhered to when it comes to fetal tissue research.

This amendment will set up a GAO study of the practice of fetal tissue transfer to determine whether or not any fetal tissue is transferred illegally for research purposes. The GAO will conduct a comprehensive study of Federal involvement in the use of fetal tissue for research purposes.

I am pleased that my colleagues have seen fit to work with me to agree to this amendment. I look forward to receiving a report from the General Accounting Office in the very near future as to how much, if any, illegal trafficking is occurring in the area of fetal tissue.

I yield the floor.

AMENDMENT NO. 3610, AS AMENDED

The PRESIDING OFFICER. Mr. President, the question is on agreeing to McCain amendment No. 3610, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—95

Abraham	Bingaman	Byrd
Akaka	Bond	Campbell
Allard	Boxer	Chafee, L.
Ashcroft	Breaux	Cleland
Baucus	Brownback	Cochran
Bayh	Bryan	Collins
Bennett	Bunning	Conrad
Biden	Burns	Coverdell
Craig	Hutchinson	Reid
Crapo	Hutchison	Robb
Daschle	Inhofe	Roberts
DeWine	Jeffords	Rockefeller
Dodd	Kennedy	Roth
Domenici	Kerry	Santorum
Dorgan	Kohl	Sarbanes
Durbin	Kyl	Schumer
Edwards	Landrieu	Sessions
Enzi	Leahy	Shelby
Feinstein	Levin	Smith (NH)
Fitzgerald	Lieberman	Smith (OR)
Frist	Lincoln	Snowe
Gorton	Lott	Specter
Graham	Lugar	Stevens
Gramm	Mack	Thomas
Grams	McCain	Thompson
Grassley	McConnell	Thurmond
Gregg	Mikulski	Torricelli
Hagel	Moynihan	Voinovich
Harkin	Murkowski	Warner
Hatch	Murray	Wellstone
Helms	Nickles	Wyden
Hollings	Reed	

NAYS—3

Feingold	Kerrey	Lautenberg

NOT VOTING—2

Inouye	Johnson

The amendment (No. 3610), as amended, was agreed to.

AMENDMENT NO. 3635

The PRESIDING OFFICER (Mr. ALLARD). There are 4 minutes equally divided on the Santorum amendment. Who seeks recognition?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, a vote in favor of the Santorum amendment will basically negate the amendment we just adopted because it will allow schools and libraries the option of either blocking pornography or implementing an Internet use policy—an Internet use policy is what they have now—nor does it require the filtering of child pornography and obscenity.

I have a letter signed by various organizations, including the American Families Association, Family Research Council, and many other organizations. The final paragraph says:

> We believe the author of the bill, Senator Santorum, has the best of intentions. His bill will not provide an effective solution to the problem of pornography in schools and public libraries.

I agree with them. I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I respectfully disagree. My amendment is supported by groups on the left and the right and the middle: the NEA, the American Library Association, and the Catholic Conference.

Senator MCCAIN started the ball rolling. I give him credit for requiring Internet software. The fact is, that is not comprehensive enough and not locally generated. My amendment says we have to have public notice and a public meeting by the community, involving the library or the school, to develop a comprehensive Internet policy.

Blocking software does not deal with chatrooms, e-mails, hacking, and dissemination of minor information over the Internet. It is good as far as it goes, but we need a comprehensive policy that is locally developed with community standards. If they choose not to do that, then they have to buy the software.

We require a policy that deals with all of these four things I just mentioned and have public meetings and public notice to get the community involved.

One of the big problems with use of the Internet is that parents and community leaders do not know what is going on with this little black box in the library or school. This requires public comment, it requires public notification, and public input in a process that desperately needs to be a public one and community standards need to be set.

It is supported by a wide variety of organizations. Those of my colleagues who voted for the McCain amendment can also vote for this amendment and walk out with a clear conscience and see a much more comprehensive policy put in place.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3635.

Mr. SANTORUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—75

Akaka	Feingold	Moynihan
Allard	Feinstein	Murkowski
Ashcroft	Frist	Murray
Baucus	Gorton	Reed
Biden	Graham	Reid
Bingaman	Grams	Robb
Bond	Gregg	Roberts
Boxer	Hagel	Rockefeller
Breaux	Harkin	Roth
Bryan	Helms	Santorum
Bunning	Jeffords	Sarbanes
Burns	Johnson	Schumer
Campbell	Kennedy	Sessions
Chafee, L.	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Coverdell	Landrieu	Specter
Craig	Lautenberg	Stevens
Crapo	Leahy	Thomas
Daschle	Levin	Thurmond
Dodd	Lincoln	Torricelli
Domenici	Lott	Voinovich
Durbin	Mack	Warner
Edwards	McConnell	Wellstone
Enzi	Mikulski	Wyden

NAYS—24

Abraham	Dorgan	Inhofe
Bayh	Fitzgerald	Kyl
Bennett	Gramm	Lieberman
Brownback	Grassley	Lugar
Byrd	Hatch	McCain
Cleland	Hollings	Nickles
Conrad	Hutchinson	Smith (NH)
DeWine	Hutchison	Thompson

NOT VOTING—1

Inouye

The amendment (No. 3635) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that there are pending amendments before the body that are going to be taken up as soon as the Members arrive to offer them.

I yield the floor.

AMENDMENT NO. 3658

(Purpose: To fund a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect)

Mr. HARKIN. Mr. President, I have an amendment at the desk on behalf of Senators DASCHLE, MURKOWSKI, JOHNSON, WYDEN, MURRAY, HARKIN, and REID of Nevada.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, and Mr. DASCHLE, Mr. MURKOWSKI, Mr. JOHNSON, Mr. WYDEN, Mrs. MURRAY, and Mr. REID, proposes an amendment numbered 3658.

Mr. HARKIN. Mr. President, 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:

On page 27, line 4, insert before the colon the following: '', and of which $10,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program.

On page 34, line 13, insert before the colon the following: '', of which $15,000,000 shall remain available until expended to carry out the Fetal Alcohol Syndrome prevention and services program.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3619

(Purpose: To clarify that funds appropriated under this Act to carry out innovative programs under section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for same gender schools)

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3619.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for herself and Ms. COLLINS, proposes an amendment numbered 3619:

On page 59, line 12, before the period insert the following: '': *Provided further*, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law''.

Mrs. HUTCHISON. Mr. President, I will speak very briefly because I think we have agreement in a bipartisan effort on this amendment. I am very pleased that we will be able to offer this amendment and hopefully clarify some of the issues that have surrounded single-sex classrooms in schools for public education.

As most people know, title VI is the part of our education funding that allows for new and innovative and creative approaches to public education. We have set aside money so school districts can come forward and say that their school districts need this particular type of emphasis. If it is creative, and it serves the needs of that particular school district, they can get Federal funding for those kinds of programs.

One of the types of education that has been proven in certain instances to help the girls or boys who have participated are single-sex schools and single-sex classrooms. Many parochial schools and private schools are single sex. There are girl schools and boy schools. Some parents want to have their children in that atmosphere because they believe that sometimes girls can excel if they don't have boys in the class and they are more willing to speak up. This has been shown in many instances to be the case. And the same is true particularly with adolescent boys where they have single-sex schools, and they are not diverted by having girls in the class. They do better in some circumstances.

We are not saying that we prefer this approach. We are not saying that we mandate it. We are not even suggesting that it be done. We are saying that we want to have as many options for public school districts and students as we can possibly give them so that the local community and the parents can make the decision for the boys and girls who are attending those schools about what will give them the best chance to get the best education that they can get. Allowing them to have title VI funding for a single-sex school or single-sex classroom is one way to put one more option out there. That is what this amendment does.

I am very pleased to have worked with Members on both sides of the aisle to try to clarify this situation because, in fact, we have several public schools that are single sex.

The Young Women's Leadership Academy in East Harlem is a girls school. California has three girls schools and three boys schools. Western High in Baltimore is over 100 years old. It is a girls school. Philadelphia has a girls school that has been quite successful for many, many years.

We say if this is an option that parents want to pursue, we want to have that option on the table. Parents may not be able to afford a private school or maybe they prefer public education. Let's give them another option among the many that we are seeing now in creative learning and better opportunities for the young people in a particular school district. That is what the amendment does.

I have worked with Members on both sides of the aisle. I believe there is no opposition to this amendment. I am very pleased that is the case because if we can clarify this and if we can open more options for school districts to have to meet specific needs of students and their individual school districts, why not?

That is what our Federal dollars should do—allow the decisions to be made at the local level with as many options as we can possibly give them.

I appreciate the support of everyone in the Senate. I have worked with many Members of the Senate. Senator COLLINS is a cosponsor of this amendment. Senator COLLINS has been one of the strongest supporters of girls schools and classrooms and boys schools and classrooms of any Member of the Senate.

I look forward to having our vote tomorrow. I hope, frankly, that it is unanimous.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of S. 2553, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations bill for FY 2001.

The bill provides $272.6 billion in new budget authority and $221.9 billion in new outlays for the operations of the Departments of Labor, Health and Human Services, and Education and numerous related federal agencies.

I have concerns about $6.1 billion in mandatory offsets in the bill. These offsets are likely to be challenged on the floor in a way that could put the bill over the allocation. I am also concerned about the advanced appropriation for 2003 in the SCHIP program.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $335.0 billion in budget authority and $330.7 billion in outlays. The bill is exactly at the Subcommittee's revised 302(b) allocation for both budget authority and outlays. The scoring of the bill reflects the adjustments agreed to in the Balanced Budget Act of 1997 for Continuing Disability Reviews (CDRs) and adoption assistance.

I commend the managers of the bill for their diligent work.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be printed in the RECORD at this point.

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

H.R. 4577, LABOR–HHS APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL

[By fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	97,820	237,142	334,962
Outlays	93,074	237,578	330,652
Senate 302(b) allocation:			
Budget authority	97,820	237,142	334,962
Outlays	93,074	237,578	330,652
2000 level:			
Budget authority	86,151	233,459	319,610
Outlays	86,270	233,644	319,914
President's request:			
Budget authority	105,947	237,142	343,089
Outlays	96,561	237,578	334,139
House-passed bill:			
Budget authority	96,837	237,142	333,979
Outlays	92,590	237,578	330,168

H.R. 4577, LABOR–HHS APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[By fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....
2000 level:			
Budget authority	11,669	3,683	15,352
Outlays	6,804	3,934	10,738
President's request: [1]			
Budget authority	−8,127	.....	−8,127
Outlays	−3,487	.....	−3,487
House-passed bill:			
Budget authority	983	.....	983
Outlays	484	.....	484

[1] Because the Senate-reported bill includes $5.8 billion in BA savings that offset the gross levels in the bill but that are not included in the President's budget, the comparison of the bill to the President's request overstates the difference by that amount.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

SOCIAL SERVICES BLOCK GRANT PROGRAM AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. GRASSLEY. Mr. President, I am glad to join my colleagues in support of restoring funds to cuts made in the Senate Labor, Health and Human Services appropriations bill to the Social Services Block Grant program. This block grant program serves millions of older Americans, children and people with disabilities across the nation. The funding helps states provide services that no one else will provide. The money keeps people independent. It keeps them out of nursing homes. It keeps them employed. These are not frivolous services. They are critical to the well-being of thousands of people.

In my state of Iowa, more than 100,000 Iowans receive services under this block grant Polk County, including the city of Des Moines, gets this funding to transport developmentally disabled residents to doctor visits, physical therapy, employment, and day treatment. The county provides 56,000 of these trips each year. Under a funding cut, these rides could stop. Polk County's developmentally disabled residents would be on their own for transportation.

Polk County also funds residential treatment for developmentally disabled and mentally ill residents. The treatment costs $75 a day. That helps people avoid nursing home stays. It makes sense, because no one wants to go to a nursing home, and the expense is large. Under a funding cut, the county could eliminate residential treatment for 34 residents.

Clay County is already having trouble providing placements for clients with mental health problems and developmental disabilities. The county has a waiting list for placements. Providers' fees have been frozen for over three years.

I hope to spare any Iowans from more worry about this funding. It's a relief to hear assurances of complete funding of social services.

Mrs. HUTCHISON. Mr. President, I rise to associate myself with the remarks of several of my colleagues who spoke previously on several issues of importance to me and my home state of Texas with regard to provisions in the fiscal year 2001 Labor, HHS, and Education Appropriations bill.

The bill as presently drafted would rescind important welfare funding to states under the program known as ''TANF'' (Temporary Assistance for Needy Families). It would also cut the Social Services Block Grant (SSBG) program by $1.1 billion. Finally, the bill would threaten funding under the Children's Health Insurance (or ''CHIP'') Program.

I was very pleased to hear Senator STEVENS, the distinguished Chairman of the Appropriations Committee, and Senator ROTH, the distinguished Chairman of the Finance Committee, confirm on the floor today that they are committed to resolve these issues in favor of the states during the conference. I look forward to working with both Senator STEVENS and Senator ROTH to ensure that these issues are adequately addressed in that process.

It is my understanding that the rescissions in TANF, CHIP, and SSBG funding in the bill were, in effect, temporary measures included until the broader funding issues could be resolved in conference. Nevertheless, I am very pleased to hear a reaffirmation of their commitment to address this in conference.

In particular, I am committed to ensuring that TANF funds totaling $240 million, including $39.5 million in Texas, are not jeopardized. These funds stem from a provision in the 1996 Welfare Reform Act that I and others supported to provide additional funds to high-growth, high-need states like Texas, Florida, California, and others. Under the revisions in federal welfare payments contained in that welfare reform bill, states like these stood to lose significant funds, and it was unclear whether they would be able to meet their legal obligations to low income families.

To help ensure that states like these could continue to meet the needs of their residents while they transition to the new system of emphasizing work and self-sufficiency over dependence, I supported the inclusion of these so-called ''supplemental grants'' funds in the welfare reform law. Since then, these funds have been an important component of some 17 states welfare reform programs, programs that have been tremendously successful. For example, in my state of Texas, welfare rolls have been reduced by 63 percent.

Texas and other states that have been so successful in helping people to become self-sufficient should not be penalized for that success. While some have argued that states have billions in unused welfare funds, it is my understanding that Texas, for one, has obligated to date all of its TANF funds. To rescind more than $39 million in funds from our state would disrupt not only the welfare program, but also the many other activities funded by TANF funds in the state, including worker training and child care. This disruption of fiscal year 2000 funds would also affect the state legislative process, necessitating a retroactive budget adjustment during the next session of the Texas Legislature, which will not meet again until January of next year.

The federal TANF program was also intended to allow states to develop funding reserves to utilize during times of economic downturn and/or higher than usual unemployment. For example, the Texas Workforce Commission was able to recently use TANF funds to respond to the more than 18,000 Texans who lost their jobs during the oil price crash of 1997 to 1999.

It is also fundamentally unfair to only cut TANF funds to the 17 states that presently receive them, while not affecting the funding received by the other 33 states. These states, on average, use TANF funds at a higher rate than the national average, using 97 percent of their total allocations versus 93 percent for other states in fiscal year 1999. In short, they need the additional funds.

Many states that receive these supplemental funds are presently planning to expand their welfare and related programs, to include a broader range of services to enable all welfare recipients to become self-sufficient. Many single mothers, for example, have child care and transportation needs that make it all but impossible to find and keep a job. Others simply lack basic education and job skills that preclude them from holding virtually any employment. Still others have chronic substance abuse and psychological problems that are complex and difficult to address. As states seek to bring these so-called ''hard core'' welfare recipients into the economic mainstream, they will need all the TANF and other forms of federal assistance they can get to break the cycle of poverty.

Mr. President, I again want to thank the Senator from Alaska, Senator STEVENS, the Senator from Pennsylvania, Senator SPECTER, and the Senator from Delaware, Senator ROTH for their comments today and for their responsiveness on these issues.

Thank you, Mr. President. I yield the floor.

Mr. President, as it was reported out of the Senate Appropriations Committee, the Labor, HHS and Education Appropriations bill reduced funding for two vitally important programs—the State Children's Health Insurance Program (S–CHIP) and the Social Services Block Grant (SSBG) program.

When you look at the bill, there are major increases for other programs, which to me, suggests that the Subcommittee did not adequately prioritize what should be funded.

The programs that these cuts would have affected—S–CHIP and SSBG—are essential for welfare reform; helping to keep people off welfare and eliminating some of the reasons why people went on welfare in the first place.

I support many of the programs and items that are funded by this bill, and

I commend the fine work of our federal agencies in carrying out these programs, but I am not convinced that we should provide huge increases in funding for some programs—like a 15 percent increase for NIH—at the expense of addressing basic human needs in other programs—such as S–CHIP and SSBG.

Mr. President, I oppose the cuts to these programs that have been included in this bill. I know that the Senate Appropriations Committee Chairman, Senator STEVENS, has indicated that he will work to ensure that full funding is restored in Conference. However, I want to be clear to my colleagues—these two programs must not return to the Senate floor with these cuts intact. Funds must be restored in Conference, and, in my view, the Conferees also need to take out some of the increases in the Labor-HHS bill in order to bring it within its 302b allocation.

Mr. President, as my colleagues know, when Congress passed the Balanced Budget Act of 1997, one of the provisions included in that landmark legislation called for the establishment of the State Children's Health Insurance Program—or S–CHIP as it is known.

S–CHIP is the single largest federal investment in health insurance since the establishment of the Medicaid and Medicare programs in 1965. It is a partnership between the federal government and our states, enacted to improve access to health care for children.

I lobbied for this program as Vice Chairman of the National Governors' Association. As the Governor of Ohio, I understood how important it would be to the children of this country and their parents. In particular, I saw what it would mean to parents who were moving off welfare as part of welfare reform but needed assurances that their kids would have health care.

As most of my colleagues know, as people move off welfare, they lose their Medicaid insurance. However, even as individuals move towards picking up health insurance where Medicaid left-off, the biggest thing that parents are concerned about is being able to provide health care for their children. I am concerned that if the S–CHIP program is not funded appropriately, it will take a lot of people who have gone off welfare and force them to have to go back on.

I remember speaking to mothers who were on welfare when I was Governor, at the time when we were going through welfare reform, and many of these individuals told me that the reason they went on welfare in the first place was to get health care coverage for their children.

S–CHIP gives parents peace of mind that their children have access to quality health care if it is not available through their place of employment and they don't have enough money to afford health care coverage.

S–CHIP is not a ''one size fits all'' sort of program. One of the more appealing aspects of S–CHIP is its flexibility. States have been able to design innovative new programs and methods of reaching out to help uninsured children.

Some states are even looking at with ways in which they can provide family coverage for the same cost as covering a child.

Thus far, S–CHIP has been able to help over 2 million children obtain health insurance, and the opportunities to expand the program through its flexibility seem limitless. It is a program that is universally supported in our states.

Therefore, you can imagine my surprise to find that when the Senate Appropriations Committee reported out its version of the Labor, Health and Human Services, and Education Appropriations bill last month, the bill contained a provision to rescind $1.9 billion from S–CHIP.

The reason given for this S–CHIP rescission was a desire to free up $1.9 billion in budget authority to help finance discretionary programs in the Labor-HHS appropriation bill.

Although the Senate appropriations bill restores the $1.9 billion to S–CHIP in 2003, the funds would be of little use to states and children in need of health insurance in the coming fiscal year.

If the federal government is to be a true partner with the states, then the states must have the confidence that the federal government will not shrink from its commitment to S–CHIP and to children. Actions such as the proposed $1.9 billion rescission threaten the integrity of a critical program designed exclusively to help 2 million of our nation's children.

I can understand why our nation's governors, Republicans and Democrats, have been united in their opposition to the proposed cut in S–CHIP—because the program works. We should not be in the position of reversing the federal-state partnership that makes this vital program function.

In addition to the proposed cuts in S-CHIP, the Labor-HHS appropriations bill had proposed another break in a commitment that Congress made with the states.

In 1996, as part of welfare reform, Congress agreed to provide $2.38 billion each year for the Social Services Block Grant, or SSBG.

States and local communities have been able to target SSBG funds where they are most needed. For example, in my state of Ohio, funds have been used for such programs as adoption services in Washington County and foster care assistance in Montgomery County; home-based care for the elderly and the disabled such as home delivered meals in Franklin County; child and adult protective services in Cuyahoga and Allen Counties; and substance abuse treatment in Hamilton County—just to name a few.

However, the funds for SSBG have been chipped away little by little. In fiscal year 2000, the program is funded at $1.7 billion, but the Senate Labor-HHS appropriations bill, as reported, only proposed $600 million for fiscal 2001—75 percent less than the amount promised to governors in 1996!

A cut of this magnitude would be difficult, at best, for state and local governments to absorb, especially on top of the cuts over the past few years. Congress can't assume states will make up for the loss.

As such, the lack of funding would have caused a disruption in critical services to individuals in need—many of whom are not covered by other federal programs.

Many of the programs funded through SSBG prevent additional costs to the federal government in the long run. For example, SSBG helps provide in-home services to the elderly and the disabled, thereby eliminating the need to place them in a costly institutional setting. In addition, SSBG funds are used for family preservation and reunification efforts in order to cut down on the number of foster care placements.

The notion that states can make up this $1.1 billion loss with TANF funds is false. Many of the populations served through SSBG, primarily the elderly and the disabled, have no connection to the traditional welfare system and cannot be served with TANF funds.

That's why I am pleased that we have been able to reach an agreement with the Appropriations Committee to take these provisions from the Labor-HHS bill. In my view, these provisions would have had a devastating impact on our most vulnerable citizens: children, the poor and the elderly.

Again, I would like to thank my colleagues for their hard work in getting these provisions removed from this bill. I believe their efforts will go a long way towards restoring the faith of our state and local leaders that the Senate is truly committed to giving them the opportunity to help all Americans.

Mr. BAUCUS. Mr. President. I regret that I was unable to vote on Amendment 3625 to the Labor-Health Human Services appropriations bill. It was important for me to be in Montana for a conference I had organized on the future of our state's economic development.

I would like to explain how I would have voted on this amendment, had I been present.

In our current era of staggering scientific achievement—as demonstrated by yesterday's announcement of the mapping of the human genome—it is easy to become complacent with medical technology.

However, we cannot afford the price of complacency. One of the greatest health threats our nation currently faces is antibiotic resistant infections. These infections are the result of abuse and misuse of antibiotics—the drugs which form the keystone of modern medicine. These drug resistant infections know no barriers and are a threat

to us all. The World Health Organization reports that antibiotic-resistant infections acquired in hospitals kill over 14,000 people in the United States every year. Unless steps are taken to monitor and prevent antibiotic misuse, this number can only increase.

Protecting our nation and our children from antibiotic resistant infections is vital. That is why I am pleased to support this amendment. This legislation increases the ability of public health agencies to monitor and fight antibiotic resistant infections. It also seeks to reduce the incidence of antibiotic resistance by educating doctors and patients about the proper use of antibiotics.

This legislation will help protect the health of all Americans and I applaud my colleagues for their support.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak as if in morning business for 15 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2799 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

OIL

Mr. MURKOWSKI. Mr. President, it is appropriate I comment on the announced position by our Vice President today on his program to lower oil imports and stabilize climate change.

As identified in the AP summary of June 27, under a program to ''lower oil import and stabilize climate,'' the Vice President's plan for a national energy security and environmental trust fund calls ''for diverting more than $80 billion over the next 10 years from projected Federal budget surpluses for tax incentives to drive investment in energy efficient technologies for transportation and energy use.''

Notice it doesn't identify any new source of energy to relieve the shortage.

He proposes in a $4.2 billion program to encourage electric production from renewable energy sources such as wind, solar, and $1 billion for accelerated depreciation for investments and distributed power assets.

But the bulk of the plan is expected to cost $68 billion over the next decade and is dedicated to what Gore calls a technology for tomorrow, a competitive program designed to provide tax relief, loans, grants, bonds, and other financial instruments for emission reduction at powerplants and industrial facilities. He doesn't mention one word about what kind of energy he proposes we are going to use.

He indicates we will harness that uniquely American power of innovation. Innovation will not go in your gas tank and get you home or get you on a vacation. He goes on to say: We will say to the Nation's inventors and entrepreneurs, if you invest in these new technologies, America will invest in you.

The Presidential candidate said: Through the power of free market, we will take a dramatic step forward for our children's health, which will also be a dramatic new step towards a stable climate.

It is a good deal of rhetoric and sounds pretty good. But in reading that, one would come to the conclusion that we simply have not been doing anything in the area of renewables. I point out for the RECORD, in the last 5 years this country has spent $1.5 billion for renewable energy research and development.

What have we done over the last two decades? We have spent $17 billion over the last 20 years in direct spending, in tax incentives for renewables. My point is, we are all supportive of renewables, but how successful have we been? We have been putting money on them. We have been providing tax incentives.

Our total renewable energy constitutes less than 4 percent of our total energy produced. That excludes hydro. Mr. President, 4 percent is from biomass, less than 1 percent from solar and wind. Yet most of the money in the technology has gone to solar, wind, and biomass.

So when the Vice President suggests a program of expenditures, some $80 billion over the next 10 years, we need relief now—the American consumer, the American motorist, the trucker. We see on our cab bills a surcharge. We see on the airplane bills a surcharge. We need relief now.

We have spent $1.5 billion for renewable research over the last 20 years and $17 billion in the same period in direct spending and direct incentives for renewables. My point is not to belittle renewables or their important role, but the reality is there is simply not enough. At less than 4 percent—excluding hydro—they simply are not going to provide the relief we need.

I think it is important we understand the Vice President's programs. While we all want to conserve energy, we want to reduce pollution, we want to reduce the Nation's dependence on foreign oil, the facts are in many cases we are not reducing the dependence on foreign oil. We are increasing. In 1973 and 1974 when we had the Arab oil embargo, we were 37-percent dependent on imported oil. Today, we are 56 percent on an average and we have gone as high as 64 percent.

In the Vice President's plan, I want to know how he plans to reduce the Nation's dependence on foreign oil when the Secretary of Energy is out soliciting for greater production from Kuwait, Saudi Arabia, and Mexico.

He wants to reduce the threat posed by global warming. I think that is a challenge for American technology and ingenuity. He wants to curtail brownouts by increasing electric grid reliability. What has the administration done of late in that regard? They have not worked with the Energy Committee, which I chair, on electric restructuring, which was designed specifically to address how we were going to provide an incentive for more transmission lines to be built so we could ensure that we would not have brownouts, how we were going to ensure that we would have adequate energy, whether natural gas, coal, oil, or nuclear.

This administration, right down the line, in its energy policy, specifically, has highlighted that it does not have an energy policy. We have seen that in our inability to prevail on high-level nuclear waste storage. We are one vote short of a veto override.

It is also important to go in and identify the new initiatives that the Vice President has indicated are in his policy statement. One is to ''extend incentives for natural gas exploration.'' That is actually in his statement. But let me refer to a statement our Vice President made October 22, 1999, in Rye, NH:

> I will do everything in my power to make sure there is no new drilling—

No new drilling, Mr. President.

> even in areas already leased by previous administrations.

I don't know how he can make that statement on October 22, 1999, and today and yesterday make the statement that he wants to extend incentives for natural gas exploration. Where is it going to come from? I certainly don't know where it is going to come from.

I could go on and on and identify each one of these, where there is an inconsistency. But the fact is, his program, at a cost of $75 billion to $80 billion over 10 years, supposedly from the surplus, is not going to do a single thing today to reduce gasoline prices. So what are we going to do? How are we going to relate to this? I think it is fair to say the Vice President misses the point.

To borrow a phrase from the Clinton administration: It is the gasoline prices, stupid.

We are paying more for gasoline than at any other time in our history. That is the fact. Gasoline and natural gas prices have doubled. Do you remember last March, we were paying $10, $11, $12 a barrel? Today we are paying $32 a barrel.

Natural gas, which is assumed to be a godsend, our relief, has gone from $2.65 per thousand cubic feet to $4.56 for deliveries in January. The American consumer has not felt this, but they will. And there will be a reaction. Wait until people start getting their gas bills around this country—not just their gas bill but their electric bill, because a good deal of the electricity is generated from gas.

So the Vice President wants to radically change the domestic energy industry in the future and he wants to spend $75 billion to $85 billion to do it. Think about the conventional sources of energy and the administration's position. Coal? They oppose coal. They