

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### IDEA FULL FUNDING

Mr. JEFFORDS. Mr. President, today may be just another day in Washington, but it is a special day in Vermont. Today is town meeting day, when towns throughout Vermont go over their budgets line by line. This includes a review of school budgets in many towns. In Vermont, where special education referrals grow at a rate of about 3.5 percent per year. With the cost of special education rising at a rate that Vermont's 287 school districts can not sustain, the number one education issue that will be discussed at these town meetings will be Federal funding of special education. Vermonters, like so many Americans across the country, understand that these costs must be paid. All of our children, those with disabilities and those without, need and deserve the services and supports that will ensure that they meet their educational goals.

In 1975, responding to numerous Federal Court decisions involving lawsuits against a majority of the States, and growing concerns about the unconstitutional treatment of children with disabilities, Congress passed Public Law 94-142, now known as the Individuals with Disabilities Education Act. IDEA rightly guaranteed all children with disabilities a constitutionally required "free and appropriate public education." As a freshman Congressman, I was proud to sponsor that legislation and to be a member of the Conference Committee that negotiated the differences in the House and Senate bills.

In passing Public Law 94-142, Congress recognized that education is not free. We recognized that children with disabilities often require specialized services to benefit from education. Congress assumed that the average cost of educating children with disabilities was twice that of educating other children. At that time, 25 years ago, Congress authorized the Federal Government to pay up to 40 percent of the additional costs associated with educating children with disabilities. That amount—often referred to as the IDEA "full-funding" amount—is calculated by taking 40 percent of the national average per pupil expenditure, or APPE, times the number of children with disabilities being served under IDEA Part B in each state.

While some may question whether Congress made a commitment or set a goal, I am here to tell you, as someone who was there at the time, we definitely made a pledge to fully fund the Federal share of special education. Thanks to teachers and administrators, advocacy organizations, parents of children with disabilities, and the children themselves, I believe that to-

gether we have made tremendous strides in assuring that we keep that promise.

Since I became Chairman of the Health, Education, Labor, and Pensions Committee in 1997, there have been significant increases in special education funding. In fact, special education funding has increased by 174 percent since 1996. For Vermont, the Federal share has increased from \$4.5 million to \$13.2 million. Even with this substantial increase, the Federal Government still contributes less than 15 percent of the APPE.

Failure to live up to the commitment of Congress means that the majority of the funding for special education for 8,000 Vermont students, and 6.1 million students across the country, currently comes from the States and from local school budgets.

Last year, I led three congressional efforts to increase special education funding. In April 2000, I sponsored an amendment to the budget resolution. This amendment would have mandated that the Federal Government increase spending for special education by \$2 billion each year, for 5 years. The amendment, which would have raised Federal special education funding from \$5 billion per year to close to \$16 billion per year, failed by three votes. In its place, the Senate approved, by a vote of 53 to 47, a substitute amendment that made my amendment a non-binding sense of the senate resolution to fully fund special education. This was definitely not the outcome I was seeking. However, it was the second time the Senate has gone on record in support of fully funding the Federal Government's share of special education costs. After two decades in which full funding of IDEA was regarded as more of a pipe dream than a commitment to be honored, Congress finally seems to be taking its obligation seriously.

Today, I am pleased to join my colleagues in introducing legislation that will provide for mandatory increases in special education funding at \$2.5 billion a year for each of the next 6 years. This bipartisan effort sets the course to achieve full funding for Part B of IDEA by fiscal year 2007. The enactment of this bill will give relief to school districts, resources to teachers, hope to parents, and opportunities to children with disabilities. It will free up State and local funds to be spent on such things as better pay for teachers, more professional development, richer and more diverse curricula, reducing class size, making needed renovations to buildings, and addressing other needs of individual schools. To me, passage of this bill will provide the ultimate in local educational flexibility.

Last week, Representative BURTON, Chairman of the House Committee on Government Reform, held a hearing on IDEA. Every witness that testified identified insufficient special education funding as the number one barrier that prevents schools from fully

meeting the needs of children with disabilities. Every congressional Representative who attended the hearing spoke to the issue. Representative HOOLEY and Representative BASS have both introduced bills in the House to fully fund Part B of IDEA.

In 1975, we made a commitment to fully fund the Federal Government's share of special education costs. If, 25 years later, in this era of economic prosperity and unprecedented budgetary surpluses, we cannot meet this commitment, when will we keep this pledge?

School districts are demanding financial relief. Children's needs must be met. Parents expect accountability. There is no better way to touch a school, help a child, or support a family than to commit more Federal dollars for special education. Personally, I do not believe anyone can rationally argue this is not the time to fulfill our promise.

In America, education is viewed as a right. Across the country, our Governors, school boards, education professionals, and families of children with disabilities identify fully funding for special education as their number-one priority. The American people have a right to ask us, "if not now, when?" Six million American students with disabilities have a right to a free and appropriate public education. They deserve to participate in the American dream.

This issue will not go away and neither will I. I intend to do all I can to make sure we keep our promise to fully fund the Federal share of special education. As we proceed with new initiatives and requirements for schools, let us also dedicate increased Federal funds to meeting our existing obligations to children with disabilities, families, and the State and local education agencies that serve them. I believe this is the most important education issue before our Nation, and I will continue to fight for it.

Mr. HARKIN. Mr. President, I strongly support the "Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act, IDEA, Act." This is a bi-partisan effort to help our states provide a free and appropriate public education to children with disabilities. As I've said time and again, disability is not a partisan issue. We all share an interest in ensuring that children with disabilities and their families get a fair shake in life.

Currently, the State Grant program within IDEA receives \$6.34 billion. Estimates by the Congressional Research Service suggest that the program needs to be funded at \$17.1 billion for fiscal year 2002 to meet the targets established in 1975. Our amendment would obligate funding for IDEA annually in roughly \$2.5 billion increments over the next six years and would put us on track to meet our goal of 40 percent funding.

In the early seventies, two landmark federal district court cases, *PARC v.*

Commonwealth of Pennsylvania and *Mills v. Board of Education of the District Court of Columbia*, established that children with disabilities have a constitutional right to a free appropriate public education. In 1975, in response to these cases, Congress enacted the Education of Handicapped Children Act, EHA, the precursor to IDEA, to help states meet their constitutional obligations.

Congress enacted PL 94-142 for two reasons. First, to establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities. And, second, to help States meet their Constitutional obligations through federal funding. The Supreme Court reiterated this in *Smith v. Robinson*: "EHA is a comprehensive scheme set up by Congress to aid the states in complying with their constitutional obligations to provide public education for handicapped children."

It is Congress' responsibility to help States provide children with disabilities an education. That is why I strongly agree with the policy of this bill and the infusion of more money into IDEA. As Senator JEFFORDS has said before, this is a win-win for everyone. Students with disabilities will be more likely to get the public education they have a right to because school districts will have the capacity to provide such an education, without cutting into their general education budgets.

The Supreme Court's decision regarding Garret Frey of Cedar Rapids, Iowa underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, like Garret, is great.

Just last week, I heard from the Cedar Rapids/Iowa City Chamber of Commerce that more IDEA dollars will help them continue to deliver high quality educational services to children in their school districts. This bill would provide over \$300 million additional dollars to Iowa over the next six years. I've heard from parents in Iowa that their kids need more qualified interpreters for deaf and hard of hearing children and they need better mental health services and better behavioral assessments. And the additional funds will help local and area education agencies build capacity in these areas.

In 1975, IDEA authorized the maximum award per state as being the number of children served times 40 percent of the national average per pupil expenditure, known as the APPE. The formula does not guarantee 40 percent of national APPE per disabled child served; rather, it caps IDEA allotments at 40 percent of national APPE. In other words, the 40 percent figure was a goal, not a commitment.

As the then ranking minority member on the House Ed and Labor Com-

mittee, Rep. Albert Quie, explained: "I do not know in the subsequent years whether we will appropriate at those [authorized] levels or not. I think what we are doing here is laying out the goal. Ignoring other Federal priorities, we thought it acceptable if funding reaches that level."

One of the important points in the Congressman's statement is that we cannot fund IDEA grant programs at the cost of other important federal programs. That is why historically the highest appropriation for special education funding was in FY79, when allocations represented 12.5 percent APPE.

Over the last six years, however, as Ranking Member on the Labor-H Appropriations Subcommittee, I have worked with my colleagues across the aisle to almost triple the IDEA appropriation so that we're now up to almost 15 percent of the funding formula.

This bill would help us push that number to 40 percent without cutting into general education programs.

We must redouble our efforts to help school districts meet their constitutional obligations. And this increased funding will allow us to increase dollars to every program under IDEA through appropriations. Every program under IDEA must get adequate funds.

As I said, we can all agree that states should receive more money under IDEA. I thank Senator HAGEL, Senator JEFFORDS, Senator KENNEDY and Senator DODD for their leadership on this issue. I encourage my colleagues to join us in support of this bill.

#### RECONCILIATION AND DEFICIT REDUCTION

Mr. HOLLINGS. Mr. President, yesterday I introduced Senate Concurrent Resolution 20, a budget resolution for fiscal year 2002 that stays the course with an emphasis on paying down the national debt. The resolution creates two reserve funds for tax reduction, one if the CBO reports the economy is in a recession and the other if CBO determines we have a true surplus. The resolution does not contain any instructions to committees with regard to reconciliation.

There has been a great deal of speculation, fueled by statements made by the Senate Republican Leadership, that the reconciliation process established in the Congressional Budget Act of 1974, would be used to enact the massive \$1.6 trillion tax cut proposed by the President. This is an abuse of the budget process and contrary to the original purpose of the Act which was to establish fiscal discipline within the Congress when it made decisions regarding spending and tax matters. I am the only original member of the Senate Budget Committee and have served on the Committee since its inception in 1974. In fact, I chaired the Senate Budget Committee in 1980 and managed the first reconciliation bill with Senator DOMENICI, then the ranking minority member.

It disturbs me to see how the reconciliation process, designed to reduce the debt, is now being used to rush a huge tax cut through the Congress with limited debate and little if any opportunity to amend. An examination of the legislative history surrounding passage of the 1974 Act makes it clear that the new reconciliation process was intended to expedite consideration of legislation that only reduced spending or increased revenues in order to eliminate annual budget deficits. This view was supported by over two decades of practice in which Congress used the Act to improve the fiscal health of the federal budget. If Congress insists on enacting a massive tax cut, it should consider that bill in the normal course, not through the reconciliation process which makes a mockery of the Congressional Budget Act and its intended purpose. I ask unanimous consent to have printed in the RECORD a legislative history of the Congressional Budget Act of 1974 and a history of the use of the Senate reconciliation process.

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

#### ARGUMENTS AGAINST THE USE OF RECONCILIATION TO CONSIDER TAX CUT LEGISLATION SUMMARY

I. The legislative history of the Congressional Budget Act of 1974 makes clear that the newly created reconciliation process was only intended to expedite consideration of legislation that reduced spending or increased taxes in order to eliminate annual budget deficits.

II. The authors of Congressional Budget Act of 1974 attempted to create a comprehensive new framework to improve fiscal discipline with minimum disruption to established Senate procedure and practice.

III. The provisions of the Congressional Budget Act of 1974 that provide expedited procedures to consider the budget resolution and reconciliation bills have always been construed strictly because they severely restrict the prerogatives of individual Senators.

IV. The Congressional Budget Act of 1974 has been amended numerous times to provide Congress the tools to improve fiscal discipline and over two decades of practice make clear that the reconciliation process has been used to reduce deficits.

V. The use of the reconciliation process to enact a massive tax reduction bill, absent any effort to reduce the deficit, is inconsistent with the legislative history of the Congressional Budget Act of 1974, contrary to over two decades of practice and undermines the most important traditions of the Senate.

#### LEGISLATIVE HISTORY OF THE CONGRESSIONAL BUDGET ACT OF 1974

The contentious battles with the Nixon White House over the control of spending in 1973 and the chronic budget deficits that occurred in 25 of the previous 32 years convinced the Congress that it needed to establish its own budget process. The Congress enacted the Congressional Budget Act of 1974, which was considered landmark legislation and the first attempt at major reform of the budget process since 1921. Through this effort the Congress sought to increase fiscal discipline by creating an overall budget process that would enable it to control federal spending and insure federal revenues