What is good about the underlying bill, and why I strongly urge my colleagues to oppose the Murray amendment, is that we do not make that decision. The data is there. We do not force or encourage or incentivize the system to go one way or the other in terms of higher quality teachers, better recruitment, or professional development versus hiring another teacher and reducing class size.

We basically say: No, you decide. If you are in Nashville, TN, in a disadvantaged part of Nashville, TN, or in rural Tennessee, you decide how you can best use that education dollar based on your local needs. The pooling of resources, the discretion we give to local communities about how to use that dollar we feel is so important, we believe that school districts should have the flexibility to decide whether to use the money we have made available for reduced class size, for teacher training, for technology in the classroom, or some other means to reduce the student achievement gap.

There is some data, as I mentioned—again, I am one who thinks class size is, indeed, an important issue. I just think it needs to be determined by a particular school or a particular district rather than by Washington, DC.

There are studies that have prioritized the importance of class size. The National Commission on Teaching and America's Future found that, if your goal is student achievement, then teacher quality is five times more important than class size per se. Class-size reduction is important, but in a relative sense it is less important than having a good quality teacher.

The New Hampshire Center for Public Policy Studies found student grades were not linked to class size. Smaller classes did not lead to better test scores, and that there was no difference in the achievement of students from small classrooms versus those from large classrooms.

In Dallas, researchers confirmed that one of the studies that was done at the University of Tennessee found that not only did high-quality teachers have an enormous impact on student achievement, but that low-quality teachers actually stunted the academic performance of their students.

We have a shortage of high-quality teachers. People who say class size is the answer need to recognize—again, it has been spelled out over the course of the morning and last week—that there is a shortage of high-quality teachers.

We do need to invest—remember, the purpose of this bill is to invest in education because the role of the Federal Government is no longer spender but investor. We know this because after about $120 billion over 35 years, we are still not accomplishing our goal. So, it's not just a matter of money but a matter of investment. If you are a prudent investor, you need to make sure that the outcome is delivered, and in education the outcome is student achievement.

If we have compulsory class size reduction, basically we are putting more teachers in the classroom. But if we have a shortage of high-quality teachers, by definition it means we are going to be taking lower quality teachers.

The data outlined is clear: You actually hurt children rather than help children if you are putting poor quality teachers in a classroom today and, therefore, it is very important that you weigh the relative importance of putting just bodies at the head of that class, interacting with your children, against putting high quality people at the head of the class.

The point is, we give the school, the school district, the parents, the opportunity to make that choice based on the needs they identify—it could be through assessments, it could be identification of that local need in any way that school district or that school sees fit.

Our underlying bill is very different from the Murray amendment which overrides the school district priorities, and overriding the school district priorities in many ways restricts that choice, that freedom. That is why I urge defeat of the Murray amendment and hope my colleagues will join me in defeating that amendment.

Again, as has been outlined in the underlying bill, we stress professional development, as well as class size, but it must be a local choice.

Mr. President, I yield the floor and urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mrs. MURRAY. Mr. President, in my last 1 minute, I will address two quick points. Our colleagues keep referring to local control. How can one define a bill against an amendment that it should be local control when this underlying bill itself requires Federally mandated testing, requires funding streams for reading, for technology, for 20 other programs? That is fundamentally a flawed argument against this.

Our argument is about local control. Local schools decide whether they want to reduce class size knowing they have a Federal partner if they want to make that happen.

Second, I keep hearing the Hanushek study referred to.

Let me remind my colleagues that the Hanushek study is based on study of pupil-teacher ratio which includes all of the certified people in the building which is today almost everybody. Hanushek is fundamentally flawed because he does not look at class size. All of the studies that we have shown from Wisconsin, Tennessee, the RAND study, and the California study dramatically show that reducing class size increases student performance.

How tragic it will be if this Senate does not approve this amendment and keep the commitment to reducing class size that we began 3 years ago.

Thank you, Mr. President.

Mr. SPECTER. Mr. President, I seek recognition to comment on Senator MURRAY's amendment regarding class-size reduction. Yesterday, I withdrew my second degree amendment, amendment No. 388, which would have accomplished what I sought to do last year on the appropriations bill covering the Department of Education. I would have preferred to give class-size reduction in hiring new teachers a presumption among the various items which the Federal funds could be spent for on teachers. If a school district would make a determination that other issues—such as training teachers to improve the education of students with disabilities or those with limited english proficiency—are more important, then I believe Federal funds should be available for those purposes as they may be decided at the local level.

As chairman of the Appropriations Subcommittee that is responsible for funding critical labor, health and education programs, I have sought to strike a balance between providing States and localities the flexibility they need to implement programs designed to improve the academic achievement of all students—thereby relieving them of Washington's straightjacket—and placing the highest priority on those issues that we deem critical to the success of America's schoolchildren.

I believe that we must weight carefully the flexibility our States and school districts need to improve student achievement with priority programs such as class-size reduction. The underlying bill will permit the Federal funds to be used for class-size reduction by hiring more teachers although it lacks the impetus which a presumption would have given.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, I yield the remainder of my time.

RECESS

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

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

The PRESIDING OFFICER. We will now resume consideration of the Murray amendment No. 378. There are 5 minutes equally divided before the vote.

The Senator from Washington.

Mrs. MURRAY. Mr. President, in a minute we are going to be voting on a

very important amendment which reduces class size in first, second, and third grades and continue the commitment this Congress has made in the last three years.

Frankly, I cannot believe the Senate just spent 2 hours debating whether or not smaller class size makes a difference. We know it makes a difference. Any teacher, parent, or student will tell you that, and we have the research that proves it.

This vote is our opportunity to support the progress being made in schools across the country and to show that we are willing to invest in the things that work. If our colleagues vote against this amendment, in September when parents find their kids back in overcrowded classrooms, they are going to be upset. They are going to want to know why you voted against smaller classes. You can tell them about flexibility, choice, and funding pools, but the truth is, none of those buzzwords will help their kids learn to read when they are fighting just to get a teacher's attention. The choice we make today will demonstrate whether ''no child left behind'' is just a catchy campaign slogan or a national commitment. I hope it is the latter. I urge my colleagues to support this amendment, and I yield back the remaining time on our side.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Murray amendment. The bill before us clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers, if that hiring will improve student performance. The decision as to how Federal money is to be used is up to the local school district.

Although there are teacher shortages in States and localities, there are also areas where teacher shortages are not prevalent. As you can see from this chart, which illustrates class size over the last 40 years, the recent trend in the mid to late 1990s indicates that class size is averaging around 17 students per teacher.

I oppose the class size reduction amendment because I believe local schools are in a better position than we are to determine how best to distribute funding in regard to professional development and hiring practices. S. 1 gives local school districts the opportunity to make their own decisions about the expenditure of dollars for the purpose of improving their teacher corps, which, in turn, will hopefully lead to gains in overall student performance. I urge my colleagues to oppose this class size amendment.

Mr. President, I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, I 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 amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MILLER (after having voted in the negative). Mr. President, on this vote, I have a live pair with the Senator from Hawaii, Mr. AKAKA. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' I, therefore, withdraw my vote.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—48

Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Graham	Nelson (NE)
Cantwell	Harkin	Reed
Carnahan	Hollings	Reid
Carper	Inouye	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—50

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

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Miller, against

NOT VOTING—1

Akaka

The amendment (No. 378) was rejected.

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

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

The motion to lay on the table was agreed to.

The Senator from Kansas.

AMENDMENT NO. 413 TO AMENDMENT NO. 358

Mr. BROWNBACK. Mr. President, I have an amendment I call up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Mr. KOHL, proposes an amendment numbered 413.

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

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

The amendment is as follows:

(Purpose: To provide for a study regarding the effects on children of exposure to violent enterainment, and to require the National Assessment of Educational Progress to gather information regarding how much time children spend on various forms of entertainment)

At the end, add the following:

SEC. 902. STUDY AND INFORMATION.

(a) STUDY.—

(1) IN GENERAL.—The Director of the National Institutes of Health and the Secretary of Education jointly shall—

(A) conduct a study regarding how exposure to violent entertainment (such as movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement; and

(B) submit a final report to Congress regarding the study.

(2) PLAN.—The Director and the Secretary jointly shall submit to Congress, not later than 6 months after the date of enactment of this Act, a plan for the conduct of the study.

(3) INTERIM REPORTS.—The Director and the Secretary jointly shall submit to Congress annual interim reports regarding the study until the final report is submitted under paragraph (1)(B).

(b) INFORMATION.—Section 411(b)(3) of the National Education Statistics Act of 1994 (20 U.S.C. 9010(b)(3) et seq.) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, in carrying out the National Assessment the Commissioner shall gather data regarding how much time children spend on various forms of entertainment, such as movies, music, television, Internet content, video games, and arcade games.''.

Mr. BROWNBACK. Mr. President, I rise today to urge the adoption of this amendment to S. 1. I am delighted to be joined in this effort by my friend and colleague, Senator KOHL from Wisconsin. I would also like to thank the chairman of the Committee on Health, Education, Labor, and Pensions for his work in securing the passage of this amendment. I think this is a noncontroversial amendment so I am going to summarize the point.

Over the past several years, we have had a number of hearings by this Congress about the impact of entertainment, particularly violent entertainment, on children, and the accessibility of such entertainment to children. This last summer we had the six major health organizations in the country—the American Medical Association, American Psychiatric Association, American Academy of Pediatrics, and others—sign a statement which said that exposing children to violent entertainment can actually cause increases in aggression and hostility and decreases in empathy.

Since then, there have also been reports of studies focusing on how violent entertainment affects a child's brain activity. Less than a month ago, USA Today reported on one study conducted by Professor John Murray of Kansas State University. It showed the results of MRIs taken of children who were watching violent film clips. The reporter concluded: ''The scans showed that violent film clips activate children's brains in a distinctive, potentially violence-producing pattern. Although children may consciously know

that violence on the screen isn't real, their brains are treating it as gospel truth.''

We know that a young child's mind goes through extraordinary development, particularly before the age of 7. We know the influences on their early life can profoundly affect both what they think about and how they think. New research has provided interesting insights into how parents can create the best learning environment and most encouraging learning environment for their children—what influences and factors will encourage the healthiest development of a child's intellect and cognition and enhance their abilities as they develop and move forward in life.

Despite these studies and their implications for the way a young child's mind grows and develops, as well as how they perform in school, there has been very little study on how exposure to entertainment, particularly violent entertainment, affects their cognitive development. This is not a data gap; it is a chasm. And it needs to be filled.

It is in the public interest to find out what the impact of exposing children to violent entertainment has on their cognitive development. It is also in the parent's best interests, as well as in the best interests of children, and, obviously, it is in the best interests of this country. Therefore, the amendment I am proposing, along with my colleague, Senator KOHL, would be a first step in addressing this data chasm.

It calls for a study on how children's cognitive and academic achievement are affected by exposure to violent entertainment. It calls on the National Institutes of Health and the Department of Education to jointly work out a plan for conducting this study, subject to congressional approval, and to report its findings.

The more we know about how our children's young minds are formed and cultivated, the better we can educate, nurture, and care for them. This amendment is an important step towards realizing that goal.

In conclusion, let me say this: We know that currently children in America spend more time in front of a television, a computer screen, or a play station than they do in school. They certainly spend more time in front of one of those screens than they do talking with their parents. We know children spend a large portion of their waking hours focused on entertainment, and we can assume that it has some impact on their thoughts, attitudes, and even abilities. But what we do not know yet is what exposure to violent entertainment does to a child's cognitive abilities. Some of the early studies seem to be very troubling about what it is doing to a child's brain. That is why we are asking for this study, so we can learn about this much better.

Mr. President, I wonder if Senator JEFFORDS, the manager of the bill would be willing to engage me in a short colloquy concerning the pending Brownback-Kohl amendment.

I thank the managers of the bill for their willingness to include our amendment in the education bill. We think this is an important addition to the legislation because it will give Congress and the Department of Education a tool for evaluating the effect of violent entertainment on the cognitive development and educational achievement of our children.

It is the Senator's intention when we go to conference in the House to make every effort to assure that the Brownback-Kohl amendment is included in the final version of the bill?

Mr. JEFFORDS. Mr. President, this amendment has been cleared on both sides of the aisle. We all agree that the Brownback-Kohl amendment, which would gather data on the use of violent entertainment by children through the National Assessment of Educational Attainment and require a joint National Institutes of Health-Department of Education study on the issue, is highly relevant to improving the educational performance of our children. It is my intention to keep this provision in the final version of the education reform package when it comes out of conference with the House of Representatives.

Mr. KOHL. Mr. President, I just want to add that there have been no objections from our side of the aisle to including the Brownback-Kohl amendment in the bill. I appreciate Senator JEFFORDS' cooperation with me, Senator KENNEDY, and Senator BROWNBACK to get this amendment included in the bill. I also appreciate his assurance that he will do everything he can to make sure our proposal is included in the final education reform bill.

Mr. BROWNBACK. Mr. President, I do not know of anybody who is opposing this amendment. I ask for its adoption. There may be other Members who would like to comment on this amendment. I believe it is possible we may be able to proceed to a voice vote on this amendment while we are still on the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is entirely appropriate that we study the impact of violence in the media on young people. The increasing incidence of violent behavior is alarming and we should carefully scrutinize the causes of that violence.

It will be very helpful to learn which types of imaging and broadcasting have causal links to violent behavior. A great deal of research has already been conducted in this area. For example, researchers at the Massachusetts Institute of Technology have studied the impact of violent images in movies, television and video games and have expressed caution against a presumption that there is an isolated cause and effect between violent images and violent action.

I also believe that access to guns is indisputably part of this critical problem. There is no one individual cause of this disturbing social pattern and we should avoid simplifying either this problem or our solution to it.

However, many young people spend a great deal of time watching television and movies and we should explore incentives to the industry to provide entertaining material that is nonviolent.

Industry leaders have expressed a willingness to incorporate improved warnings for parents to monitor the programming that their children do watch, and we should do all that we can to make these worthwhile tools accessible and understandable.

We should be ready also to acknowledge that the entertainment industry is not solely responsible for increasing violent behavior in our youngest citizens.

The Senate should also improve a broad range of opportunities for children to help them achieve to their fullest expectations and dreams. We can increase funding for Early Start and Head Start. We can improve the learning experience of children once they enter school, including reducing class size and teacher quality.

I have sponsored—and I have worked very closely with the Senator from Mississippi, Mr. COCHRAN—on our Ready to Learn legislation to ensure that time spent watching television by young preschool children will be entertaining and educational. With a modest $15 million Federal appropriation, public broadcasting has created effective educational programming that develops skills necessary for success when a child enters a classroom for the first time.

Accompanying material is provided for parents, caregivers and other family members to encourage reading in the child's home environment. We should be tripling funding for this program, but instead, this bill seeks to eliminate it.

The number of awards that those programs for children have been nominated for has been truly amazing. There have been over 40 Emmys for all the ready-to-learn programs. ''Between the Lions'' has really been an extraordinary success. It and its Web site have won several awards. The series won the Parents' Choice Gold Award for best show for kids aged 4 to 7. It was recently named the Best Children's Show in the country by the Television Critics Association. It has just been nominated for several Academy Awards. And the Web site won two awards in the fall of 2000: Best Children's Entertainment Site from the Massachusetts Interactive Media Council and Best Kids Web Entertainment from NewsMedia.com's Invision Awards.

We welcome the Senator's amendment and think it is an entirely appropriate one. We also recognize there are important additional matters to which we should give focus.

I support a serious examination of the impact that violence in the media

has on young children. I am, as well, hopeful we can also improve the educational components of our media.

As I know the Senator is aware, we attempted, for a number of years, to make that as a condition for the relicensing. What happened, of course, is that it never worked because we would find that with the application the broadcasting industry would just label programs as children's programs, and they never really carried forward the effect of that.

We have been remarkably unsuccessful in monitoring and affecting the kind of violence there is on television. But when we provided a very limited amount of incentives for the development of children's programs, and worked those through public broadcasting, we have had some amazing success.

I look forward to working with the Senator in terms of getting this study, this review, and also working with him to try to see what can be developed to attract families, and particularly parents with their children, to watch the programs on television that can be useful, positive, constructive, and, hopefully, educational and helpful to the children as well.

I urge acceptance of the Senator's amendment.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I do not believe there is any objection to the amendment.

I yield to the Senator on his amendment.

Mr. BROWNBACK. Mr. President, I believe we are ready to proceed to a voice vote on the amendment. Unless the Senator from North Carolina would care to address the amendment, I think it would be appropriate for us to proceed to a voice vote. I call for a voice vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 413.

The amendment (No. 413) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 462 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Voinovich amendment No. 443 is the pending business.

Mr. EDWARDS. I ask unanimous consent to lay that amendment aside, and I call up amendment No. 462.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 462 to amendment No. 358.

Mr. EDWARDS. 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:

(Purpose: To provide for an independent analysis to measure school district achievement)

On page 679, after line 25, add the following:

''(6) support for arrangements that provide for independent analysis to measure and report on school district achievement.''.

Mr. EDWARDS. Mr. President, my amendment is very simple and straightforward. It deals with the issue of testing.

Much of our education bill we have been discussing for the last several days and much of the administration's proposal is modeled after what has been done in North Carolina. In North Carolina, we have had in place for a number of years a very vigorous measurement and testing regime. In fact, we already have annual testing in reading and math in grades 3 through 8, which is precisely what is being proposed by the administration and is incorporated into this bill.

This testing process has played a very important role in allowing us to measure student performance in North Carolina and also to identify low-performing schools so we can make an intense effort to turn those schools around.

What I have learned from visiting our schools and talking with students and teachers is that testing in and of itself is not an end. It is a means. From talking to students and teachers and at town hall meetings talking to parents about this testing procedure that has been used in North Carolina, I have learned that there is a great deal of concern that students are spending too much time preparing for tests and teachers are spending too much time in the classroom teaching to the test.

It has gotten to the point where some students and some teachers believe the tests dominate the classroom. And because of the way the tests are given and administered and the kinds of tests that are given, it can sometimes be counterproductive to the learning process.

What we are doing in this amendment is providing that States can go to private outside firms to evaluate the testing in a particular school district to determine whether it is working, how effective it is, and also to make comparisons with the testing being used in that school district as compared to the testing being used in another school district someplace else in the country.

The basic theory is these private outside firms can identify school districts where the testing is working, where it is effective, where it has as little impact as possible on the learning process inside the classroom so the teachers, the students, and the parents feel the testing process is working. It allows them to measure but, at the same time, it doesn't interfere with the substantive learning process of the students, for the students and the teacher.

The basic idea is the State is allowed to contract with these outside firms which can evaluate the testing programs and compare them with testing programs in other places across the country.

The amendment does not authorize any new money. It simply allows States to conduct this type of analysis. The purpose of this amendment and its thrust is to focus on the issue of testing, allow States to identify testing methods and procedures that are, in fact, working. It is a specific effort to address a concern I have heard expressed over and over from students, from teachers, and from parents; that is, to have a testing system and a measurement system that provides us with the information we need but at the same time does as little as possible to interfere with the teaching process and with the learning process.

I thank my colleagues for their support and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from North Carolina has given additional focus on a very key element in this legislation; that is, the information made available to parents. His amendment will add an additional dimension in terms of the possible accuracy and types of information so it can be easily understood and utilized by parents and so they can understand what is happening in the schools their children are attending.

In the existing legislation, there is the requirement that the States will provide information to the parents. What the amendment of the Senator from North Carolina does is provide the ability for the States themselves to get, through this contracting arrangement, the up-to-date, most advanced, most recent, comprehensive information that can possibly be developed. It gives that option to the State to provide it to the parents. It is incredibly important.

This is one of the underlying concepts of the legislation; that is, that the parents become involved. We want them to be involved, and there are ample provisions in the legislation to have them involved. We want to get the parents involved. Part of a very powerful tool to get them involved is giving them information about what is happening in the school and what the condition of the school is.

We have provided in the legislation a range of different information that will be available in the report card. The Senator from North Carolina, with this additional amendment, can give the assurance that if the State wants to work through a contracting arrangement, the information may very well be much more available and usable and current for the parent. That is very important

and completely consistent with the direction of the legislation and very desirable to have.

I thank him for this idea, as well as bringing to the basic legislation the experience that has taken place in turning around low-performing schools in North Carolina, and the way it has changed through the development of some enormously interesting and very successful models that will be available in this legislation to communities all over this country is really a major strengthening of and improvement in the legislation itself. That is one of the things that makes this legislation so hopeful.

If we are able to get the resources to be able to give all these provisions some life and meaning, we are going to be in an even stronger position. As the Senator from North Carolina and others have pointed out, we have a blueprint here which is both supportable and commendable and can make a difference, but we need the resources to make sure these provisions are going to do what, in this instance, parents need and should have and also what schoolchildren should have in the provisions which have been included in the bill that are patterned after the very important, successful initiatives in North Carolina.

I thank the Senator for his initiative. I hope we will accept it.

Mr. JEFFORDS. Mr. President, I want to join in the accolades for the Senator's amendment. What we are doing in this bill is not something that is easily understood when you try to analyze the facts. But it is incredibly important that parents understand how their child is doing.

The amendment that we have here will be very helpful in letting us understand what is an incredibly important move forward in making sure that we get changes and improvements in the system, but it does it in a way that we can fully understand how each child is doing. I thank the Senator for his excellent amendment.

Mr. EDWARDS. I thank the Senator. I ask for a voice vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 462) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Voinovich amendment.

Mr. DAYTON. Mr. President, I ask unanimous consent that it be set aside.

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

AMENDMENT NO. 622, AS MODIFIED, TO AMENDMENT NO. 358

Mr. DAYTON. Mr. President, I call up amendment No. 622, and I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. CORZINE, and Mr. WELLSTONE, proposes an amendment numbered 622, as modified.

Mr. JEFFORDS. Mr. President, I may have to object. We haven't seen a copy of it yet.

Mr. KENNEDY. Parliamentary inquiry. The Senator is permitted to modify his amendment. We haven't asked for the yeas and nays.

Mr. DAYTON. I will make it a second degree.

The PRESIDING OFFICER. There was a filing deadline for first-degree amendments. That does constitute Senate action which would then require that the Senator does need consent to modify.

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

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

Mr. JEFFORDS. Mr. President, we have no objection to the amendment, as modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 622), as modified, is as follows:

(Purpose: To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act)

At the appropriate place, add the following:

SEC. ____. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Notwithstanding any other amendment made by this Act to section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)), subsection (j) of such Act is amended to read as follows:

''(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

''(1) $12,347,001,000 for fiscal year 2002;

''(2) not more than $18,370,317,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2003;

''(3) not more than $19,048,787,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2004;

''(4) not more than $19,719,918,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2005;

''(5) not more than $20,393,202,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2006;

''(6) not more than $21,067,600,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2007;

''(7) not more than $21,742,019,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2008;

''(8) not more than $22,423,068,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2009;

''(9) not more than $23,095,622,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2010; and

''(10) not more than $23,751,456,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011.''.

SEC. . MAINTAINING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 611 of the Individuals with Disabilities Education Act is amended to add the following new subsection:

''(k) CONTINUATION OF AUTHORIZATION.—For fiscal year 2012 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary for purpose of carrying out this part, other than section 619.''.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I am pleased to offer this amendment, which is also sponsored by Senators CORZINE and WELLSTONE.

This amendment would bring the Federal share of funding for special education up to its long-promised 40 percent level in 2 years.

I greatly admire the efforts of my senior colleagues, the authors of this legislation, who have negotiated the previous agreement which is now contained in the legislation. I applaud their efforts and I support their work.

However, I would like to see their timetable for funding 40 percent of the costs of special education accelerated. That is the promise I made to Minnesota educators, parents, and students.

The failure of the Federal Government to pay for 40 percent of the cost of special education is a broken promise which now extends for 25 years. This unfunded Federal mandate is having devastating consequences for schools all across Minnesota.

Federal law requires these important services to students with disabilities and special needs, but it does not provide the funds necessary for them. There is no question that school districts must provide them and should provide them. But without the necessary and long-promised funding from the Federal Government, Minnesota school districts must take money away from other students and from other education programs. In Minnesota, that means local property taxes must be increased to make up the shortfall. Yet even then there is still not enough money available to do justice to all students.

Then schools are blamed, teachers are blamed, and even students are blamed. Yet the failure is ours. The failure is our unwillingness to provide the funding necessary to allow schools to succeed, teachers to succeed, and students to succeed.

Without my amendment, we are saying: Yes, we recognize our responsibility. We intend to finally keep our

promise, but we need 6 more years to do so. That is too much procrastination.

The recently passed budget resolution said that Congress can afford huge tax cuts for the very wealthiest Americans. However, we cannot afford to keep our promises to the schoolchildren of America, especially those who have the greatest needs.

That is just plain wrong.

It is time to put our money where our mouths are. We can no longer hide behind the claim that we don't have the funds to do what is right. We have the money. The question is, Do we have the will to spend some of it on behalf of better education for all of America's children? That is the decision we must make today on this amendment.

My amendment would increase education funding by $12 billion in fiscal year 2002 and by $18 billion in fiscal year 2003. That is a lot of money, no doubt about it. But it is less than one-fifth the cost of the proposed tax cuts for 2002, and less than one-third of the tax cuts proposed for 2003. We could still have major tax reduction for middle-income working Americans, and even for upper income Americans, and still keep our promise to fund 40 percent of America's special education costs.

That is the decision before us today. That is the question which my amendment addresses.

On behalf of Minnesota's schoolchildren and educators, I urge the Senate to adopt this amendment. Its benefits will accrue to every classroom, in every school, in every school district throughout America. It will help take the President's words: ''leave no child behind'' and make them a living reality for millions of schoolchildren throughout our country.

I am reminded of the title of the old television show, ''Truth or Consequences.'' Either we tell the truth or we face the consequences. The truth is that we are not meeting our financial commitment to public education throughout America. The truth is that the Federal Government has mandated important special services to children with special needs for the last 25 years but has not provided its promised funding necessary to fulfill this pledge.

The consequences of our failures are children throughout America who are not receiving the special education they need and deserve. The consequences are lost hopes, lost dreams, and lost lives.

It is time to tell the truth. This amendment will restore the truth to a 25-year unfunded mandate.

Mr. President, I urge the Senate's passage of this amendment.

I yield back my time.

Mr. GREGG. 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. DAYTON. 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. DAYTON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that my amendment be set aside.

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

Mr. GREGG. 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. 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.

Mr. WELLSTONE. Mr. President, I rise to speak for and offer my strong support to my colleague from Minnesota, Senator DAYTON. My understanding is I am an original cosponsor, along with Senator CORZINE. I will not take much time. There are other colleagues who are on the floor.

This amendment fully funds the IDEA program within 2 years, and the spending will be mandatory. Because of the special rules regarding mandatory spending, my understanding is this amendment will require 60 votes for it to be adopted.

To give some sense of the impact IDEA full funding will have on some school districts in Minnesota, Minneapolis will receive around $16 million; St. Paul, $15 million; Duluth will receive around $4.5 million; Blue Earth area public schools will receive around $550,000; Deer River will receive $419,000; and Walnut Grove will receive $54,000.

For those who do not know each of these towns, they probably know Minneapolis and St. Paul. I am also giving some greater Minnesota examples so no one will labor under the misunderstanding that this amendment only applies to urban or metropolitan areas. It is terribly important to rural areas as well.

We have had some other important amendments dealing with IDEA, and, in particular, there was the Harkin-Hagel amendment which passed last week. That was to fully fund IDEA and also to make it mandatory. That was to provide full funding over a 6-year period.

I commend the Senator from Iowa and the Senator from Nebraska for their work. I also want to say this about the Senator from Iowa. I do not think there is another Senator—one has to be careful when one says this because one doesn't want to slight anyone, but I do not believe there has been anybody in the Senate who has been, if you will, more there for children and adults with disabilities than Senator HARKIN. The IDEA program in some ways is TOM HARKIN's idea. This is who he is.

The amendment that was adopted is terribly important, and Senator HAGEL's support was critical as well. We also have done some other work on this education bill that is critically important.

The real importance of this amendment and what Senator DAYTON is saying and the reason this is a joint effort by both Senators from Minnesota—I worry a lot about what we are doing on this education bill. I worry about what we are doing for a couple of different reasons. I will try to make a couple quick points, I say to the Senator from Missouri and also to my friend from Arkansas.

I have not even had a chance to read this article yet today, but I was skim reading a piece where I saw—and this is really important—a reference to a letter or a statement that has been put out by Dr. Robert Coles and Dr. Albert Poussant who are two child psychologists or, in the case of Coles, a psychiatrist, and maybe Dr. Poussant is a psychiatrist as well. They have done the best work with children in the country. Robert Coles has written 46 books on children. I remember assigning one of his books to my students called ''Children in Crisis.''

I say to the Senator from Vermont, their letter is a plea to the Senate not to rush to these tests.

What they are saying is—these are now my words—you are taking the childhood away from children. They are finding 8-year-olds and 9-year-olds who are under tremendous stress and showing signs of being under tremendous stress because of all these tests they are now taking.

We have to think this through. Some of the amendments I have—and I hope to have as many of them adopted as possible, and I appreciate the support from other colleagues—are to make sure we do this the best possible way.

In my own mind, I raise the philosophical question again: Should the Federal Government be telling every school district in every State to test every child starting at age 8 all the way every year to age 13? I do not know whether we should even be doing this. Should we be doing this to these little children? I am not sure we should. That is a philosophical question, and I will now put it aside.

The second problem is whether the resources are going to be there. I want to again put my colleagues on notice, not in a confrontational way, but I want them to know there are a couple of amendments I have prepared that I look forward to offering which basically say: When we adopt these amendments that authorize money, that does not mean it will ever happen, so we have to make sure that if we are going to do this testing, not only do we do it the right way, but that the funding will be available, be it the IDEA program—

that is what is so important about Senator DAYTON's amendment—for children with special needs, be it title I for children who come from economically disadvantaged families so that there is more help for reading, more help for afterschool programs, more help for good teachers and teaching assistants, you name it—which will be another amendment which I, frankly, think is just as important, especially if we are going to start testing 8-year-olds, third graders. I will argue forever that far more important in determining how that child is going to do—maybe not at age 13, but at age 8—far more important than the teacher, although good teachers are always critically important, and far more important than reduced class size, far more important than whether the school is inviting and a good facility is whether or not that child came to kindergarten ready to learn. So the issue is, if we are going to start testing 8-year-olds, then we do that when we make the commitment to fully fund the Head Start Program, and that includes Early Head Start.

I am convinced, the more I think about this moving beyond Head Start, that we have to get to the point where, for 4-year-olds, if not 3-year-olds—and it could be optional—you need to pay teachers who do this work decent salaries. The Head Start Program is optional for families, but every family has that opportunity, and we fund it within our overall goal of public education. We really need to get real about it.

I think the context for Senator DAYTON's amendment is twofold. No. 1, for Minnesota, let me repeat these figures: Minneapolis, an additional $16 million; St. Paul, $15 million; Duluth, $4.5 million; Blue Earth Area Public School, $550,000; Deer River, $419,000; Walnut Grove, $54,000. It would be hugely important for us to make this commitment. That is why I join my colleague, Senator DAYTON, in this effort.

Final point: I really think the work that is being done for the IDEA program, that deals with children with special needs, is, as my good friend from Iowa likes to say, a constitutional mandate. We believe these children with special needs should have every right to be in school with other children and to get the best possible education.

But we are nowhere near our 40-percent funding to which we made a commitment. We are at about 14 percent. What Senator DAYTON is saying in this amendment is: Why 7 years? Why 10 years? If it is the right thing to do and we have this huge surplus now, then let's do the right thing over the next 2 years. The sooner we do it, the sooner we get the assistance to the local school districts, the sooner we get the assistance to the children, the sooner we get the assistance to our teachers, the sooner we get the assistance to our States. Therefore, if it is a great idea and a compelling idea and the right thing to do, it is the right thing to do now. Make it mandatory and fully fund it over a 2-year period of time.

I strongly support this amendment, and I hope my colleagues will vote for it.

I yield the floor.

AMENDMENT NO. 555

Mr. HUTCHINSON. I ask unanimous consent to set aside the pending business and call up amendment No. 555.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 555.

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

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

(The amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted and Proposed.'')

AMENDMENT NO. 555, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I ask that the modifications to amendment No. 555 that are at the desk be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 555), as modified, is as follows:

(Purpose: To express the sense of the Senate regarding access to secondary schools for military recruiting purposes)

At the end of title IX, add the following:

''SEC. 902. SENSE OF THE SENATE REGARDING DEPARTMENT OF EDUCATION PROGRAM TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

''(a) FINDINGS.—The Senate makes the following findings:

''(1) Service in the Armed Forces of the United States is voluntary.

''(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

''(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

''(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

''(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

''(6) A number of high schools have denied recruiters access to students or to student directory information.

''(7) In 1999, the Army was denied access to students or student directory information on 4,515 occasions, the Navy was denied access to students or student directory information on 4,364 occasions, the Marine Corps was denied access to students or student directory information on 4,884 occasions, and the Air Force was denied access to students or student directory information on 5,465 occasions.

''(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

''(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

''(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

''(11) Denying recruiters direct access to students and to student directory information undermines United States national defense by making it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national defense.

''(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

''(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Education, in consultation with the Secretary of Defense, should, not later than July 2, 2001, establish a year-long campaign to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

Mr. HUTCHINSON. Since I became chairman of the Armed Services Personnel Subcommittee last year, the subcommittee has conducted two hearings on recruiting. This has been a real eye opener to me, to listen to these front-line military recruiters about the obstacles they face in doing a very important job for the U.S. military.

At both hearings, uniformed recruiters complained that denial of access to high school students or student directory information was the No. 1 obstacle they face in their efforts to recruit high-quality men and women needed to man today's military. It is a bigger problem than the health care of the military, a bigger problem than educational benefits, a bigger problem than image. Bigger than anything else was the problem of actually getting access to the students to be able to tell their story about the career opportunities they might have serving in the U.S. military.

I was stunned to discover that more than 4,000 high schools across the Nation, which routinely allow colleges, employers, and class ring companies access to students, are denying access to recruiters from one or more of our military services.

In 1999, the last year in which accurate figures are available, the Army was denied access by 4,515 schools; the Navy was denied access by 4,364 schools; the Marine Corps was denied

access by 4,884 schools; and the Air Force was denied access by 5,465 high schools in the United States.

This, I suggest, is a national disgrace. Our Armed Forces protect America's freedoms, and uniformed recruiters should not be denied access to almost a quarter of America's young people because, many times, of the arbitrary decision of a high school principal or a high school superintendent.

Denial of access undermines our national defense by making it even more difficult to recruit high-quality young Americans in numbers sufficient to maintain the readiness of our All-Volunteer Force.

Denying recruiters direct access to students and student directory information also unfairly hurts America's youth. It prevents students from receiving important information on the educational and training benefits offered by the Armed Forces and impairs students' decisionmaking by hiding the career opportunities available to them.

When I became aware, that our recruiters whom we ask to do one of the most difficult jobs in the military, to go out and recruit young men and women to go into our military at pay that is disparate from what they could get in the private sector, in an almost full-employment economy, we were asking them to do that with one hand tied behind their backs because they weren't given access to almost one-quarter of the students, I offered a provision in last year's defense authorization bill which would, effective July 1, 2001, require high schools to provide recruiters for the armed services both physical and directory access equal to that provided to colleges and prospective employers.

If the high school wants to have an across-the-board policy of no access to their students—no employers, no colleges—then certainly they could apply that to military recruiters. But if they are going to say class ring companies can come on, colleges and institutions of higher learning can come on to the campus and recruit, industries can come on and recruit for careers, then we said that military recruiters should have access on the same basis.

If such access is not granted, a recruiter must report the denial to his or her respective service. This report will trigger, then, a series of visits and written notifications by the Department of Defense personnel culminating in the Secretary of Defense contacting the relevant Governor and asking for help in restoring access to the offending high school.

Any school district in America would have the opportunity to opt out of the law if the local school board voted publicly to discriminate against recruiters from the Armed Forces. But no more simply shall a superintendent or a principal making a determination on their own for whatever reason, because of a bad experience or whatever they might have had, that might motivate them to prevent these recruiters from access. It would have to go to a public vote of the elected representatives, elected school board, before they could opt out of the law. Any high school that continued to discriminate against recruiters from the Armed Forces without the support of such a vote would open itself to lawsuits in Federal court.

We are rapidly approaching July 1, 2001, which will mark 1 year until the new law becomes effective. We have already heard from many recruiters that they are finding that high schools are not aware of the public law that changed Federal policy and the fact it is going to go into effect in just a little over a year. So as thousands of high schools, yet ignorant of the pending change in the law, continue to discriminate against uniformed recruiters, I think now is the time for a national wake-up call concerning this denial of access that continues to this day.

My amendment states that:

It is the sense of the Senate that the Secretary of Education, in consultation with the Secretary of Defense, should. . .establish a year-long campaign to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces and the access standard [that is required under this new law].

I think it is very important that recruiters as they go across this country have the support of the Congress in the sense that these principals, these superintendents, and school administrators are aware that we have changed the public policy. There will be a new law in effect.

There will be a new law in effect, and the only way they can deny that access is when they go before the elected school board members and have a public vote to that effect.

I hope my colleagues will unanimously support a very commonsense and patriotic amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 374, WITHDRAWN

Mrs. CARNAHAN. Mr. President, I call for the regular order on amendment No. 274, and I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

AMENDMENT NO. 448, AS MODIFIED

Mrs. CARNAHAN. Mr. President, I call up amendment No. 448, and I ask unanimous consent to send a modification to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 448, as modified.

Mrs. CARNAHAN. 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:

(Purpose: To improve the quality of education in our Nation's classrooms)

On page 319, line 4, insert ", including teaching specialists in core academic subjects" after "principals".

On page 326, line 1, insert ", including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers" after "performance".

On page 327, line 2, insert "as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership" after "qualified".

On page 517, line 18, strike "and".

On page 517, line 20, strike the period and insert "; and".

On page 517, between lines 20 and 21, insert the following:

"(I) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

On page 528, line 11, strike "and".

On page 528, line 14, strike the period and insert "; and".

On page 528, between lines 14 and 15, insert the following:

"(16) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

On page 539, line 10, strike "and".

On page 539, between lines 10 and 11, insert the following:

"(E) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention; and".

Mrs. CARNAHAN. Mr. President, the quality classrooms amendment provides flexibility for our schools. I am delighted that the Senate has recognized the need to provide our schools with more choices, not more mandates. The amendment allows for the hiring of teaching specialists, the development of alternative educational programs, and year-round school schedules. It will recognize, reward, and encourage promising reform efforts.

I thank the managers for their assistance with the quality classrooms amendment. I greatly appreciate the suggestions that Senator JEFFORDS and his staff have offered. I am also grateful to Senator KENNEDY and his staff for their assistance and for their hard work throughout the education debate. I am proud to be a part of this debate.

I am confident that our efforts in behalf of public education will bring greater opportunity to our Nation's children.

I understand that the managers have agreed to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 448), as modified, was agreed to.

Mr. REID. 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.

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

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

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the Hutchinson amendment No. 555.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so that I might call up an amendment.

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

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 564 TO AMENDMENT NO. 358

(Purpose: To encourage States to require each expelled or suspended student to perform community service for the period of the expulsion or suspension)

Mr. BYRD. Mr. President, I call up amendment No. 564.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 564 to amendment No. 358.

(The text of the amendment is printed in the RECORD of May 9, 2001 under ''Amendments Submitted and Proposed.'')

AMENDMENT NO. 564, AS MODIFIED

Mr. BYRD. Mr. President, I send to the desk a modification to the amendment. Do I need to ask unanimous consent?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

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

The amendment (No. 564), as modified, is as follows:

On page 571, strike line 13, and insert the following:

ance with this section.

''Subpart 4—State Grants To Encourage Community Service by Expelled and Suspended Students

''SEC. 4141. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts authorized to be appropriated under section 4004, there are authorized to be appropriated $50,000,000 for fiscal year 2002 for State grants to encourage States to carry out programs under which students expelled or suspended from schools in the States are required to perform community service.

''SEC. 4142. ALLOTMENTS.

''(a) IN GENERAL.—From the amount made available under section 4141, the Secretary shall allocate among the States—

''(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(b) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

''(c) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (a).

''(d) DEFINITION.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

Mr. BYRD. Mr. President, many young people in our schools today are suspended for bad behavior, somewhat unlike the days when I was in high school. They took care of the bad ones right there on the spot when I was there. But today a lot of them are suspended. A number of children in our schools are expelled for violent or dangerous behavior. And I am all for that. I am all for suspensions and expulsions where warranted, but what then? In today's home, all to often, both parents work. The suspended or expelled student may be left to his or her own devices. Many counties send expelled students to alternative schools, but alternative schools do not always follow the same procedure, the same schedule as regular public schools, again leaving children on their own for portions of the school day. And an idle mind is the devil's workshop.

An idle young person with no supervision is a child who can easily get into trouble. A violent young person expelled for serious breaches of behavior could even be a menace to the community at large. Some children actually misbehave in school, I am told, in the hopes of being suspended or expelled with the notion that they will be able to enjoy a brief respite from their school classes.

The amendment which I have offered and which has now been modified would encourage States to create a program that enrolls suspended and expelled youth in community service programs. You see, put them to work at something that encourages them to become builders, not wreckers, of buildings. The purpose of this amendment then is twofold.

First, it would occupy young people who have been suspended or expelled. It would put those idle hands to work. Instead of hanging around on street corners or roaming around the shopping malls, these youths would participate in community service activities that give them structure, that promote a work ethic, and send the message that being suspended from school is not a vacation.

Second, this program would give back to the community. Too often the young people of the ''me'' generation—the ''me'' generation—do not consider that we are a society, and that each member of that society has a responsibility to the other people in that society. By performing community service, these young people would be making a contribution to their neighbors which would give them a sense of doing for others, perhaps even opening their eyes to the problems of those around them.

My amendment would provide $50 million to allow States to coordinate and run a program which puts suspended and expelled students to work. Whether it is picking up litter, whacking weeds, painting fences, or mowing the grass, participating in public service activities will provide these young people with an alternative activity that helps to better their communities, and to better their lives.

Wordsworth wrote, ''Small service is true service while it lasts.'' I urge my colleagues to support my amendment which authorizes this amount of money and helps to point troubled students toward true service to their communities, their country, and help them to become good, productive citizens.

I yield the floor.

Mr. President, if I may be recognized again.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent that the distinguished Senator from Nevada, the Democratic whip, be made a cosponsor of the amendment.

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

Mr. BYRD. I am very happy to have a voice vote if Senators are so inclined.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as I understand it, we are ready to vote on the Byrd amendment.

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. I ask for the vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 564, as modified.

The amendment (No. 564), as modified, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont who is the majority manager of the bill. He is very gracious to accept the amendment. I also thank Mr. KENNEDY who likewise was supportive of the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Arizona.

AMENDMENT NO. 477 TO AMENDMENT NO. 358

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending

amendment be laid aside to call up amendment No. 477, which was previously filed. I send it to the desk and ask for its immediate consideration.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 477 to amendment No. 358.

(Purpose: To express the sense of the Senate that S. 27, the Bipartisan Campaign Reform Act of 2001, as passed by the Senate on April 2d should be engrossed and transmitted to the House of Representatives without further delay)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TRANSMITTAL OF S. 27 TO HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—The Senate finds that—

(1) on April 2, 2001, the Senate of the United States passed S. 27, the Bipartisan Campaign Reform Act of 2001, by a vote of 59 to 41;

(2) it has been over 30 days since the Senate moved to third reading and final passage of S. 27;

(3) it was then in order for the bill to be engrossed and officially delivered to the House of Representatives of the United States;

(4) the precedents and traditions of the Senate dictate that bills passed by the Senate are routinely sent in a timely manner to the House of Representatives;

(5) the will of the majority of the Senate, having voted in favor of campaign finance reform is being unduly thwarted;

(6) the American people are taught that when a bill passes one body of Congress, it is routinely sent to the other body for consideration; and

(7) the delay in sending S. 27 to the House of Representatives appears to be an arbitrary action taken to deliberately thwart the will of the majority of the Senate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Senate should properly engross and deliver S. 27 to the House of Representatives without any intervening delay.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is very simple. It instructs the Secretary of the Senate to properly engross and deliver S. 27, the campaign finance legislation that was passed 43 days ago by this Senate, to the House of Representatives without any intervening delay.

I am sure that few people in this body knew that the bill they voted for—or against, for that matter—was never sent to the other body. Why is this so? Unfortunately, I don't have an answer. I do know that it is not what we teach our children.

We give out a book here, a very interesting book, one that schoolchildren all over America, I hope, know. Some do, but I wish all of them did. In that book, on page 41, it says: When a bill originates in the Senate, this process is reversed.

When the Senate passes a bill that originated in the Senate, it is sent to the House for consideration.

There is another booklet, ''Our American Government,'' the 2000 edition. ''What are the stages of a bill in Congress?'' It goes through the various stages:

(6) Passage by the House after votes to confirm the amendments that were adopted in Committee of the Whole; (7) Transmittal to the Senate, by message; (8) Consideration and passage by the Senate—usually after referral to and reporting from a Senate committee—and after a debate and amendment on the Senate floor; (9) Transmission from the Senate back to the House, with or without Senate amendments to the bill.

Those are documents that indicate it is the normal procedure. I note that this is not business as usual. In fact, arbitrarily holding this bill in the Senate after being passed is not the usual practice. I will read from a chart prepared by my staff which shows that the normal expected practice is to send legislation to the other body in a much more timely fashion.

Thirteen bills originating in the Senate have passed the Senate during the 107th Congress. Of those bills, 11 were sent in an average of 5.18 days. The two remaining bills, S. 27, the Bipartisan Campaign Reform Act of 2001, and S. 143, Competitive Market Supervision Act of 2001, were passed on April 5, 2001, and March 22, 2001, respectively. Neither has been referred to the House of Representatives.

The holding of this bill is arbitrary and unfair. A sound majority of Senators has passed the campaign finance reform bill. This is not only bad for the Senate but bad for this great country.

The minority in this body has a great deal of rights. But the Senate also recognizes in its rule that once a majority reaches a certain threshold, it can prevail and move forward. What we are seeing here is a minority of one stopping the will of this body.

As I said, there is no good rationale for this action. The staff of this body, including the Secretary of the Senate, serve the entire Senate. I repeat: The Secretary of the Senate serves the entire Senate, not just one Senator. They are not tools of one individual. They serve all 100 duly elected Senators. These good people should be allowed to perform their duties with due process.

This amendment should not require much discussion or debate. It should be adopted and the Secretary of the Senate should immediately take the actions the resolutions direct. That is what is right, and that is what is fair.

I urge my colleagues, those who support campaign finance reform and those who do not, to join me in seeing that the will of the majority and basic fairness prevail.

I want to talk for a second about this practice being allowed to continue. I speak, I hope, for Members on both sides of the aisle. If the majority prevails in the Senate on a piece of legislation and that legislation is not sent over to the other body, then this could lead to a very, very, very unsound and unfair process that could deprive the majority of the Senate of their rights. A bill passed in the other body is sent over here for our consideration and placed on the calendar. Then it is up to the majority leader and/or the minority leader, depending on who has the votes, as to whether to consider that legislation.

The same thing is true of legislation that originates in the Senate. As I say, I could go back many years. It is roughly an average of 4 days between the passage of legislation through this body and its transmittal to the other body. We have now gone 43 days, and the majority leader of the Senate has stated publicly that he has no intention at any time of sending the legislation to the other body for their consideration.

One can speculate—and I will not—on the reasons why this legislation is not being transmitted to the other body as is our custom. I say to my colleagues in all seriousness, if this practice is condoned, watch out if you prevail and it is against the majority leader's wishes for that bill to be sent over to the other body. By not sending this and every piece of legislation passed by the Senate over to the other body, we may be beginning a very dangerous precedent.

I am very aware that this amendment is not relevant to the education bill, although obviously, as I mentioned, we educate our children in ways that we may have to at least amend in this book. I hope we don't have to. But I want to assure my colleagues, as soon as this bill is transmitted to the other body, I will be the first to stand up and ask unanimous consent to withdraw this from the legislation because I don't want to encumber the education bill with this issue. But when I see, after the long, hard struggle that I have been through, along now with a majority of the Senate, to achieve a legislative result and see that legislative result stymied at least temporarily in a procedural fashion, as far as I can see an unprecedented fashion, then I have to seek whatever vehicle I can to express what I hope is the majority will of the Senate.

I hope we can get this issue behind us. I strongly believe it has more importance than even the campaign finance reform bill itself, if this practice is allowed to become a precedent, what is being done with this legislation.

I might add, it was about 3 weeks ago that by accident I found out that it was not going to be sent over to the other body. I was not even notified that this legislation was not going to be sent over.

Once we did discover it, then I went to the majority leader. I asked on numerous occasions if he would send this bill over. The majority leader, yesterday morning, stated that under no circumstances would he do so.

I have no alternative than to move to get the sense of the Senate on this issue and then, if that doesn't succeed, then we will have to obviously use what other parliamentary options we have.

After a long and fair and, in many ways, illuminating and elevating debate on this issue and having a result achieved, and then to have it not even sent over to the other body, is a great disservice. I hope it will be rectified as soon as possible.

I ask for the yeas and nays at a time determined by the leaders.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am happy to join with the Senator from Arizona in offering this amendment. Actually, that is not true. I am not really happy we are offering the amendment; I am disappointed and puzzled. Because this amendment should be totally unnecessary. It is unnecessary because by instructing the enrolling clerk not to transmit S. 27 to the House, the majority leader is frustrating the will of the Senate and of the American people for no apparent reason.

I was pleased with the debate we had on campaign finance reform back in late March. Not only because we finally were able to have a real debate, vote on amendments, and ultimately pass a good bill, but also because I thought the Senate acquitted itself extremely well under difficult circumstances. Both sides played fair in that debate. The majority leader kept his word not to filibuster the bill.

The opponents fought hard but did not drag out the proceedings unnecessarily. I think we kept our word as well, even though there were amendments added that we did not necessarily approve of or like a great deal. We did not offer a cleanup amendment before the end of the debate to wipe out all the work of other Members of the Senate; we let the chips fall as the Senate wished. The result was a bill of which the Senate and the public could be proud.

As we know, the bill passed the Senate by a vote of 59–41 on April 2, 2001. There was a technical amendment right before final passage, and it could normally be expected with such a complex piece of legislation that it might take a few days for the bill to be engrossed and officially delivered to the House. That is the way the legislative process legitimately works. The House passes a bill, and it goes to the Senate; the Senate passes a bill, and it goes to the House. But it has been a month and a half.

The McCain-Feingold bill passed by the Senate still has not been sent over to the House. There is not a question at all that it is ready to go, but apparently an instruction was received by the enrolling clerk not to follow the standard procedure when the Senate passes a bill. That instruction clearly originated with the majority leader of this body.

This is actually an embarrassment to the Senate. I think it would also be an embarrassment to the majority leader. I thought we were beyond petty game playing in this body. These kinds of tactics discredit the institution, and they also completely undercut the good feeling many of us gained during that extraordinary 2 weeks of open debate. As a result, this action by the majority leader could be indicative of the lengths to which the opponents of reform will go to stop the bill even when they have lost in the Senate fair and square. Will they stop at nothing? Is there no legislative or parliamentary tactic too obscure to be invoked in the name of stopping reform, to be invoked in the name of protecting this big money system?

In the end, we will enact a reform bill for the American people in this Congress, and the President will sign it, no matter how the opponents complain or what tricks they try to stop it. I agree with the Senator from Arizona that we need to resolve this. The regular business needs to go forward, but that has to happen after this message is sent clearly by the Senate that it is long overdue for this bill to be sent over to the House.

I yield the floor.

Mr. KENNEDY. Mr. President, my good friend from Arizona and the Senator from Wisconsin have pointed out the focus on this legislation, and Senator MCCAIN indicated that once the papers go over to the House, they will ask to withdraw this amendment.

I must say, on a broader issue, I congratulate the Senators from Arizona and Wisconsin for bringing this to light on the Senate floor. I think all of us are very mindful in this institution that this is where these issues ought to be debated and discussed and also examined. When we do have that opportunity, as we saw during the debate on campaign financing—the fact that there are a lot of discussions in the back rooms and in the corridors and behind closed doors—when they finally get it into the openness of the floor of the Senate, you get a different reaction.

I daresay we will have a very encouraging reaction when we vote on this measure this afternoon, and we should have. I think it is very regrettable that we have the use of the Senate rules to deny a clear process in this legislative undertaking, where this legislation had passed and still there has not been the passing of the papers. We have seen other actions such as that in denying this body the opportunity to address key issues even currently. For example, on the increase in the minimum wage, we were denied the opportunity of getting a fair vote. Even though a majority of this body is committed to a Patients' Bill of Rights, we have seen this.

On this measure, which is of such importance to our good leaders here, Senator MCCAIN and Senator FEINGOLD, they deserve credit and support. I join in congratulating them.

Mr. MCCAIN. Mr. President, I ask the distinguished Senator from Massachusetts, have we determined a time yet as to when this vote will take place?

Mr. KENNEDY. I do not. As far as the floor managers are concerned, the earlier the better. I don't know about what the timing is on the other side. The leader on our side is familiar with it, and I hope we will do it at an early time.

Mr. MCCAIN. 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. DOMENICI. 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 Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 884 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I yield the floor and 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. KENNEDY. 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. KENNEDY. Mr. President, we are awaiting Senators who desire to offer their amendments. I believe Senator BOXER will be here shortly, and also Senator HARKIN, perhaps just after that, depending on the desire of the other side.

While I have a moment and prior to the time they come, I want to review where we are on a very important aspect of this debate, and that is the funding for this legislation.

As I mentioned on a number of occasions, and I am going to continue to mention it, we cannot expect to educate our children on a tin cup budget. It cannot be done on the cheap. Money is not the answer to everything, but it is a very clear indication of a nation's priorities.

In this legislation, we are looking for investments in America's future. When we are talking about America's future, we are talking about America's children. We believe we have an effective blueprint that can make an important difference in the quality of education for children in this country.

As I have said on a number of occasions, it is not going to be this legislation in and of itself. It is going to be the cumulative efforts of parents, teachers, communities, principals, school administrators, and school boards all working together. It is also going to be the support we provide in the early learning programs that will

reach children of the 0-to-3 age. It is important we invest in these efforts. It is a biological fact that development of a child's brain reaches its maximum at the age of 5. All the development takes place prior to that time. It is enormously important the child have, up to that time, as many positive influences as possible.

We are going to battle the issues of funding for early intervention of children—the Early Start Program—the Head Start Program, which are only funded at about 40 percent, and the child care programs as well. We have had a good debate on funding IDEA, and we had a very powerful bipartisan vote in the Senate that put us clearly on record that we want to meet our responsibilities to the families and local communities by funding 40 percent of the education of the children.

I want to review where we are on the question of funding this legislation and what we understand will be the administration's position on funding the Elementary and Secondary Education Act. This includes not only title I but professional development programs, technology programs, the Safe and Drug Free Schools Act, afterschool programs, and related programs that are part of the whole Elementary and Secondary Education Act.

I pointed out at the time we had the last debate in the Senate last week what was going to be in the budget for this country, what was going to be available for funding. We have seen now that the Republican leadership, with the support of the administration, has effectively sucked up all of the available resources that can be used for education with the $1.25 trillion tax reduction.

As a result of that, as a result of the document that we had, when it came back from the conference, there was virtually no guarantee or assurance for funding for the years 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010. In fact, a careful reading of that legislation would mean there would actually be a reduction in the funding from current services during that period of time. That is a matter of enormous concern—and it should be—to the families of this country.

I expect the families in this Nation would say if we are going to have a tax cut, you ought to be able to get—as a matter of fact, I am stating what about 75 percent of the American families say. They say: If we are going to have a tax cut we are going to have a tax cut, but first let's fund education, investing in the children of this country.

What we have seen under the administration's program is they have reached a different conclusion. Under that proposal, as I pointed out when we had that debate, the measure was very clear and precise in the instructions to the Finance Committee about what they ought to come back with, within what period of time. Even though we passed that bill last week, as I understand it, we may very well be considering the budget tomorrow. Can you imagine that? We passed it last week. It will be out of the Finance Committee and we may be considering it tomorrow. We can see what happens when the majority, in this case the Republican majority, and in this case the President, want to get something done. They can get it done virtually overnight; over $1 trillion that will go into effect in terms of tax reductions for wealthy individuals. They can get it done overnight.

But what was included in this proposal? Over the period of the life of this legislation, the 10-years, up to $6 billion may be used for education. I think everybody understands there were very precise instructions on tax reduction, very precise instructions on defense, very precise instructions on agriculture, and virtually no instructions with regard to education. That is the fact. That is indisputable. Now we are going to see what the result of that will be.

I think it is instructive to look at what this increase would mean in terms of past years: proposed ESEA budget increases, Clinton versus Bush administration.

We heard the President wants this to be the first priority. As I say, if we compare apples to apples, oranges to oranges, grapefruits to grapefruits, Clinton to Bush, over recent years, in terms of elementary and secondary education budget increases, this chart indicates from 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and what the Clinton average was over that period.

The Clinton average over that period from 1994 to this last year was 8.67 percent. Under President Bush, it is 3.6 percent. There it is, the Clinton average—2001, 22 percent; 2000, 4.7 percent; 15.7 percent in 1999; 6.8 percent in 1998; 9.4 percent in 1997; 6.4 percent in 1996; 19 percent in 1995; 4.5 percent in 1994. Average: 8.67.

There is the 3.6 percent. We want to point out that is without the changes and without the reforms. We have done a lot of giving and taking. There has been chiding on both sides about whether the administration, the President, gave up too much, whether others gave up too much. That is what compromise is all about. This is not the bill I would have written and this is not the bill President Bush would have written, but it represents a legitimate compromise and I am satisfied. I believe the great majority of our Members are satisfied. If this bill had full funding, we would have virtually every vote on our side. We may not, if it is not funded, and that is what we are saying.

If we are talking about the future of this country and talking about the importance of investing in children, and we have seen the changes which have been brought back as a matter of additional accountability and how this legislation has been put together, the consolidations of various programming, holding schools accountable, holding the children accountable as well, the changes that have been made in holding schoolteachers accountable and strengthening the assurance we have well-qualified teachers, that we have a professional mentoring program, professional development over the years, none of that was out there. We had some accountability in the previous bill. We had some reconstitution, actually, of schools under the last elementary and secondary education bill.

But this goes further and is more comprehensive as a package, bringing together the funding of IDEA, bringing together the additional resources for professional development and the way they are structured, bringing together the outreach for good quality teachers, bringing together consolidation of the technology component, and with a strong emphasis that we are going to get curriculum reform, well-trained teachers, and a more thoughtful process in examining children to find out what they don't know. We do that so we can provide the supplementary services, reaching out to the communities in a much wider way than we have before to use the resources within the communities to help and assist children who might need that extra help with supplementary services in a very expansive way that we had not done before—and to recognize we are only reaching a third of the children.

How are we going to achieve what this legislation effectively states, and that is that we will bring every needy child in this country up to proficiency within 10 years, if we are only reaching a third of them now? It is going to be difficult enough—if we were reaching all of them—to try to help with the additional resources in bilingual education, for example. The number of children who need those services has virtually doubled in our school-age population.

As I mentioned on other occasions, but it bears repeating, the challenges that schools are dealing with are much more complex today. We have many more families divided so children are growing up in divided homes. We see what has happened in terms of violence in many of the homes, in inner cities as well as in rural communities, the problems with substance abuse and physical abuse. All that has taken place. Plus, we have seen an increasing number of children who are homeless—more than 800,000 homeless children, 800,000 migrant children, sweeping from California all the way to Washington in the west and from Florida to the State of Maine in the east. We have about 1.5 million children.

Then we have about 700,000 immigrant children who are going to be citizens of the United States who need help and assistance as they move along. They are going to be American citizens. They are on the way to being American citizens. We want to invest in those children.

These are the kinds of challenges we were not facing 20 years ago, for the

most part. So we have a more complex situation at the grassroots level. We have parents, teachers, and schools attempting to cope with this under extraordinary circumstances. They need help, they want help, and they are counting on us to help.

The way that we can do that is to make sure with this legislation and with the accountability that we are going to invest in children who need the help. That is for what we are fighting.

When you look at this chart, the comparison with what this administration is requesting, 3.6 percent this year versus the 8.6 percent average over the previous 8 years and understand that of that 3.6 percent, money is taken from other pots—that is not new money. Half of that is in job training. Two-hundred million dollars of that is from the National Science Foundation. Another couple hundred million dollars is from the EPA.

Look at this: $54.1 million from job training; $20 million from the early learning opportunities—that is the program that reaches the children in the 0-to-3 programs; pediatric graduate medical education to try to assure that we are going to have the best in terms of pediatric training for children. They have taken $30 million out of that; clean water State fund, $497 million. That is a vital resource in terms of many of the States, including my State of Massachusetts where you have so many of the communities under court order to clean up their water systems in what which are basically blue-collar, working-class communities.

They have high taxes as it is. They don't have the resources to be able to draw on a State fund. To help them is absolutely essential. We are cutting that program.

As to the renewable energy programs, we have the great debate and discussion about these energy programs. The administration takes out $156 million; NASA and National Science Foundation, $200 million; FEMA disaster relief, $270 million; and community policing, one of the most successful programs, they cut.

What we see is a difficult situation over the period of the next 5 years out I fear for the outyears, the fifth year to the tenth year, because we know what is going to be in this tax package which is going to be heavily weighted, or backloaded. That is the word which is used. As we all understand around here, the reason it is backloaded is because it conceals its purpose.

Make no mistake about it; if it was frontloaded, there would be a clear indication of the amounts we could evaluate for the first 5 years; that is, the Joint Tax Program, the Congressional Budget Office, and the OMB estimates the first 5 years—not the back 5 years.

As a result, we find the backloaded tax bill. That is going to mean that education resources will remain scarce—not just for the next decade covered by the budget resolution but for the next decade as well when the enrollments are expected to expand dramatically.

I think this is a clear indication if you look at the broader issue. You say, OK, that is ESEA, but maybe much more will be done in the other areas of education; that is, in the Pell grants or other kinds of help and assistance in higher education, such as the Department of Education, or maybe we are looking at research to find out what really works out there so we can help.

But we have the same story. This administration fails in the education budget in investments in education. If we look on the chart, the total increase for the title I program was $669 million, 3.5 percent, even though if you look through the book that has the budget figures, that is effectively where it comes out. There was a great hoopla about how it was going to be 11.9 percent. It is $669 million, and the appropriation for the year 2001 was $3.6 billion.

If you look at the total Department of Education, 6.5 percent appropriations last year; the total for the Department of Education is $2.5 billion.

This is not only elementary and secondary education, but it is in the higher education as well.

I know many of our colleagues have the opportunity to go back as I do and talk with people in our States. If I go back to Massachusetts and have a town meeting, I ask people in that hall, say you have $1 that represents the Federal budget. Let's think through about how that ought to be spent. You ask people for a show of hands. They want national security. They want defense. They understand the importance of national security. They want to make sure whatever is necessary is there, and that is something certainly that we ought to support.

While we are talking about national security, is there anyone in this body who doubts that within the next 3 or 4 weeks after we pass their tax cut on tomorrow, or the next few days, that within a 4-week period we will have the requests from the Department of Defense as a result of Secretary Rumsfeld's total Bottom-Up Review, and the best estimate is anywhere from $100 billion to $200 billion over the next 5 years. That is going to be on track. We are not hearing about it now. We are not talking about it. But does anybody really doubt that? Does anybody in the defense community really question that? Not that I have heard. We are just not going to be able to do this.

As I say, if you are in that room and asking people what they think, they say: Oh, yes. We need Social Security and we need to have Medicare. They understand that. Maybe some will say we will start talking about it.

What about education? What about prescription drugs? Where do they fit? Some will mention that we have to pay an interest on the debt. Then you ask them: What do you think we are spending on education? First of all, what do you think we should spend? After they begin to understand that it is maybe 5 cents in terms of the defense and maybe a little less than that on the interest on the debt, you get probably 2.4 or 2.5 in terms of the Medicare programs. You include Medicaid in there, and you have Social Security. That is figured in the budget. They see that going up.

But at the end of the day when you start talking about education, 80 percent of Senators will say that we ought to at the minimum spend 10 cents or 8 cents out of that dollar on education. Ninety percent will say certainly 5. Would you believe that it is less than 2? And under this administration, it will be less than 1 cent. Does that reflect the American families' priorities in terms of education?

We understand it is a local responsibility and a State responsibility, and the Federal participation has been focused primarily on the higher education. But I think most families would say we want a partnership with local, State, and Federal. We want a partnership because we recognize that we need the resources.

In many different communities where they have the greatest kind of pressure, particularly in the poorest of the poor, they do not have the resources to be able to sort of deal with this.

We made a decision in the early 1960s that we were going to reach out to try to provide resources and recognize as a matter of national commitment that we were going to deal with the neediest students in this country.

That is what this title I program is really all about. It provides resources for those communities—not a great deal of resources. We have had some successes and failures. But we are in a new day and period.

But the idea that we are providing a penny out of that dollar in terms of education, which is really another word for talking about our future—children are our future. Investing in our children is investing in our future. Is there anyone who doubts that if you have an eighth grade class and the children don't learn algebra that those children are not going to college? It is simple, plain, finished, conversation ended. You have to make sure you have people in there who are going to be able to teach them. That is going to take upgrading.

We don't expect to solve all the problems, but we have made a commitment at least in this bill that the teachers who are going to teach the children—better than 50 percent of the title I children who are going to be educated within 4 years—will be well qualified. We have made our commitment. We have to have the resources to be able to do it.

So this is about our future. This is about our priority. It is about the key element in terms of a nation and our fundamental values. Are they going to be in terms of the future, which is our

children, or are we going to be presented with a future tax reduction for the wealthy individuals in this country? I think that is how it is going to be.

Let me make it clear that I have every intention of offering amendments to let the American people understand how this body wants to vote in terms of a reduction in the top rates for the wealthiest individuals, or fund education.

This body will have a chance to make a judgment decision on that. Are we going to go from the 39.6 down to 36, and then further reductions in many other areas or are we going to fund our children's education in the future? What is in the national interest? What is in the interest of these children? Do we want this Nation to invest in our children or do we want to find out that we are going to provide additional benefits to people who have done very well in the last few years?

What we have seen in the most recent times has been this extraordinary kind of dichotomy where the wealthier have grown so much wealthier and the poor have grown so much poorer. I remember those charts. I do not have them here. But if you look at what has happened in terms of American income, broken into fifths, from the time of the war to 1972, you will find each group went up; they grew together. Virtually all of them grew together. Not now. You now find the bottom fifth is going down—yes, going down. The second fifth is going down just a little bit. And the top fifth has gone up through the ceiling. We have these enormous disparities. By failing to invest in the children, that is going to continue, as sure as we are standing here.

So we will have the chance to come back and visit this as soon as the Finance Committee reports out its bill. We will welcome the opportunity to have the Members of this body vote on these measures.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent that at 5:30 tonight the Senate proceed to vote in relation to the McCain amendment No. 477. I further ask unanimous consent that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 525 TO AMENDMENT NO. 358

(Purpose: To provide grants for the renovation of schools)

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I call up amendment No. 525.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KERRY, Mr. LEVIN, Mr. REID, Mr. BIDEN, Mr. CORZINE, and Mr. JOHNSON, proposes an amendment numbered 525 to amendment No. 358.

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

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

(The text of the amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted and Proposed.'')

Mr. HARKIN. Mr. President, I know there is a unanimous consent agreement pending for a vote to occur at 5:30, so my statement on the amendment will be interrupted at 5:30—if I go on that long—for the vote at that time.

Mr. President, our children deserve the best when it comes to education—all children; not just a few but all. It is not right that some kids get the best in schooling and the best of teachers and the best of school buildings and other kids are put into rundown, dilapidated, old buildings that are not even safe as far as fire and safety codes go.

Children deserve modern school buildings with access to technology. They deserve small classes so they can get the teacher's attention when they need extra help. It is not just our kids who deserve this, it is the future of our country that deserves this, cries out for it, demands it.

As the old saying goes, a picture is worth a thousand words. This is a picture of a modern elementary school classroom. This is Cleveland Elementary in Elkhart, IN. If I am not mistaken, there are 17 or 18 kids in this well-lit, well-appointed, roomy classroom. That is what a modern school ought to look like. That is sort of what we think about as an elementary school in all of our minds. This is what we conjure up. We conjure up a nice, well-ordered classroom with a class small enough for the teacher to pay attention.

Or how about this? This is South Lawrence East School in Lawrence, MA. There are 12, maybe 13 kids here. This is the library and media center. Now how about that as the kind of an ideal library and media center for all of our elementary schools around the country?

I ask any parent: Wouldn't you like to have your child go to this school? Wouldn't that be wonderful, to think that your kid was in a school like this every day with the latest technology, all hooked up to the Internet? That would be nice.

I am afraid most schools look like this. That is not bad. That is not a dilapidated school. The average school building in the United States is 42 years old. This is where most of our kids go to elementary schools. They are over 50 years old. They have air-conditioners sticking out of the windows. This was added later because the schools were not air-conditioned in those days. Many of them have roofs that leak and are kind of rundown schools.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is the public school. What kind of a signal are we sending them about the value we place on them and their education and their future? How can we prepare kids for the 21st century in schools that don't even make the grade in the 20th century?

The American Society of Civil Engineers recently issued a report card for America's infrastructure. This is their report card. As we can see, the condition of our national infrastructure is poor. All of them are poor: energy, waterways, solid waste, wastewater, drinking water, airports, bridges, roads—all in pretty bad shape. This is the second time they put out this report. The lowest grade of all goes, once again to public schools.

Seventy-five percent of our Nation's school buildings are inadequate. The average cost of capital investments needed to upgrade and replace our schools is $3,800 per student. Since 1998, the total need has increased from $112 billion to $127 billion. That is just to bring the existing public schools, elementary and secondary schools we have in America, up to fire and safety code and to upgrade them in terms of the latest technology.

It does not refer to the amount of money we are going to need to build the new school buildings. That is going to require a lot more money in the future. Right now we have an all-time high of $53.2 million. This will grow. Over the next 10 years, it is going to be necessary to build an additional 6,000 schools. That number is not even reflected here. This $127 billion is needed now to repair and modernize existing schools.

I have been advocating this for about a decade now, starting back in 1991, that the Federal Government begin to meet some of its responsibilities. All one has to do is read Jonathan Kozol's book ''Savage Inequalities'' to understand why it is necessary for the Federal Government to be involved.

A little history may be in order. I always ask the question: Where does it say in the Constitution of the United

States that our public school system in America has to be based on property taxes? You will look in vain, and you won't find it anywhere in the Constitution. Why is that the basis of funding for our public schools?

The reason is, in the early days of the founding of our Republic, it was decided we would have free public education for everyone. At that time it was free public education for white males, but with the adoption of the Bill of Rights and with the ensuing concept that we are all one Nation, we broadened that to women and minorities and everyone else.

Really, we have ingrained this idea of free public education for all. But at that time we didn't have income taxes. We didn't have corporate taxes. We didn't have all these kinds of taxes. All we had were property taxes and excise taxes. So to fund the public schools, the only tax base they had to go to was the property taxes people paid. Thus the whole system sort of built up over the centuries that way.

It literally was not until 1865, under Republican President Abraham Lincoln, that the Federal Government got involved in public education. That was with the passage of the Morell Act that set up the land grant colleges of the United States. That was the first time the Federal Government really got involved at all in public education.

Then for about 100 years, the Federal Government was involved only on that level, through land grant colleges, through some research, and with the adoption of the GI bill after World War II, mostly focused at higher education from the Federal Government standpoint.

Then, with the passage of the Elementary and Secondary Education Act of 1965, the progeny of which we are now debating, the Federal Government got involved with trying to equalize a little bit the great disparities in education to meet the needs of lower income students, special needs students, and to help the States and local governments meet their constitutional requirement that if they did indeed provide a free public education, they couldn't discriminate.

Again, no State in this Union has to provide a free public education to the kids in the State. But if they do, if a State decides to provide a free public education, then the Constitution kicks in and says: You can't have a free public education for whites but not for African Americans, for men but not for women, for Catholics but not Jews, Protestants but not Catholics. It has to be free for everyone.

Of course, as my dear friend and colleague from Vermont knows, this was later expanded under a couple of court cases in the early 1970s to also say that you can't discriminate on the basis of disability. Kids with disabilities under our Constitution also must receive a free, appropriate public education.

Since 1965, the Federal Government has been providing support and funds for elementary and secondary education. Thus, that is the bill we are debating.

As we have looked at the concept of what the Federal Government ought to do in terms of helping elementary and secondary education, we have title I programs.

We had the Eisenhower math and science programs and a variety of different efforts where we have come in and targeted the funds to address a national need, whether it was a lack of science or math, under the Eisenhower math and science program, to try to help needy students who perhaps did not have any early childhood education or support, and title I programs, remedial math programs, to get these kids to catch up, get ready to learn. That is what these were all designed to do.

I forgot to mention one other aspect of our involvement in elementary and secondary education, and that was the free school lunch program, and later, the school breakfast program; both targeted not only nutritional needs but were to help kids learn better in school. I have been advocating for a long time—at least since I read Jonathan Kozol's book ''Savage Inequality''—that the Federal Government needs to be involved in helping to rebuild and modernize our public schools. Why? In many areas you have poor schools, and the property-tax payers are overburdened as it is. We need to help them build these schools. It is a national problem, not just local.

So I believe this is a proper role for the Federal Government. As I said, I have been advocating this for over a decade. In fiscal year 1995, I did secure $100 million in the appropriations bill as sort of a downpayment to get us started on this. I was disappointed when those funds were later rescinded. But, then, as the years went by, we made real progress, and last year we passed a $1.2 billion initiative to make emergency repairs to our schools. This was a bipartisan agreement, hammered out with Congressmen GOODLING, PORTER, and OBEY on the House side, and Senators JEFFORDS, SPECTER, myself, and the White House, who all got involved in that and we hammered out this agreement. That was passed last year. That money is now going out to the States.

In about 2 months, that $1.2 billion will be made available to the States on the basis of the incidence of poverty, basically following the title I program. So those States with a high incidence of poverty tend to get more of the money. This is a busy chart, but it shows you the distribution on July 1 for school renovation grants. It goes from California, with $138 million; New York gets $105 million; North Carolina gets $21 million; North Dakota gets $5 million; Ohio gets $37 million; Pennsylvania, also another big player in this, gets $44 million; Texas gets $94.9 million to help modernize and rebuild its schools; Louisiana gets $24.9 million; Vermont gets $5.4 million, about the same as Iowa, which gets $6.4 million. So this money is all contributed on the basis of the incidence of poverty as to the population in those States.

We can't solve the whole problem in one year. This will make a difference, but the bill before us eliminates this program at a critical time, just when it is getting off the ground, the first year. We will get the money out to the States; they will be able to use some of this to get up to fire and safety code in some schools and modernize some schools, and this bill will pull the rug out from underneath them.

We must continue this program to repair and renovate our Nation's public schools. That is why I am proposing this amendment on behalf of myself and Senators KERRY, LEVIN, REID of Nevada, BIDEN, CORZINE, JOHNSON, CANTWELL, TORRICELLI, BINGAMAN, CLINTON, and DODD. They are the cosponsors.

This amendment reauthorizes the school renovation program that we created last year and increases the authorization level from $1.2 billion to $1.6 billion. The amendment continues to split between school modernization and the needs of kids with disabilities under IDEA, which we negotiated in last year's bill. Seventy-five percent of the funds will finance urgent repairs, such as fixing a leaky roof, replacing faulty wiring, or making repairs to bring schools up to local safety and fire codes. That is 75 percent of the $1.6 billion. The remaining funding will support activities related to the Individuals with Disabilities Education Act, part B, or for technology activities related to school construction.

The need to help schools make these repairs is clear. The Healthy Schools Network has reported many problems around the Nation.

Several parents complain that their children were getting sick at a large city school near Albany, NY. The county inspected the school and found unsafe levels of lead and mold in the school. The school has not been able to correct the problem, citing a lack of funding for repairs. But the children continue to go to that school.

A child in North Carolina missed several days of school suffering from headaches and stomach aches. During summer break, the child's illness abated. But when school started and they came back, he got sick again. The child attends class in an old trailer that has poor ventilation and bad odor problems.

In Southern California, a teacher was forced to quit teaching after she suffered hearing and voice loss from, again, lack of proper ventilation and mold in her fourth grade classroom.

A Virginia parent said her son felt sick at school and was doing very poorly. An inspection of the classroom found nonfunctioning ventilators, water stains, mold in the ceiling tiles. Leaky roofs, peeling lead paint, poor plumbing, not meeting fire and safety codes aren't just an inconvenience, they are a hazard to our children.

In my State of Iowa, the State fire marshal reported that fires in Iowa schools have increased fivefold over the past several years, from an average of 20 per year in the previous decades to over 100 per year in just the last decade. I asked why that was. Well, the schools are getting older, the wiring is in disrepair, and thus the fires are started. What happens is they don't have proper wiring, and maybe they put more things in the classroom, and they expand the number of plugs going in the sockets, and they overload the circuits and fires start.

So there is a clear need to help school districts improve the condition of their schools to ensure the health and safety and education of our children.

States and local communities are struggling to renovate existing schools and build new ones to alleviate overcrowding. School construction modernization is necessary to equip classrooms for the 21st century and improve learning conditions, end overcrowding, and make smaller classes possible.

Our school buildings are wearing out. Nearly three-quarters of all public schools in America were built before 1970; 74 percent were built before 1970. In fact, almost 1 out of every 3 schools in America was built before World War II, in the last century.

According to the National Center for Education Statistics, when a school is between 20 and 30 years old, frequent replacement of equipment is necessary. When a school is between 30 and 40 years old, all of the original equipment should have been replaced, including the roof and the electrical system. After 40 years of age, a school building begins to deteriorate rapidly, and most schools are abandoned after 60 years. Yet before World War II, over 60 years ago—and 1 out of 3 schools functioning today were built over 60 years ago—the average school building was 42 years old, as I noted.

Technology is placing new demands on schools. As a result of the increased use of technology, many schools must install new wiring, new telephone wires, new electrical systems, and the demand for the Internet is at an all-time high. But in the Nation's poorest schools, only about a third have Internet access.

The need to modernize our Nation's public schools is clear, and yet the Federal Government lags in helping our local school districts address this critical problem. Because of increasing enrollments and aging buildings, local and State expenditures for school construction have increased dramatically—by 39 percent from 1990 to 1997. Let me repeat that. Local and State expenditures for school construction has gone up 39 percent from 1990 to 1997. However, this still has not been sufficient to address the need.

Those taxes come from property-tax payers which—not in every case but in most cases—is one of the most unfair, unsound ways of taxing to raise money for our public schools. Again, if you live in an area where there is high income and pay high property taxes, you have good schools. If you live in an area that is low income with low property taxes, you have poorer schools.

Is that any way to run the educational system of America based upon property taxes or where you live? If you are lucky and are born in suburban Northern Virginia, you have great public schools, but if you are born in southern Maryland or maybe even in the southern part of Iowa—I can speak about my own State—where we have low property values, a lack of a good property tax base, you simply do not have the good schools that you need.

This amendment will help school districts make the urgent repairs needed to make schools safer for our children, but we have to do more.

Some buildings have simply outlived their usefulness. As I mentioned, we have to build an additional 6,000 schools in the next decade. We are not even talking about that here.

In the near future, the Senate will act on a tax bill. I will be working with my colleagues, Senator KERRY and others, to provide school modernization tax credits to help underwrite the nearly $25 billion of new school facilities that are needed.

Mr. President, you might ask: Will this approach work? It will work. We have had an experiment going on in Iowa. We are in the third year of a school modernization demonstration project. Over the past 3 years, $28 million in Federal funds have gone to my State of Iowa to rebuild and modernize schools to bring our schools up to safety and fire codes, to make sure these schools are meeting the needs of the 21st century.

Twenty-eight million dollars have gone to Iowa, but it has leveraged $311 million in repair and new construction projects. For every dollar the Federal Government has invested in Iowa, it has leveraged over $10 of State spending to help repair our schools.

The Iowa construction grant program shows what can happen if we put this money out nationally. If we put this money out nationally, the $1.2 billion that we did last year, I guarantee it is going to leverage money all over this country to rebuild and modernize our schools. That is why with $1.2 billion, I would be shocked if we come in at less than $7 billion or $8 billion of additional money leveraged in the States to meet this requirement. That is what this amendment is all about.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it my understanding that we will be voting at 5:30 p.m.; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I congratulate and thank the Senator from Iowa for bringing up this amendment. We will have an opportunity to address this issue perhaps later this evening and tomorrow.

As we have worked on the Elementary and Secondary Education Act, there have been five major components. A well-trained teacher in every classroom is enormously important. Smaller class sizes for the early grades are enormously important. Afterschool supplementary services are enormously important. Having newer computers and technologies to avoid a digital divide are enormously important. But to have a schoolroom that is going to be safe and secure and free from the conditions which the Senator described is absolutely essential as well.

I thank him very much. I will have more to say about this when the time comes. We are going to be voting in a few moments.

Mr. KERRY. Mr. President, I would like to discuss the amendment that the Senator from Iowa and I, and others, have offered to deal with the oft-discussed issue of overcrowded and dilapidated schools.

As many of my colleagues know, for this is an issue that we have talked about before and even addressed in a bipartisan fashion last year, the need for school construction assistance is great. Three-quarters of the public schools are in need of repairs, renovation, or modernization. More than one-third of schools rely on portable classrooms, such as trailers, many of which lack heat or air conditioning. Twenty percent of public schools report unsafe conditions, such as failing fire alarms or electric problems.

At the same time the schools are getting older, the number of students is growing, up 9 percent since 1990. The Department of Education estimates that 2,400 new schools will be needed by 2003 and public elementary and secondary enrollment is expected to increase another million between 1999 and 2006, reaching an all-time high of 44.4 million and increasing demand on schools.

I have come to the floor on more than a few occasions and made clear my feeling that Democrats need to acknowledge that bricks and mortar alone are not the answer for our public schools; I think the reforms on accountability, local control, and tough standards that our party has embraced make clear that we have heard that message, but it does not for a minute dilute the fact that it's increasingly difficult to have meaningful reform in schools that are falling apart at the seams. Research does show that student and teacher achievement lags in shabby school buildings, those with no science labs, inadequate ventilation, and faulty heating systems. Older schools are also less likely to be connected to the Internet than recently built or renovated schools. Facilities are vital to implementation of research-based school reform efforts. We know, for example, that students learn more effectively in small classes, but school districts cannot create smaller classes or hire more teachers unless there is a place to put them.

Many schools are trying to offer more robust curricula, including music, physical education and classes in the arts, but their ability to provide these programs is hampered if there is no space to house them.

Almost every State in the Nation has implemented curriculum standards, calling for advanced work in science and technologies, but some schools are so old that their electrical wiring cannot support enough computers for the students and their science facilities are so antiquated that students cannot perform the experiments required to learn the State's curriculum.

Some school districts are looking to implement universal preschool—a service that we know enhances children's school preparedness and which a study published in last week's Journal of the American Medical Association confirmed makes children more likely to complete high school, less likely to need special education or grade retention services while in school, and more likely to avoid arrest as young adults—but the lack of available facilities is often prohibitive. If we are serious about encouraging research-based, meaningful, effective education reforms—and if we are serious about doing our part to help local districts run safe schools—a commensurate investment in school facilities is imperative.

I have listened to the debate today and have heard some of my colleagues on the other side of the aisle talk about the Federal Government overstepping its bounds into what is a State and local issue. I agree with their sentiment that the Federal Government should not go into local communities and decide what to build or decide what to repair. I also agree, to a certain extent, that the burden of building and renovating schools should be borne by localities.

But what we have seen very clearly over the past several years is that States and local school districts are investing in school construction, but they still need our help. Annual construction expenditures for elementary and secondary schools have been growing. But local and State budgets have not been able to keep up with demand for new schools and the repair of aging ones. Unless school leaders can persuade their wary voters to pass such bond referendums or raise local taxes, though, there's often little hope of change. Until the last few years, the plight of State and local leaders had not received much attention from Washington. Last year we came together to respond to their call by funding a $1.2 billion grant program and this year we should come together again and pass legislation that continues our commitment to help local districts with their repair and renovation needs.

The amendment that we are offering will provide $1.6 billion in grants to local education agencies to help them make urgently needed repairs and to pay for special education and construction expenses related to upgrading technology. And this amendment builds upon the bipartisan emergency school modernization initiative that passed into law as part of the fiscal year 2001 Labor-HHS-Education bill.

Under this amendment, States will distribute 75 percent of the funds on a competitive basis to local school districts to make emergency repairs such as fixing fire code violation, repairing the roof or installing new plumbing. The remaining 25 percent will be distributed by State competitively to local school districts to use for technology activities related to school renovation or for activities authorized under the Individuals with Disabilities Education Act.

I know that my friend from Iowa has seen this school modernization program work. Earlier he talked about the demonstration program in his State, which leveraged $10.33 for each federal dollar invested in the demonstration program. This amendment is a partnership between the Federal Government and districts and it does constitute a legitimate role of the Federal Government.

It is a tragedy that so many of our Nation's students attend schools in crumbling and unsafe facilities. According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our Nation's infrastructure.

The problem is particularly acute in some high-poverty schools, where inadequate roofs, electrical systems, and plumbing place students and school employees at risk. Last month I visited the Westford Public School District in Massachusetts. School facilities were a big concern for this semi-rural town which has seen its student population sky rocket in recent years, but has not experienced comparable property tax revenues. In order to meet the fiscal demands of new school construction, the town is foregoing replacement of large, drafty windows from the early 1950s and is relying on pre-fab trailers to serve as an elementary school.

The Wilson Middle School in Natick, MA, was built for approximately 500 students and currently houses 625. The school has no technical infrastructure, it has no electrical wiring to allow the integration of computers in the classroom. The classrooms are 75 percent of the size of contemporary classrooms and were built with chairs and desks fixed to floor. Classrooms like these make it near-impossible for teachers to use modern-day teaching methods which rely heavily on student collaboration and interaction. The school also lacks science laboratories, making it impossible for students to do hands-on work and experiments.

Natick High School, like many aging school buildings around the Commonwealth, needs to have its basic infrastructure updated: electrical wiring, heating, plumbing and intercom systems are among the many components of the school in need of modernization. Also, the science labs are presently unable to meet the demands of updated State curricula. Natick put in place a prototype lab, and saw remarkable changes in students' interest and ability to experiment in science.

The urgent repair funding that passed the Congress last year provided $1.2 billion for repairs in high-need schools. In fiscal year 2001, this important program will help repair some 3,500 schools across the country and Massachusetts is slated to receive $19.5 million. But that will be the only money that my State receives unless we pass this important amendment and ensure that every student has a safe learning environment.

The ESEA bill that we have been debating for the past several weeks represents a true coming together of the parties. This body worked tirelessly to hammer out an agreement on the outstanding issues that have separated us in the past and which prevented us from completing work on this reauthorization during the last Congress. It is my sincere hope that we can come together again on the issue of school construction and pass legislation that addresses this nation's critical need for school repairs and renovation, and that we can do it as a part of a broader package of honest and tough reforms which focus, above all else, on the goal of empowering our schools to raise student achievement.

Mr. JOHNSON. Mr. President, I rise in support of Senator HARKIN's amendment to the Better Education for Students and Teachers (BEST) Act, S. 1, that would restore the critical school repair program. I commend Senator HARKIN for his leadership on this issue, and I thank Senators KENNEDY and JEFFORDS for the work that they have done on the overall elementary and secondary education reauthorization bill before us today.

I am pleased to be a cosponsor of this amendment. Communities across the country like many in my home State of South Dakota are struggling to address critical needs to build new schools and renovate existing ones. School construction and modernization are necessary to address urgent safety and facility needs, to accommodate rising student enrollments, to help reduce class sizes, and to make sure schools are accessible to all students and well-equipped for the 21st century.

In South Dakota, it has become increasingly difficult to pass school bond issues, given the fact that real estate taxes are already too high and our State's agricultural economy has been struggling. The result is an enormous backlog of school construction needs, and the costs of repair and replacement only increase with each passing year. A report by the General Accounting Office found that in my home State of South Dakota, 25 percent of schools

have inadequate plumbing, 21 percent of schools have roof problems, 29 percent have ventilation problems, and 21 percent of schools are not meeting safety codes.

Crumbling schools are not just an urban problem. They are a nationwide problem, and rural areas are no exception. In fact, 30 percent of schools in rural areas report at least one inadequate building feature. Nationwide, the statistics are similarly ominous.

The findings surrounding the condition of our Nation's schools is downright frightening. Fourteen million children attend classes in buildings that are unsafe or inadequate. Nearly three-quarters of our Nation's schools are over 30 years old with 74 percent of schools built before 1970.

According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our Nation's infrastructure.

South Dakota's tribal schools also face very serious facilities problems and major construction backlogs. There are nine federally recognized tribes in South Dakota. At the same time, my State has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries.

With 56 percent of its people under the age of 24, the Native American population in this country is disproportionately young when compared the American population overall. This population strains existing school facilities. The BIA estimates that there is a construction backlog of $680 million in its 185 elementary, secondary and boarding schools serving Indian children on 63 reservations in 23 States.

However, after several years of debate on this issue, Congress made substantial progress last year on the fiscal year 2001 appropriations bill by including a bipartisan agreement to provide $1.2 billion for a new school urgent repair and renovation program. This important program will help repair some 3,500 schools across the country this year and assist schools with approximately $5.4 million in repair needs throughout the State of South Dakota.

Under this program, funds are allocated to the States based on title I and States are to make competitive grants to Local Education Agencies, LEAs. 75 percent of the funds are to be distributed to LEAs to make urgent repairs such as fixing a leaky roof, replacing faulty wiring or making repairs to bring schools up to local safety and fire codes. The remaining 25 percent of the funds are to be distributed to LEAs for activities related to Part B of IDEA or for technology activities related to school renovation. $75 million is reserved for school districts with more than 50 percent of their students residing on Indian lands.

Senator HARKIN's amendment reauthorizes this critically important program and increases the authorization to $1.6 billion, continuing the split between school modernization and IDEA negotiated in last year's bill.

It is no secret that crumbling schools are a problem of enormous magnitude. It is nearly impossible to measure the impact that these conditions have on students' ability to learn, but there is no doubt that the impact is severe.

The school repair program is a key component in a dual strategy to modernize our Nation's schools. Some schools have simply outlived their usefulness and need to be replaced. In addition, the record enrollment in our Nation's public schools have caused overcrowding that can only be remedied by building new schools. Estimates are that we will need to build 6,000 new schools by the year 2006 if we want to keep class sizes the same as they are presently. That is why we also need to pass legislation to provide school modernization bonds that will finance at least $25 billion in new construction through a Federal-State-local partnership. South Dakota has a great many school districts which are not completely impoverished, but yet find it almost impossible to pass a bond issue and otherwise adequately fund their education programs. I strongly believe that there is a legitimate federal role in helping fix our Nation's crumbling schools, and we can do so without undermining local control of education.

I applaud and support these efforts to invest a small portion of our Nation's wealth in improved educational opportunities and facilities for all—this investment now, will result in improved academic performance, better citizenship and a stronger economy for generations to come. I urge the Senate to pass Senator HARKIN's amendment and invest in the health and well-being of our Nation's school children.

AMENDMENT NO. 477

Mr. KENNEDY. Mr. President, I want to state for the record that I will vote in opposition to the McCain position. I expect it will be an up-or-down vote. If not, I will vote to table. He is entitled to an up-or-down vote. I want to explain my position.

I indicated to colleagues that on this legislation I was going to resist nongermane amendments. I do not think the majority leader has the right to a pocket veto. Although it is a position which I strongly support, we have to be consistent if we are going to take the position that we are not going to support nongermane amendments. We cannot pick and choose with which ones we agree and differ.

Even though I agree with this amendment, I indicated to colleagues that I would oppose nongermane amendments. Therefore, I feel compelled to oppose this amendment.

Should there be an expression of overwhelming support for this, then, obviously, I will at that time interpret my vote perhaps in a different way. I have every intention now to vote in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I follow my good friend from Massachusetts in explaining that I, too, certainly agree with Senator MCCAIN on the merits of his proposal and that we should send that very fine bill to the House, but I also made a commitment to oppose all nonrelevant amendments to the bill. Thus, I will vote against the McCain amendment, but I certainly support the advancement of campaign finance reform and was one of the principal sponsors and participants of that legislation of which I am very proud. I have made this commitment, and I will stick by it.

Mr. President, I yield the floor. We are almost at the point of voting.

The PRESIDING OFFICER. There is 1 minute remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the amendment under discussion is laid aside. The question is on agreeing to amendment No. 477. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

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

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—61

Allen	Dodd	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inouye	Snowe
Cleland	Johnson	Specter
Clinton	Kerry	Stabenow
Cochran	Kyl	Thompson
Collins	Landrieu	Torricelli
Conrad	Leahy	Warner
Corzine	Levin	Wellstone
Daschle	Lieberman	Wyden
Dayton	Lincoln	
DeWine	Lugar	

NAYS—36

Allard	Campbell	Frist
Bennett	Craig	Gramm
Bond	Crapo	Grassley
Brownback	Domenici	Hagel
Bunning	Ensign	Hatch
Burns	Enzi	Helms

Hutchinson	Murkowski	Smith (NH)
Inhofe	Nickles	Smith (OR)
Jeffords	Roberts	Stevens
Kennedy	Santorum	Thomas
Lott	Sessions	Thurmond
McConnell	Shelby	Voinovich

NOT VOTING—3

Akaka	Gregg	Kohl

The amendment (No. 477) was agreed to.

Ms. CANTWELL. Mr. President, one reason I made campaign finance reform a centerpiece of my campaign and joined by colleagues Senators MCCAIN and FEINGOLD in working hard to pass campaign finance legislation, is because our current campaign finance system contributes to Americans' growing cynicism about government. And who can blame them for being cynical and believing that government really does not represent their interests, when procedural maneuvering causes a bipartisan bill passed by a wide majority to fail to be transmitted from the Senate to the House?

The McCain-Feingold bill passed this body with 59 votes. Similar legislation has twice passed the House with 252 votes. The majority of both bodies clearly support campaign finance reform, and so do a majority of the American people. Yet leaders in both Houses are apparently determined to use every tool at their disposal to force this broadly supported bill into a divisive conference committee composed of the most vocal opponents of reform.

The day we passed this bill in the Senate, I spoke on the floor about what an amazing feeling it was to have accomplished one of my primary legislative goals within 90 days of arriving in the Senate. While I never thought that day would be the end of the battle to pass this bill, I must admit that I certainly did not expect to be back on this floor because the bill, despite its comfortable margin of passage six weeks ago, continues to gather dust here in the Senate because the Republican leadership cannot reconcile itself to the most significant campaign finance reform in a quarter century. In an information age, we owe our citizens a government free of special interest influence. Not a system of expedient, special-interest based, decision making, and not a system that engages in byzantine maneuvering to delay and thwart the will of the majority.

I hope that the leadership of both the House and the Senate will stop attempting to devise new ways to stonewall this bill and allow the Senate-passed version of this legislation to be debated and voted on in the House without further delay.

Mr. LIEBERMAN. Mr. President, I rise today to note that due to the need to fulfill a long-scheduled speaking engagement at a university made in the expectation there would not be votes, I unfortunately was not able to be here in the Senate last night to vote on two amendments to the education bill, S. 1. I would like to say for the record that I would have voted for both amendments and am pleased that they both passed with broad bipartisan approval.

I support Senator REID's amendment, #460 to expand the 21st Century Community Learning Centers to include projects with emphasis on language and life skills programs for limited English proficient students. We know that assisting students to acquire English proficiency is becoming increasingly important as many of our communities are receiving immigrant children from many different countries. Limited English proficient students are at greatest risk for dropping out of school and are among some of our lowest performing subgroups of students. I have long been an advocate for investing increased Federal resources and greater attention on limited English proficient students. My own ESEA reauthorization bill, S. 303, calls for $1 billion in formula funds focused on increasing the English proficiency and raising the academic performance in all core subjects of our immigrant children. One of the primary risk factors for low academic performance and dropping out of school among immigrant students is their lack of English proficiency. Students that are proficient in English have a much greater chance to reach higher levels of academic achievement and fully participate in our society. The Reid amendment would help many immigrant children receive the extra help they need for English language acquisition through after-school programs. The Senate clearly recognized the value of this amendment by approving it 96 to 0.

I also support Senator CLELAND's amendment, #376 on school safety. It makes funds available to establish a center to offer emergency assistance to schools and local communities by providing information and best practices on how to respond to school safety crises, including counseling for victims, advice on how to enhance school safety and would operate a toll-free nationwide hotline for students to report criminal activity, threats of criminal activity and other high-risk behaviors. It also would provide grants to help communities develop community-wide safety programs involving students, parents, educators, and civic leaders. This amendment would further help to forge a crucial partnership between the Department of Education and the Attorney General so that these two departments may work together to ensure that our schools have the resources and tools they need to create safe learning environments for our nation's youth. In addition, the amendment would provide flexible funding, something that I have long fought for, to enable localities to design school safety programs that best meet their specific needs. For all of these reasons, I would have voted for the Cleland amendment and am pleased it passed by a strong vote of 74 to 23.

(The original statement of Senator FEINSTEIN which was delivered on Monday, May 14, but omitted is as follows:)

AMENDMENT NO. 443

Mrs. FEINSTEIN. Mr. President, I am pleased to co-sponsor this amendment with Senators VOINOVICH, BAUCUS, COCHRAN, LANDRIEU, MURRAY, and CORZINE.

Under current law, elementary and secondary teachers can receive up to $5,000 of their student loans forgiven in exchange for 5 years of teaching. Head Start teachers are not currently included in the federal loan forgiveness program. By offering Head Start teachers the same loan forgiveness benefit as that afforded to elementary and secondary school teachers, I believe, we will encourage more college graduates to enter the field.

Many Head Start programs in California are losing qualified teachers to local school districts in part because the pay is better—nationally, the average Head Start teacher made $20,700 in 2000 compared to $40,575 for an elementary and secondary school teacher. Head Start teachers are making half of what elementary and secondary teachers are paid on average.

Low pay, combined with mounting student loan debt, is a real deterrent to getting college graduates to become Head Start teachers.

Today, there are no educational requirements for a Head Start teacher other than a child development associate (CDA) credential, requiring 24 early child education credits and 16 general education credits. By 2003, 50 percent of Head Start teachers will be required to have at minimum an associate or 2-year degree.

Under this amendment, a Head Start teacher who has completed at minimum a bachelor's degree could receive up to $5,000 of their federal student loan forgiven provided they agree to teach for at least 5 years in a Head Start program.

Clearly, we should recruit qualified teachers to the Head Start field who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning. Obtaining and maintaining teachers with such educational backgrounds will, I believe, improve the cognitive learning portion of the Head Start program so that our youngsters can start elementary school ready to learn.

Several recent studies confirm the importance of investing in the education and training of those who work with preschoolers.

The National Research Council has recommended that:

> . . . children in an early childhood education and care program should be assigned a teacher who has a bachelor's degree with specialized education related to early childhood. . . . Progress toward a high-quality teaching force will require substantial public and private support and incentive programs, including innovative education programs, scholarship and loan programs, and compensation commensurate with the expectations of college graduates.

Last year, the Head Start 2010 National Advisory Panel held fifteen national hearings and open forums. The panel found:

. . . that despite increases resulting from Federal quality set-aside funding, relatively low salaries and poor or non-existent benefits make it difficult to attract and retain qualified staff over the long term. . . . the quality of the program is tied directly to the quality of the staff.

Head Start is one of the most important federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing. Many of our Nation's youngsters, however, enter elementary school without the basic skills necessary to succeed. Often these children lag behind their peers throughout their academic career.

I believe we must continue to improve the cognitive learning aspects of the Head Start program so that children leave the program able to count to ten, to recognize sizes and colors, and to recite the alphabet. To ensure cognitive learning, we must continue to raise the standards for Head Start teachers. Offering Head Start teachers similar compensation for their educational achievements and expenses afforded to other teachers is one step to encouraging college graduates to become Head Start teachers.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

Mr. REID. Reserving the right to object, Mr. President, it is my understanding, because there are people waiting to find out what the final decision is, that there will be no more votes tonight. That is my understanding; we are trying to finish.

Mr. JEFFORDS. That is my understanding.

Mr. REID. I also ask if there is going to be any more legislative business tonight.

Mr. JEFFORDS. Other than what is cleared between the two leaders, there will be no other business.

Mr. REID. I withdraw my objection.

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

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I understand we may speak as in morning business for a few minutes.

The PRESIDING OFFICER. Up to 10 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak for about 4 minutes.

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

ENERGY

Mr. MURKOWSKI. Mr. President, I rise on a small point, but it is representative of some of the difficulties we are having in trying to keep some focus on reality associated with the administration's anticipated energy package.

I am sure many Members saw the Washington Post today, Tuesday, May 15. On the front page there was a color picture of the Phillips Petroleum Company facility at Alpine which depicts very vividly the realization that technology indeed can make a very small footprint in the Arctic areas of Alaska, my State.

The picture represents a fair evaluation of this development. It was taken in the summertime, that brief 2½ months or so when the area is not covered with ice and snow. The viewer can see the river, the lakes. But to grasp the significance of it, one has to recognize that this is a major oil field in itself. Yet it takes less acreage than the District of Columbia.

That footprint is concentrated in the area that is known as Alpine. For the most part, one derrick has drilled the wells there. These are directional drills that go out for many miles recovering the oil. This particular facility is producing about 88,000 barrels a day.

However, there is another picture. This is the point I want to bring home to the Members. In an effort to try to draw a balance, if you will, between development and the wildlife in the area, the Washington Post portrays a picture of three little bears, and it is entitled ''A polar bear with her cubs rests in Alaska's Arctic National Wildlife Refuge.''

The reality is that this picture was not taken in the Arctic National Wildlife Refuge. It was taken in another area of Alaska far, far away.

It isn't that we don't have polar bears in Alaska. We are all concerned about the beauty and the majesty of this beast, but we have done a lot to encourage the polar bear by safeguarding it from any trophy hunting. In Alaska, you cannot take a polar bear for a trophy. You cannot take a polar bear if you are a non-Native, but you can go to Canada and you can go to Russia.

We have and will provide for the RECORD the statement from the photographer of exactly where this picture was taken. But it is not in ANWR, and the photographer is prepared to give a statement in that regard. Here again we have another mischaracterization, the implication that ANWR is filled with polar bears and that if we open up this fragile area, somehow we are going to disturb the polar bears. That is not accurate.

The Washington Post should know better. They should check their sources. They should recognize that polar bears for the most part live out on the ice. Why do they live on the ice? Because that is where there is something to eat. They live on the ice, and they stalk the seal. As a consequence, they don't come into the Arctic National Wildlife area in any abundance.

They do come in from time to time. But there is little food for them, and during the months where the ice is continually moving, they simply stay out on the ice where they can have the availability of food. It is noted that there are very few that den on the shores adjacent to ANWR. So, again, I encourage my colleagues to recognize, as I am sure many people who see in the Washington Post today those warm and cuddly polar bears, that they are being misled in this particular photo because this photo was not taken in ANWR.

I also encourage my colleagues to recognize that the administration is going to come out with an energy task force report. While I have not had briefings to amount to any significant detail, I think it is important for the American people, and my colleagues particularly, to know that it addresses positive corrections in the imbalance we have in America's energy crisis.

We do have a crisis. One need only look at California to recognize that Californians are going to be paying an extraordinarily increased amount for energy. Electricity is $60 billion to $70 billion. Last year, it was in the area of $28 billion. The year before, it was $9 billion. They have an energy crisis. We haven't built a new coal-fired plant in this country since 1995. Yet close to 51 percent of our energy comes from coal. We haven't built a new nuclear plant in this country for more than 10 years. Yet we know the value of nuclear from the standpoint of what it does to air quality. There are no emissions. There are other tradeoffs.

We also know we are now 56- to 57-percent dependent on imported oil, and the forecasts are that the world will be increasing its consumption of oil for one reason—for transportation—by nearly a third in the next 10 years or so.

We have seen natural gas and our increasing dependence on natural gas because it is one of the few areas where you can get a permit to put in facilities. Yet natural gas prices have increased dramatically from $2.16 per thousand cubic feet 18 months ago to $4, $5, $6, $7 to $8. We have had a coming together and that coming together also involves distribution. We have had the realization in the hearing that we had today before the Energy Committee, which I chair, that there are severe constrictions on transmitting electric energy.

In our bill that we introduced, we left out eminent domain for electric transmission lines purposely because we felt the States could meet that obligation as they saw fit. Now some suggest that States don't have the commitment internally to reach a decision and are going to need Federal eminent domain. Maybe that is the case. It is like the perfect storm; everything is coming together at once. No new coal, no nuclear, dependence on imported oil, higher costs for natural gas, no relief on transmission. Now they are saying we have to do something about it immediately.