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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Olvie, offered the following prayer:

Today is the National Day of Prayer. The prayer I am going to pray has been written by Rev. Billy Graham to be read across the Nation throughout the day.

Let us pray.

"On this National Day of Prayer, our Father and our God, we praise You for Your goodness to our Nation, giving us blessings far beyond what we deserve.

"Yet, we know all is not right with America. We deeply need a moral and spiritual renewal to help us meet the many problems we face.

"Convict us of sin. Help us to turn to You in repentance and faith. Set our feet on the path of Your righteousness and peace.

"We pray today for our Nation's leaders. Give them the wisdom to know what is right, and the courage to do it.

"You have said, 'Blessed is the Nation whose God is the Lord.' May this be a new era for America, as we humble ourselves and acknowledge You alone as our Saviour and Lord. This we pray in Your holy name. Amen."

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 1, the education bill. The bipartisan substitute amendment will be offered shortly, and debate on the amendment is expected to take most of this morning's session.

The budget conference report is expected to be completed in the House this afternoon. Therefore, the Senate will suspend consideration of the education bill to take up the budget conference report when it is received.

Votes will occur during today's session on amendments to the education bill, and possibly on adoption of the budget conference report. Senators will be notified as votes are scheduled.

I thank my colleagues for their attention.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1 which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Lo and behold, I believe we are actually ready to go to an education bill after talking about it for months and working actively on it for days. We are ready to proceed. I am pleased with that. I commend all those Members involved in trying to make it work.

I ask unanimous consent that following the reporting of the substitute amendment, the time between now until 12 noon be equally divided for debate between the chairman and the ranking member.

I also ask consent that prior to 12 noon and with the consent of both managers, Senator COLLINS may be recognized to offer an amendment regarding reading, and following that debate, the amendment be laid aside with a vote to occur at 4 p.m. today.

I further ask consent that Senator KENNEDY or his designee—and I understand that may be Senator HARKIN—be recognized immediately following the reporting of the Collins amendment to offer a first-degree amendment; further, that the votes on or in relation to the amendments occur in a stacked sequence at 4 p.m. Also, I ask that no amendments referenced in this agreement be subject to second-degree amendments, and, further, all debate time prior to the 4 o'clock vote be equally divided in the usual form.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I further ask consent that at 12 noon, notwithstanding receipt of the conference report, the Senate begin debate on the conference report accompanying H. Con. Res. 83, and the time under the provisions of the Budget Act begin accordingly. Finally, I ask consent if time remains under the Budget Act following the 4 p.m. vote, the Senate resume consideration of the conference report to accompany the budget resolution.

Mr. REID. Reserving the right to object, I ask that the distinguished majority leader delete the last paragraph. We understand the intent of the leader. We are in agreement with the intent of the leader. We simply don't have the report yet. A couple members want to look at it. There will be no problem in doing that at a subsequent time.

I also say to the leader, in consultation with Senator KENNEDY, we would like also at an appropriate time to lock in the next two amendments so we can move this legislation. We are very anxious to move forward with this legislation. We would ask that we, in fact, do that, lock in the amendment that will be offered by the distinguished manager of the bill, the Senator from Vermont, and that on our side, the next amendment will be that offered by Senator DODD and Senator COLLINS.

Mr. LOTT. Are you asking that we make that change at this point?

Mr. REID. Yes.

Mr. LOTT. Mr. President, several suggestions were made. I will respond and accept most of the suggestions.

First of all, I had hoped to go ahead and get started on the budget conference report. It is very important, very urgent. We need to get that completed. I understand Senators need to actually see the report. It should be available within the hour. We are trying to get that to you, as we speak. I hope we can come back then and get an agreement later to go ahead and go to the conference report. However, following your suggestion, I modify my unanimous consent to delete the last paragraph.

Now, I do think it is also important to note that this agreement does not lock in a vote on the Jeffords substitute. We have it. Senators will have the next couple of hours to go through it. I hope we can enter an agreement in a reasonable period of time so we have the vote on the Jeffords-Kennedy substitute at 4 p.m., also. We are not including that in the request.

In view of that, I don't think we should go ahead and lock in the next two amendments at this time. Let's go ahead and get started on the agreement we have, get the debate on the Collins amendment and the Kennedy amendment, or his designee, and then in the next sequence we can get an agreement on the budget conference report, the vote on the substitute, and line up the next two amendments. I need to check with some of our people to make sure these are the next two amendments we want to consider. This

is a step forward to get the process started.

I renew my unanimous consent request to include the first three paragraphs as read and delete the last one.

Mr. KENNEDY. Reserving the right to object—and I will not object—as far as our side goes, we know it will be the Dodd amendment. Could we leave the discretion to your side as to what amendment you offer, but could we at least have it in the consent agreement that the next amendment from our side would be the Dodd amendment?

Mr. LOTT. Mr. President, it is up to that side as to what would be the next amendment. I don't want to lock it in at this point because we need to lock in both amendments. I think we are getting started here, everybody is trying to be cooperative, but we need to get the vote on the substitute, then lock in the next two amendments and get an agreement on the conference report. I would rather not lock them in.

As far as that goes, if they are prepared, the next amendment would be the Dodd amendment. We don't dictate that at all.

Mr. REID. We would accept that. If I could ask the Senator from Massachusetts to yield, that would be fine with us. We do want the Dodd amendment to be our next amendment, in keeping with the agreement earlier in the day. It would be our second amendment. Whatever you want could be your second amendment.

Mr. DODD. The Dodd-Collins.

Mr. LOTT. We will check on that, and hopefully well before noon we can go ahead and lock in this next series of votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 358

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] offers an amendment numbered 358.

Mr. JEFFORDS. I ask unanimous consent the 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 under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, this morning the Senate begins in earnest the consideration of S. 1, the Better Education for Students and Teachers Act.

I think it is fair to say that this is the most dramatic reform of Federal elementary and secondary education law since the enactment of the Elementary and Secondary Education Act in 1965.

The only reason we are on the threshold of such change is that a remarkable consensus has developed over the past few years with regard to Federal education policy. Senators from both parties and across the entire spectrum of political views have come to the realization that if we want to achieve real progress in our schools, we have to measure the progress.

This is easier said than done, of course. Schools are not producing uniform widgets, but educating children. Children come into the public education system with very different backgrounds and experiences. This results in students performing at different achievement levels. However, as the leading States have found, after a lot of time and hard work, you can assess students and use the results to constantly improve the education that you provide them.

At the same time, if we are going to place high demands on our schools and teachers and students, we must give them the tools they need to do the best job possible. That means extra help for schools that are struggling, high quality professional development for teachers, and choices for students in schools that persistently fail.

In early March, the HELP Committee reported the BEST Act by a unanimous vote 20-0 vote. The bill before us reflects the work of every member of the committee. Each one has contributed in significant ways to improving this bill and education in our country.

Since the bill emerged from the committee, we and our staffs have been meeting with Senators on and off the committee to reach agreements on further improvement to the legislation.

The substitute I am offering this morning reflects the results of our discussions over the past few weeks, incorporating the suggestions of a dozen Senators and contributions by the White House throughout the process.

For the benefit of my colleagues, let me touch on a few of the changes we are making in the substitute:

The first is accountability. At the heart of accountability is adequate yearly progress. Adequate yearly progress ensures that all students of each subgroup will make adequate yearly progress towards proficiency in reading and math over the next 10 years. The other key component of accountability, is providing mechanisms for schools to improve. S. 1, as amended, lays out a series of increasingly strong corrective actions that impact schools, local educational agencies and States that fail to meet the goals for adequate yearly progress.

I look forward to the debate and I especially look forward to passing a bill that will enable every child in this nation to have a first rate education.

Let me go to some other aspects of it.

The next one is supplemental services, a term you will hear over and over again. This is a new option for parents of children in persistently failing

schools. Supplemental services are educational services offered by public or private organizations outside the regular school day that are directed at providing such children with the knowledge and skills they need to meet the State standards.

Another term you will hear is Straight A's. Up to 7 States and 25 local educational agencies will be allowed to enter into performance agreements with the Secretary of Education that will trade increased flexibility for strong accountability.

Regarding bilingual education, the amendment before us establishes a trigger for converting the Bilingual Education Act from a set of federally run programs into a single, State grant program focused on helping all limited English proficient students attain fluency in English and master the academic content.

For testing, S. 1, as amended, authorizes \$400 million a year over the life of the bill to pay for the cost of developing and implementing the new assessments required by the bill.

I look forward to this debate and passing a bill that will give every child a first-rate education.

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

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

Mr. KENNEDY. Mr. President, I welcome the fact that we can finally turn to our work on reauthorizing the Elementary and Secondary Education Act, and during the course of the morning will begin debating two very important amendments. The first concerns the reading provisions of this legislation, which I think are such a commendable part of our whole effort, and the second, on which Senator HARKIN and Senator HAGEL have worked very closely to craft, regarding the challenges for our special needs children and local communities. The Harkin-Hagel amendment aims to strengthen the Individuals with Disabilities Act, particularly in providing additional relief in funding. In many respects the reading and IDEA amendments address a common concern, since many children with special needs are also eligible for the reading programs and title I assistance.

Now I will take just a few moments just to review some of the provisions that I think should give heart to many parents when this legislation is actually implemented, and that is the supplementary services under title I, which increase the help available to children in troubled schools.

Students in schools that have failed for at least 3 consecutive years will have the opportunity to receive the supplementary tutoring services during

non-school hours. Students in failing schools get extra academic help after school while schools implement new reforms during the day.

Under the supplementary service provisions, parents of children in persistently failing schools—those in corrective action or reconstitution—will have the option to enroll their children in before-school, after-school, weekend, or summer tutoring programs.

The compromise extends learning time for students most in need of additional help. And the students in failing schools participate in a revamped, full regular school program during the day and receive additional help outside the school day.

The public funds remain in the control of the public schools. The supplementary services provision does not provide vouchers for private school tuition.

In contracting services, the school district pays State-approved providers for tutoring services. So any of the agencies that are going to be permitted to provide those services are effectively going to have to have a certification in terms of their educational competence. That is enormously important and basic.

Parents then choose a provider for their children from a State-approved list of providers. The parents then will be able to make the judgment about which provider they want to choose in order to get the supplementary services for their children. And with the information that is available—with report cards and other information—it is the hope and the expectation that the parents will be able to choose wisely. It will give them an additional kind of involvement in their children's educational development. It is a small part of this legislation, but as we have been talking about parental involvement in these general discussions, this is the kind of effort that we were talking about.

There is a cap on Federal funds available for supplemental services. Districts can use no more than 15 percent of the title I funds, and are not required to spend more than an equal amount to 15 percent of their title I allocation.

In addition, in order to provide tutoring services, the district cannot reduce the amount a failing school receives under title I by more than 15 percent. They can draw down so they can use their own money, or they can use the supplementary services money that is available at the State, or they can use funds under the Title V(4) program for which they will be eligible. That is our clear intention, that those funds will be available. We will make that clear as we move through the debate as well as in the legislative history.

Currently, many title I school districts contract with outside tutoring providers. The supplementary service provision differs from current law in that it requires failing schools to make after-school tutoring programs avail-

able. That is a requirement, not an option. It is a requirement. I think that gives additional kinds of protections to the parents.

The tutoring programs must be research-based and of demonstrated effectiveness. Only tutoring providers who are pre-screened for quality by States are eligible to receive the Federal funds.

Providers that fail to maintain a high quality of services and meet their annual performance goals will be removed from the State list of eligible supplemental tutoring providers. And tutoring services must be focused on academics and tied to the State standards and assessments.

The tutoring program ensures strong parental involvement. The parents and districts jointly develop specific performance goals for participating children and come to agreement on how individual student progress will be measured. So parents and districts jointly determine how parents will be informed of their child's progress. There will be information given to the parents and the schools so that they can monitor where these children have additional needs.

Providers must give the parents the comparative information about the quality of the tutoring programs available.

I want to give just a brief summation on what we call the Straight A's compromise.

The performance agreements pilot provides seven States and 25 districts additional flexibility in how communities use funds to implement public school reform. Funds can only be used for activities authorized under the programs that are eligible to be consolidated. Funds must be focused on public school reform. No funds may be used to support private school vouchers. States and districts are required to ensure the equitable participation of low-income students in private schools according to the requirements of the underlying bill. The performance agreements pilot continues the national focus on students with special needs. Migrant, homeless, immigrant, Indian education, and neglected or delinquent programs addressing students with special needs cannot be consolidated under the Performance Agreements Pilot Program.

In addition, the new Reading First Program cannot be consolidated.

The performance agreements pilot maintains targeting of Federal funds to the neediest students.

I hope our Members will pay attention to this. The title I funds continue to be targeted by poverty to the school level, maintaining the allocation formula in the underlying law. If a State wants to use an alternative formula, the formula must result in a greater percentage of the funds going to districts with the highest concentration of low-income children than under the current title I formula. It is a strong commitment that the funds go to the neediest children.

Other nontitle I funds allocated under the performance agreements pilot might be targeted to the district based on the same proportion of poverty as the underlying law requires. If the State uses an alternative formula, districts with the highest concentrations of low-income children must receive more funds than they would have received without consolidation.

So our pilot program assures that the funds, rather than being scattered across a particular State or a jurisdiction, will effectively be focused on the children with the greatest needs. That is not all.

The States and districts must comply with the title I provisions that require the development and implementation of standards and assessments: accountability for failing schools, disaggregation of assessment data, parent involvement, and the release of report cards at the State, local, and school level. So what we are giving is the assurance that there will be very strong and important accountability for these programs as well which effectively had not been in existence in the past. I think that is an improvement.

States may not consolidate title I funds set aside for failing schools. States must ensure that failing schools get the extra help they need to turn around by improving student achievement.

States and districts must also meet all the accountability provisions relating to teacher quality and improving achievement for limited English proficiency in title II and title III of the underlying bill.

States and districts must abide by title I provisions that require adequate yearly progress, school improvement, and corrective action. If achievement does not improve any performance agreement will be terminated. So there will be a termination of these agreements if we find out there are not positive results with very strong accountability. I think that is enormously reassuring.

The States may only retain 1 percent of all consolidated funds for administration. They may retain up to 5 percent of title I funds and up to 10 percent of nontitle I funds for State activities. All other funds must flow directly to the local school districts.

Applications by the States and districts are subject to peer review. The Secretary may only approve an application if it shows substantial promise for exceeding the State's AYP goals.

So you are going to have a peer review of the State's applications and findings. It will not be just at the discretion of the Secretary. I think that is an enormous improvement.

The proposal requires a study of the effectiveness of the agreements, how funds were used, and how funds were targeted under alternative formulas. We will gain a great deal of information.

Mr. President, since the Senate is poised to begin debate on the budget in

the very near future, I want to take just a few moments to discuss the funding that will be needed to make the policies in this bill realities for America's children.

If you don't have a well-trained teacher in a classroom, whatever we do is compromised. Teachers need, and students deserve, the resources to teach. That is fundamental.

Republicans announced yesterday that they reached a deal among themselves on the budget, and the result appears to leave education out in the cold. They know the Nation overwhelmingly supports real increases for education, yet they boldly chose tax cuts over educating the Nation's children.

Senators will recall that there were two points to the vote on the education amendment offered by Senator HARKIN. The first was to reduce the size of the tax cut much closer to \$1.2 trillion than \$1.6 trillion, and the conference has respected this decision, choosing the smaller number. But the Harkin amendment had a second and equally important objective. It recognized that additional investments were urgently needed in our schools. All available evidence confirms this.

Only half of the eligible children have access to Head Start and its promise of school readiness for 3- and 4-year-olds. Only a third of the students in disadvantaged school districts are assisted with the broad range of quality enhancements that I have discussed under title I. The Federal Government is meeting well under half of its funding commitment to disabled students under IDEA, nearly 1 in 5 children are in oversized classes of 25 or more, and thousands of school buildings remain in such disrepair that they are unsafe or unfit for learning.

The basic improvements we're debating in this bill today will be impossible without additional investments in low-income school districts, teacher quality, early learning, smaller class sizes, special education, school construction, and accountability.

Yet the conference report on the budget appears as if it will ignore the will of the Senate on the core issue of education. In place of the major increases passed by the Senate, the budget proposes to freeze education funding at current levels. Because it abandons American school children and their parents, it does not deserve our support. I urge every one of my colleagues who recognizes the value of improved education for the long-term future of the Nation to denounce the budget that the conferees have produced, and ask them to try again.

Our current budget surplus means for once we have the resources needed to make major education advances in the coming years. We only lack the commitment to put our money where our mouths are. Will we step up to the plate on this issue, or will we just have more talk?

Republican budget negotiators found room for 1.35 trillion dollars in tax cuts

over eleven years, yet they decline to guarantee that 0.008 trillion dollars (or \$8 billion) will be available next year to fund the education increases that passed the Senate last month in Senator HARKIN's amendment. Their priorities are clear, and education is not among them, no matter what they say about education here on the floor.

The Nation can afford both tax cuts for everyone and real education improvements. But we can't afford education reform and the massive tax cuts for the wealthy that Republicans seek. The tax cut that budget negotiators appear set to adopt would allocate over \$400 billion of the current budget surplus to the wealthiest 1% of Americans—those with average incomes of 1.1 million dollars per year—yet it provides only about 21 billion dollars to improve education over the next ten years.

Last month, Senator HARKIN won a Senate vote to shift \$250 billion from tax cuts to education investments, still leaving over a trillion dollars on the table for tax cuts. Senator HARKIN's effort put the Senate firmly on record in support of education investments over the most extravagant of the tax cuts.

Republicans shut Democrats out of the conference on the budget, and then apparently disregarded the Harkin education amendment. They increased the size of the tax cut over the Senate level, and they vastly decreased education spending below the Senate level. The unfortunate result that Republicans now call a "compromise" is a compromise only in the sense that it compromises the futures of America's school children.

The Republican decision to ignore the Harkin amendment will have very real and immediate consequences for America's school children and their parents:

- 350,000 fewer students in disadvantaged school districts aided under title I;

- 115,000 fewer safe, educational after-school opportunities for youth;

- 100,000 fewer teachers improved through access to training and mentoring;

- 50,000 fewer children in Head Start;

- 16,000 fewer teachers to reduce class sizes in the critical earlier school years;

- 100 fewer crumbling and unsafe schools repaired; and

- continued delinquency on the Federal Government's promise to help children with disabilities access a quality education under IDEA.

These are just the consequences for the next school year. Over the next decade, the consequences of ignoring the vote on Senator HARKIN's education amendment will guarantee that we will fall further and further behind on the work before us, including:

- 19,000,000 fewer title I-aided classroom slots that dramatically improve the quality of education available to students in disadvantaged districts;

- 7,000,000 fewer safe and educational after-school opportunities for youth;

2,750,000 fewer children in Head Start;
2,000,000 fewer opportunities for
teachers to build skills by training and
mentoring;

50,000 fewer teachers every year re-
ducing class sizes in the critical early
grades; and

2,000 fewer crumbling and unsafe
schools repaired.

Many of us on the Democratic side of
the aisle point out that if we can't or
won't do the work before us in one
year, we must at least make a commit-
ment to finish the work in a specific
number of years. The key example is
our goal of full funding for title I with-
in the next 4 years.

The Republican response on this
point is noteworthy. They say it's im-
possible to commit to funding levels
for specific education programs in any
year except next year. But that's clear-
ly not their position on taxes. They're
proud to say just how much they'll cut
inheritance taxes for the wealthiest 1%
every year, all the way to 2011.

The policy changes that we enact
during this ESEA reauthorization de-
bate will make no practical difference
for children if massive tax cuts leave
nothing but crumbs for education.

The bottom line for the budget now
nearing completion is that it squanders
an historic opportunity to improve
America's education system in favor of
tax breaks that only the wealthy will
ever notice. It is a disgrace, and it re-
duces all of the education speeches
we've heard from our Republican
friends to empty platitudes. I will vote
against this anti-education budget and
I urge my colleagues to reject it as
well.

If the budget we will be debating in
just a few hours had not eliminated the
Harkin amendment, the children of the
country would have received a major
boost. You cannot educate children on
the cheap. You can't do it with a tin
cup budget. We know what works and
what doesn't.

The education proposal we are en-
dorsing today is a framework, but
without resources, it will not be suc-
cessful. If you just have resources with-
out reform, you jeopardize success. But
if you have reform, given the current
unmet needs, you guarantee failure.
What we are challenging this President
and this administration to do is to pro-
vide the necessary resources.

This Senate went on record in a bi-
partisan way to say: These are the
types of resources we believe are nec-
essary for the children of this country
over the next 10 years. The Budget
Committee eliminated those. It was
wrong. We want the President to speak
up. We want him to say, at least in the
area of Elementary and Secondary
Education, and in particular in title I,
we want to have the funding that is
necessary to support the policies that
we both agreed to place in this legisla-
tion, so that the benefit of the supple-
mentary services and other protections
will be available to these children. Oth-
erwise, the words about reaching every

child in this country within 10 years is
a cliché. It is a shibboleth.

That will be the crux of the debate
over the next 2 weeks in the Senate.
We will be debating issues of policy,
but make no mistake about it, we will
be debating the issue of need, of invest-
ment, of the type of future we are
going to have in this country. That is
what this is all about. Our children are
the future. We know the results. If you
have children who don't learn algebra
by the eighth grade, they're much less
likely to go to college. That is a fact.
Any educator will tell us that.

When 80 percent of eighth graders
lack trained math teachers, we can see
what is compromised in terms of the
children of this country. At a time
when we need their talents, their in-
volvement, and their help in leading
the United States in the world commu-
nity, we fail to provide them the re-
sources they need to build a strong
educational foundation. That is what
this debate over funding is about. It is
about our future.

We know what is out there. Twenty
percent of the children in the United
States live in poverty; 10 million chil-
dren are eligible for title I services. We
are only reaching a third of them. So if
we are going to give life and meaning
to "leave no child behind," we ought to
be out front finding ways to reach all
of them, not skimping on the 10 million
children who are eligible under this
legislation, and who look to us for
help.

We on this side of the aisle, without
exception, believe we ought to fund the
title I program fully and reach all 10
million children. We challenge our fel-
low Senators on the other side of the
aisle to join with us and ensure that
the promise and the pledge of this leg-
islation will be a reality, not empty
words. The only way this is going to
happen is through a serious commit-
ment to funding.

Nothing concerns me more than the
reported absence of the Harkin amend-
ment from the final budget agreement.
I don't know where it went. I can re-
member—maybe others can speak to
it—when we were briefed by our Demo-
cratic budgeteers about how the budget
conference came together. They were
not allowed to take part in any of the
decisionmaking process. I asked them:
Whatever happened to the Harkin
amendment? They said: You have to
look through the numbers and try to
find it, but Republicans haven't re-
leased the numbers yet. We went over
and talked to the staff.

Whatever happened to the Harkin
amendment? We still want to know.
When Senators are explaining the
budget this afternoon, I hope they will
tell us what happened to it because you
can't find it. It is not there. It is not
here; it is not there. It has just dis-
appeared.

The need has not disappeared. The
need for those Head Start Programs
has not disappeared. The need for the
supplementary services on title I has

not disappeared. The need to do some-
thing about better trained teachers and
assisting professional development re-
mains today as it existed on the day
the Senate passed the Harkin amend-
ment. Those schools that are crum-
bling; they haven't disappeared. The
vote on Senator HARKIN's amendment,
and the significance of the vote, after a
very full and complete debate, has not
disappeared. It is still there in the his-
tory books.

What has disappeared somewhere is
the commitment of the Congress to
take action and reflect our Nation's
priorities in the budget. We're fortu-
nate to have the resources to say, "All
right, we are going to have a tax cut,
but we are not going to do it at the ex-
pense of the children of this country."
But that is what evidently has hap-
pened. That is the regrettable choice
made by the GOP.

I yield the floor.

Mr. JEFFORDS. I suggest the ab-
sence of a quorum.

The PRESIDING OFFICER. The
clerk will call the roll.

Mr. KENNEDY. Mr. President, will
the Senator withhold.

Mr. JEFFORDS. I certainly with-
hold.

Mr. KENNEDY. Mr. President, we
generally try to follow a format here,
where the Members file their amend-
ments, and then those who were the
principal sponsors speak to them, and
those others who are in support or in
opposition get an opportunity to ad-
dress it. I welcome the opportunity to
do so.

I yield the floor, and I suggest the ab-
sence of a quorum.

The PRESIDING OFFICER. The
clerk will call the roll.

The senior assistant bill clerk pro-
ceeded 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
understand a number of colleagues are
on their way to the floor to lay down
amendments. However, I thought this
might be a chance to speak for a short
period of time about the substitute
amendment that was laid down by Sen-
ator JEFFORDS but is the result of ne-
gotiations among a number of Members
of this body and the administration
that is presently under consideration.

As we consider the substitute, first of
all, I give credit where credit is due.
First, I will give credit where it is due
to my colleagues from both parties and
then raise questions about the result of
these negotiations that we will con-
sider in this substitute.

I say to Senator KENNEDY, in par-
ticular, how aware I am of the yeo-
man's work that he and his staff have
done to modify some of the most trou-
bling aspects of the issues that were
under consideration, especially the
block-grant proposal that has been
known as Straight A's. And, I know

that Senator JEFFORDS and his staff have worked hard over the last few weeks as well. Other Senators have been part of those tough negotiations as well and, in particular, I commend those Senators who worked to remove some of the most troubling aspects of the parts of this amendment that were up for discussion.

This morning I just want to discuss two parts of the substitute amendment: the so-called Straight A's proposal and the proposal to allow some Title I dollars to be used for supplemental services such as tutoring.

Straight A's is going in the direction of block-granted education money to up to seven states and 25 districts. I do recognize that a number of important programs, for example, the migrant program, homeless, immigrant, Indian education, neglected or delinquent children programs, the programs focused on students with special needs, will not be consolidated. This is important and I thank my colleagues for their yeoman's work in protecting these crucial programs from consolidation. This is important because we made a national commitment that those students coming from families and communities which are most vulnerable—take, for example, homeless children or the migrant farmer worker population. We said we would not all of a sudden leave to State and local communities whether or not they make a commitment in these areas. So, again, I thank my colleagues for the work they have done to make sure that we continue with these commitments. I also appreciate that, while title I is consolidated in those states and local districts that are granted these performance agreements, tough negotiations have assured that these programs will remain targeted to the poorest children.

On the other hand, there are other additional programs, including after-school programs and teacher quality that are block-granted here. My own view is we are going down a dangerous path. We have moved away from an important commitment. The commitment we have made is we are a national community, we are one Nation, and there are certain decisive priorities we have. Two of these are additional help for kids for afterschool programs and a national commitment to teacher training. I think this is a slippery slope. It is a huge mistake to move away from a national commitment to these priorities. I come to the floor to say this part of the agreement is not a step forward. I have some deep concerns about this move.

I know people negotiated in good faith and, as I have said, this part of the agreement is much better than any Straight A's proposal that we've seen in the past. One thing I appreciate is that if local school districts can make the case vis-a-vis a statewide education agency that has been named a block grant recipient that, as a local district, they do not want to be part of the

block grant, and if they want to continue to receive money for these important national programs, they can do so. However, I also understand that the State agency will ultimately be an important player in the decision about whether a local district can opt out.

As a former community organizer, when I think of grassroots politics in any State in the country, I don't think the grassroots level stops at the Governor's level. I don't think the grassroots is the Governors, I don't think the grassroots are Senators and representatives, I don't think they are statewide education agencies. The grassroots are at the local level.

There are decisive priorities for our Nation, no matter where a child goes to school, no matter where a teacher teaches. However, I far prefer that the designing and implementation and creativity is done at the local level. So, this Straight A's concept fails both in recognizing the national commitments and fails in encouraging truly grassroots efforts in creative implementation. The state level is not the place for the decisions about these issues to be made. So, this block-grant proposal is my first concern with the agreement.

My second concern is that in consistently failing schools, up to 15 percent of the title I program dollars may be given to the parents of children in those schools for supplemental services such as tutoring. Now, this basic concept of providing parents with funds to pay for supplemental services is not one that I fundamentally object to. Because it promotes those students finding success in public schools, it is significantly different from a vouchers plan in which we promote students leaving public schools. And, once again, I recognize that my Democratic colleagues and their staffs involved in the negotiations did good work to build in a number of safeguards into this program. However, despite my basic support for the concept, I do have problems with this particular scheme for providing supplemental services.

My main point is that I don't really understand why we are going to take some money out of the title I program, which is already severely underfunded at the 30 percent level, to provide additional help for kids in other settings, vis-a-vis tutoring done somewhere else, even outside the public school system.

This perhaps is where I register my strongest dissent from the direction we are going at the moment. We don't yet have a final agreement on whether or not there is going to be a real investment of resources to back this bill up. As a result, we now find ourselves getting into a situation where we are actually going to be taking money away from the title I program, which is the program that is there for disadvantaged children. That doesn't make a whole lot of sense to me. There are other more specific concerns that I have with this proposal as well, but it is the taking funds out of disadvan-

taged schools when we should be focused investing more in these schools that is my fundamental problem here.

Finally, there are some important civil rights issues and questions that have been raised with the supplemental services program and with the after-school program as it has been revised in this agreement. They both allow public funds to ultimately go to religious providers of these services. I am someone who has supported that basic idea that religious groups can play a key role in helping to solve social ills. And, I have seen the ways in which the religious communities can make a lot of very good things happen. But if we are going to put money in this direction, we ought to have some guarantee, some language, that says clearly that there can't be proselytizing in any of these programs funded by tax dollars. It is my understanding that such language is not in this agreement.

In addition, I certainly would not want any public dollars going to any religious organization without some type of guarantee that there would not be any kind of discrimination against any group of citizens in their hiring practices.

I actually think the religious community in many ways has done superb work. That is my view. That is what I voted for in the welfare bill. But I would raise these questions about protecting children against being proselytized to and about being sure that public dollars do not fund discrimination.

So I thought, as long as we are just at the beginning, that I would thank my colleagues for the negotiation. I thank my colleague Senator KENNEDY in particular for really being so strong and making sure we make migrant education and education for homeless children and others a national priority. That makes the block-granting portion of this agreement much stronger. I argue about some of the other programs that potentially could be block-granted. In general this is not what I think we should be doing. I think we are moving away from an important national commitment. And, as I mentioned, I think in some ways it is not decentralized enough. I think the statewide agencies will have too much control, versus the school districts, in the implementation of these programs.

Those are my comments on the substitute. Of course, I have other concerns about the base bill that really were not part of these negotiations. I will have an amendment that says we can go forward with this testing if in fact it is done the right way. So, I will ask you a number of amendments there. In addition to making sure we do testing the right way, certainly we should have a trigger amendment in this bill that says, when it comes to title I money, we must live up to our commitment so we make sure all these kids can do well before the actual implementation of testing takes place. The outcome of the vote on that

amendment will be extremely important to me.

I think what we have in this compromise is an example of where we can go amiss if we are not careful. Taking money out of title I to give additional funds to kids outside the title I program doesn't make much sense when you have such a severely underfunded program.

So, these are words of dissent based upon respect for what my colleagues have tried to do. Later on, as we get into this amendment and into other amendments, I know any number of us, including Senator HARKIN who will have an important amendment on the IDEA program, will have a lot of amendments. I look forward to really being in the thick of this debate. I am hoping—maybe I will even use the word “praying”—that some of the amendments I have that I believe will prevent the abuse of testing, will prevent teachers having to teach to a standardized test, will actually encourage teachers to go into education as opposed to discouraging teachers from going into education, especially amendments that say we trigger this when we make an amendment to title I, will be accepted. I hope that we do the testing in the right way and that we make sure these children and these schools and these teachers have the resources to do well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I have been discouraged at times about our Nation's willingness to deal with our fundamental educational problems.

The PRESIDING OFFICER. Excuse me, Senator.

Who yields time?

Mr. KENNEDY. I am glad to yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. I have 5 minutes?

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

Mr. KENNEDY. Parliamentary inquiry: Is this the time divided earlier until noon? Is that correct?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Of that time, I only have 5 minutes?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield that time.

Mr. TORRICELLI. I thank the Senator for yielding.

Will the Senator from Vermont yield 5 minutes?

Mr. JEFFORDS. We are waiting right now for the first amendment which is in order, so I cannot yield this time.

Mrs. MURRAY. Mr. President, I do not have any objection to waiting for the Senator from New Jersey as long as I still have adequate time to offer my amendment.

Mr. JEFFORDS. All right, the Senator will have that time, and I do yield to the Senator an additional 5 minutes.

Mr. TORRICELLI. I thank the Senator from Maine, the Senator from Massachusetts, and the Senator from Vermont—indeed, the entire New England delegation—for helping me to make these remarks.

Mr. President, I have been discouraged at times about, not simply the issue of education in America but about the willingness in public policy to deal with these fundamental problems. The fact that so many Senators have given so much time, commitment, and energy to dealing with this problem is one of the most encouraging things I have seen in years. Perhaps the Nation is getting ready, in a fundamental way, to deal with our educational problems.

It is none too soon, perhaps, because we all recognize the same thing: America's educational problems point like a dagger at the heart of our national prosperity—indeed, one day even our national security. America cannot long endure with this standard of living without dealing in a major way, on a grand scale, with our persistent, almost endemic problems of education.

Indeed, there are a plethora of problems. Who would believe, under these economic and budgetary circumstances, that a great nation would allow its future leaders, the engines of its future economy, to attend classes in trailers, hallways, or gymnasiums? Mr. President, 2,400 schools need to be built in the next 2 years to relieve overcrowding and accommodate rising enrollments—2,400. In some communities with the property tax base, they may get built. In others where there is not, they will not get built. Every lost school, every child who will not meet his or her potential, is a social, economic, and even a political problem.

Our teachers, no matter how dedicated they might be, wage a battle with old textbooks and a dearth of modern technology. While we have made the Internet available to the smallest business and every government agency, only 27 percent of public school classrooms can even take advantage of this new asset of technology for learning even if they have a teacher who knows how to use it.

After years of study, we all understand that the problem of children unattended, without supervision in the afternoons is a principal reason for poor grades, dropouts from school, alcohol and drug use, and lives of crime. Indeed, violent juvenile crime triples in the hours after school.

Rising enrollments, inadequate school construction, inadequate technology, these are things that we have known and understood not for a year, not for a few years, but for a generation. Yet today we meet again to discuss these issues, recognizing that this afternoon 15 million children will arrive to empty homes or spend their afternoons on the streets when, indeed, they could have had supervision and used the time productively.

The question is not whether or not we are making insufficient progress. I

believe the question is whether we are making any progress at all. The National Assessment of Educational Progress showed no improvement from 1992 to 2000 in fourth grade reading ability. Less than a third of the country's fourth graders read at a grade level that is appropriate, and the gap in reading skills between the highest performance level and that of our lowest performing students is widening.

I will recognize that during this debate, Senators will come with ideas from the left or the right. They will have radical solutions or modest solutions.

This much I believe about this debate. I hope that no Senator will come to this floor believing that anyone has a monopoly on good ideas, and that no one will come to this floor and defend the status quo because the status quo does not deserve defense.

The Bush administration enters into this debate and understandably wants to plant their own mark on educational reform. They have a right to do so. And, indeed, the administration's view is that accountability and improvement of standards in testing is part of educational reform, and that is correct.

All the money in the world will not improve American education and accountability. Reform of almost every aspect of American education is required. But as certainly as money is not the entire answer, it is certainly part of the answer.

Nine thousand schools nationwide have been identified as needing improvement. The number of low-performing schools is rising each year. Accountability of those schools will matter. It will shoulder the other problems that I mentioned. Accountability will not solve leaking roofs. Accountability alone will not bring technology to classrooms. Accountability alone will not retain good teachers.

There is a marriage of ideas of the left and the right, Democrats and Republicans.

Other aspects of the administration's plan should be supported. I have fought for years for educational savings accounts for K-12. It is time to enact them. It makes sense to bring private resources in to help with this growing national problem.

Charter schools are a tested and sometimes workable addition to the problems of public education. And they should be supported.

But as I reach across the aisle and commend the Bush administration on its ideas, I hope this much will be granted: There is no alternative to a large-scale, immediate national program of building new schools for America. One-third of America's public schools need major repairs or total replacement. There is a \$322 billion backlog to build and modernize America's schools. This requires Federal resources. Local communities should not face a choice of ruinous property taxes or declining opportunities for their own children. We are the difference.

In New Jersey today we are beginning the Nation's largest school construction program with \$8.6 billion for school construction. I am proud of it. It is needed. It is a good bipartisan plan, and it is impressive, unless you consider the scale of the problem. We are spending \$8.6 billion. But New Jersey alone has a \$22 billion need for school construction.

This year, my State saw the largest increase in enrollment in 20 years. Our fastest growing school districts need a new school constructed every 3 to 5 years.

That is why I am supporting the Harkin amendment to fund new school construction. As much as we need the Harkin amendment, we need to continue with our program of adding 100,000 new teachers.

I believe in time that the Clinton administration's greatest achievement, at least for my State of New Jersey and I believe for the country, may be the reducing of class size. Every study that has ever been conducted and every review that we have ever chartered has made clear that the greatest variable in the performance of a America's students is to reduce class size. And the goal of a national class size standard of 18 by adding 100,000 teachers, of which 30,000 are now employed, is the greatest variable and can make the greatest contribution.

I believe this marriage of ideas from Democrats and Republicans can make a real difference. I begin now by endorsing the Harkin amendment and by strongly supporting the continuation of our program of hiring new teachers.

I yield the floor. I thank my colleagues for yielding the time.

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

The PRESIDING OFFICER. Twenty-five minutes.

Mr. JEFFORDS. I yield to the Senator from Maine 20 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 359 TO AMENDMENT NO. 358
(Purpose: To improve the Read First Program)

Ms. COLLINS. Mr. President, I send an amendment to the desk as a substitute to the amendment that is before the Senate.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 359 to amendment No. 358.

Ms. COLLINS. Mr. President, I ask unanimous consent that 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 under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, first let me start by commending the chairman of the com-

mittee, Senator JEFFORDS, and the ranking minority member, Senator KENNEDY, for their extraordinary work on this important legislation. They have shown real leadership in pulling the Senate together on what I believe may well be the most important legislation we consider this year; that is, the reauthorization of the Elementary and Secondary Education Act.

My amendment would make a series of improvements to an extremely important component of the bill, and that is Reading First. I have worked with my colleagues from both sides of the aisle as well as with the administration, the Secretary of Education, and the President to ensure that both the Early Reading First and the Reading First initiatives are truly focused on our goal of helping every child to learn to read.

We can do so much more to ensure that every child learns to read. Reading First is based on the principle that the best way to ensure that no child is left behind is to teach every child to read.

Reading First encourages States and school districts to take a preventive role when dealing with reading programs.

It would provide assistance to States and school districts to establish reading programs for students in grades kindergarten through the third grade to better ground specifically based reading research in order to ensure that every student can read at or above grade level by the end of the third grade.

It would provide assistance to States and school districts to better prepare our teachers who are on the front line and who are so important in this crusade.

It would give them professional development and other support so that teachers can identify specific reading barriers facing the students and have the tools that they need to assist their students in learning to read.

Reading experts tell us that children learn to read in many different ways. This isn't a case where one approach serves the needs of every student. Some students may need to put their fingers on their mouths when they say certain words to understand the sounds that make up those words. Others may need to clap out the syllables to understand how words are constructed.

These are examples of the kinds of teaching tools that Reading First will promote and that will assist teachers in learning.

The program would also provide assistance to States and school districts in selecting and developing diagnostic reading assessments that document whether children are learning and will also help us to assess the effectiveness of the Reading First Program.

Reading First would require us to make a real commitment. We should not require students to fail before providing assistance. And, yet, that is often what we do.

The most common intervention is placement in special education which for most children is simply not a solution. Special education services are not designed to solve a children's reading disability, and for the most part they do not. Our Early Literacy Program is well documented. Approximately 2.8 million students in the United States have been identified as having a learning disability. Of those, 90 percent have trouble reading. The good news is with proper, effective, and early intervention a learning disability can be treated, and children with reading disabilities can have the potential to achieve their full potential. The bad news is that most States do not now have the resources to establish the kinds of reading programs and early interventions that are most effective.

Reading First would address this problem. It provides a national focus on early reading intervention. It simply does not make sense to wait until the third grade to test a child's reading ability, find out that that child's reading skills are far below his or her peers', and know that the chance of that child learning to read by grade level by the end of elementary school is less than 25 percent.

By contrast, if a child is tested and receives help in kindergarten or first grade, that child has a 90- to 95-percent chance of becoming a good reader.

Since reading is researched more easily and effectively during the early years, identifying children who have problems with reading and providing them with the help they need early on is very effective.

Reading First is a comprehensive approach to promoting literacy in all 50 States. It will support the efforts of States such as Maine that have already made great strides under the Reading Excellence Act in promoting reading and literacy.

The Reading First initiative would provide \$1 billion per year—that is triple our current commitment—to States and school districts to establish and enhance reading partnerships and to develop early literacy professional development programs for teachers.

We know that other than involved parents, a good teacher, with proper literacy training, is the single most important prerequisite to a student's reading success. We also know that reading is the gateway to learning other subjects and to future academic achievement. That is why it is so important that this bill make such a national commitment to reading programs.

The amendment I have proposed improves upon the Reading First section of the bill in a number of ways.

First of all, it would improve the targeting of funds so that more would be allocated to those local schools that have the most schoolchildren who are reading below grade level.

Second, it would clarify that each State's educational agency would be responsible for administering the program.

Third, it adds greater detail to the criteria that will be used to award competitive grants to States by specifying that a State must be able to demonstrate improved reading achievement in those schools that are receiving Reading First funds.

It would require the Secretary to minimize the amount of new paperwork for States that have already applied for and received a grant under the current Reading Excellence Act.

It would increase accountability by requiring States and local school districts to demonstrate improved reading achievement in schools that are receiving Reading First funds.

And it would require that, in carrying out the evaluation of this program, the Secretary assess whether it is having an impact on the identification and referral of young students to special education services under IDEA.

Let me just elaborate on this latter point. I firmly believe if we invest in early reading programs, and identify children who are having difficulty in learning reading early on, that many of those children will not need special education. The reason this is important is, once a child becomes part of special education, the chances of that child ever leaving special education are less than 5 percent.

We know that if we intervene early, 90 to 95 percent of children with learning disabilities can be helped. But if those children become part of the special education system, the chances of their leaving special education are less than 5 percent.

This is an investment that makes sense.

President Bush deserves enormous credit for placing reading at the top of our education agenda and for being willing to work with us—with Members on both sides of the aisle—to hammer out the best possible legislation.

Mr. President, I know the Senator from Rhode Island wanted 5 minutes to comment on this legislation. My statement is quite lengthy. What I would like to do is ask unanimous consent to be able to yield 5 minutes to the Senator from Rhode Island and then reclaim my time so that I can complete my statement, if that is acceptable to the managers of the bill.

Mr. JEFFORDS. Mr. President, I will keep control of time, but I am pleased to do as my colleague wishes, and I yield 5 minutes to Senator REED.

Mr. REED. I thank the chairman very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Maine for the gracious yielding of time and for offering her amendment. She has offered a very admirable and very important amendment that will increase literacy in the United States. It tracks closely President Bush's proposals for increased literacy throughout this country. In fact, it builds on the Reading Excellence Act which this body passed in 1998. I believe

it is a measure that should be broadly supported.

I, too, also commend Chairman JEFFORDS and Ranking Member KENNEDY for their efforts in the committee to bring this measure to the Chamber and, again, Senator COLLINS for her excellent amendment with respect to literacy in reading. I want to use this opportunity to not only commend Senator COLLINS but also to suggest that as important as her amendment is, there is a piece I believe that could be added to make it even better. That piece is providing access to materials in school libraries.

For years I have been advocating a return to Federal support for school libraries. Back in 1965, with the original Elementary and Secondary Education Act, the Congress passed an initiative that would allow—and did allow—school libraries to purchase library materials. It was widely successful. In fact, I will suggest that my colleagues go to any school in their State—particularly those schools in rural or urban areas—go to the school library and look through the shelves. I am sure you will find books that are stamped “ESEA, 1965.” You certainly will find many books with a 1966, 1967, or 1968 copyright. Sadly, that is the status of our collections in school libraries throughout this country: Many old and out-of-date books purchased originally by ESEA. We can do better and should do better.

The thrust of Senator COLLINS' amendment and the President's program is teacher technique, teaching pedagogy, and teaching instruction. But, as I said, there is another aspect; that is, having the materials available for young people to actually read.

Research clearly shows that the modern up-to-date library with new material contributes significantly and positively to student performance. The research consistently shows this. It suggests that we have to do much more in terms of not only providing new technique, new instruction, new pedagogy, we have to provide books and media for children so they can, in fact, practice what they are taught, and not only practice what they are taught but become enthused about using libraries and reading books. You cannot do that with some of the out-of-date collections we have in our school libraries today.

That is why, as soon as it is appropriate, I will suggest an additional amendment. I was tempted, momentarily, to offer a second degree to the Collins amendment, but I believe she deserves the opportunity to make her case undiluted by other proposals.

My proposal would, in fact, increase funding authorized for the President's program of reading and literacy so school libraries throughout the country could actually buy materials as part of the Reading First initiative and target these funds to the schools that are most in need, the highest poverty schools.

It would also provide districts and schools with the flexibility to use funding to meet local needs. There would be no preset list of books or materials. It would be a very local choice which they could use themselves to acquire what they need in their particular circumstances.

It would also encourage resource-sharing initiatives such as those that have been established in Ohio and Rhode Island, effectively linking all the school libraries together with public libraries and with academic libraries in higher education institutions, so that children can access, through computerized records, a vast array of material. This modern, updated approach can be another additional improvement in education throughout the United States.

Also, it would provide resources and support to train school librarians and those people who work in the libraries. Sometimes we overlook the fact that we have to have trained professionals in the library. It is not sufficient simply to have a teacher walk a class in and say, pick a book, children, and go out. It helps immeasurably if there is someone in that library who knows not only how to do research but also how to use library materials to enhance the education of all the children in that school.

This legislation I am proposing is based upon a bill I introduced along with Senators COCHRAN, KENNEDY, SNOWE, CHAFEE, DASCHLE, and others. It has been modified because, rather than being a separate stand-alone portion of the ESEA, this amendment that I will propose next week will be part of the President's initiative, part of the Reading First initiative.

It makes sense simply because we are all trying to focus in our resources and our attention. In addition, it responds to some complaints I have heard that this is not the time to embark on a new program. Let me, as a fundamental point, state that this is not a new program when it comes to school library support. In 1965, it was specifically authorized and funded under the original ESEA. In 1994, we reauthorized this particular library program. Unfortunately, it was essentially defunded in previous Congresses, and it was made part of a larger block grant. As a result, the resources have diminished significantly.

I commend the Senator from Maine. I look forward to her amendment. I ask her to consider, along with others, this improvement which I will offer at the soonest possible moment.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). Who yields time?

Mr. WELLSTONE. Will the Senator yield 30 seconds?

The PRESIDING OFFICER. The Senator from Vermont controls the time.

Mr. JEFFORDS. I yield to the Senator from Minnesota.

Mr. WELLSTONE. In the spirit of working together, I know we will have

votes on these amendments. One thing I do want to get a chance to do is examine the substitute amendment. It is a huge package which just arrived recently. Before we have a vote on it, I want to get a chance to look at it so I understand it, and I want to be in touch with people in my own State. I suggest that we not vote on the substitute amendment until after Senators have had a chance to look at it.

Mr. JEFFORDS. We are allowing time for that purpose. We understand the Senator's concerns, and they will be accommodated.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is true that probably 5 or 7 percent of this has just been drafted, but 85 percent of it had been drafted and completed 4 days ago. The Senator is quite within his rights, but just for the membership, those on the committees who are interested, 85 percent of that has been in draft form. It is still a sizable amount.

Mr. REID. Will the Senator yield?

Mr. JEFFORDS. I will.

Mr. REID. I say to the Senator from Minnesota and others, we want everyone to understand the underlying substitute. They should have all the time they need to do that. In the meantime, we are constructively moving forward on the bill. The Senator from Maine has offered an amendment. The Senator from Iowa is waiting. It is my understanding you have another Senator to offer an amendment. We have Senator DODD ready to offer an amendment. We should be able to move forward on these amendments subject to the adoption of the substitute.

Mr. JEFFORDS. I thank the Senator. I agree with him. I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, now that the ranking Democrat on the HELP Committee has joined us, I once again repeat my praise of his efforts as well as those of the chairman of the committee. Senator JEFFORDS and Senator KENNEDY have done incredible work in bringing us together on this important issue, as has the Presiding Officer, the Senator from Tennessee, Mr. FRIST. I thank them for their efforts on what I believe to be such an important initiative.

To reach our goal of helping all children, of ensuring that every child knows how to read, the reading programs authorized by this bill draw on 30 years of research on reading and reading instruction. These programs will enhance our ability to help every child succeed. We know that we have a lot of work to do.

By way of background, I will share with my colleagues some of the troubling statistics about reading in this country: 20 million children are at risk for reading failure; 75 percent of children with reading difficulties who are now helped by the time they reach the age of 9 will still have poor reading

skills at the end of high school. That is why early intervention is so important.

Eighty to 90 percent of children identified with learning disabilities have their primary deficits in reading and language-based processes. We know that fewer than a third of our fourth graders can read at grade level. We know that the reading scores on the national tests for reading have been flat for 30 years, and the recent release of the NAEP scores for this year would continue this flat line.

We need to do things differently. We need to increase the Federal investment. That is what this bill would do, by tripling funding for reading programs.

We also need a fresh approach. Fortunately, research provides reliable ways to determine whether children as young as age 4 are developing the necessary skills to learn to read. Early identification and effective early intervention can dramatically reduce the numbers of students who fail to learn to read.

Teachers have told me of the excitement they feel when they watch a child learn the strategies needed to crack the reading code. For some students it is a mysterious code, but teachers have proven over and over again that there are strategies and solid research that can bring techniques into the classroom to help children discover that they can, indeed, become good readers.

The ability to read unlocks the doors to all other areas of the curriculum. Children who can't read don't excel in other subject areas. In fact, nonreaders pull away from other academic subjects if they don't experience success in reading.

I find it so exciting that this country is now focused on reading. Reading is finally getting the attention, the support, and the resources it deserves. It has taken years for the importance of reading to rise to national attention. I give our President and the First Lady tremendous credit in focusing national attention on the importance of reading.

I believe we are about to take a great leap forward for this Nation toward increasing literacy. The amendment I put forth merely strengthens the provisions of the reading initiative in this important legislation. It will ensure that we have access to the information we need to determine whether this program is a success.

The bottom line: If we act swiftly and effectively to teach reading in the early grades, we will provide our children with the solid foundation they need for future academic success.

The Reading First initiative gives meaning to our commitment to leave no child behind by making certain that every child can read. This is critical because our Nation is in the midst of a monumental global change. Unlike previous generations who came of age when the United States was primarily an agricultural or manufacturing based economy, this generation coming to

age now will need reading skills more than ever.

Information processing has become a required skill for so many jobs. That is why reading is so important. It is the basic building block for participating fully in our society. In this country of opportunity and promise, we owe it to our children to make sure they learn to read and learn to read well.

In closing, I thank the leaders of our committee and the National Center for Learning Disabilities, as well as the Department of Education and White House officials for working together with us to improve the Reading First initiative in this legislation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Maine for a wonderful effort in making sure this bill will succeed. I commend her on it.

I yield myself such time as I may consume for purposes of supporting the amendment.

At a time when we are sending tourists into space, cloning animals, and integrating computers into every facet of our lives, reading continues to be one of the most important skills we learn in our lifetime. In fact, in this information age, reading has never been more important.

There are two programs in this legislation that have not received as much attention as some of the other provisions. Yet, these programs may be the most important parts of the bill. Because—while reading is the gateway skill to further learning, academic achievement, and success in the world—millions of school-age children are not learning to read well enough.

Over the past two days, several Members have talked about how too many of our children are not reading well. I have some charts that display just how serious the problem is, and what an emergency it is for our county.

Chart 1 gives an overall view. It is so discouraging, I want to take a few moments to let everyone absorb the contents of it.

What we are looking at here is the reading results for fourth graders from the most recent National Assessment of Educational Progress. This is a nationally representative study carried out by the Department of Education.

The results from the assessment are divided into four categories: Below basic, basic, proficient, and advanced. The proficient level is the performance expected of students at this grade level. That is where every child in America should be.

As you can see from the bar on the far left, 68 percent of all students are reading below proficiency in the fourth grade—68 percent are below proficiency in the fourth grade. A little less than 40 percent have not attained the basic level. That means 40 percent are really seriously failing, which means they have not mastered even the rudimentary skills of reading. This is unacceptable.

I will point out some other deficiencies in our educational system. We are the only Nation of the industrialized world that does not provide education paid for by the public sector for 3- and 4-year-olds. I point that out because that percentage of 40 percent is about the percentage of those who get no help in the 3- and 4-year level. That is our country. No other industrialized nation has that kind of a record.

As you look down the different bars on the chart, you can see that this overall performance actually masks the performance of the subgroups identified in the report. For example, only 12 percent of black students in the fourth grade are reading at the proficient level.

Now I want to point out the deficiency of our Head Start Program. We will be holding hearings on that later this year. The Head Start Program is designed to give custodial care and help and nurturing to young children. There is little or no effective educational part of that program. Therefore, we have to examine what we can do and note that the only program we have that really is in the area of help really does not provide the kind of educational help that is necessary.

Also, nearly 60 percent of Hispanic children are reading below the basic level.

Let us now turn to chart 2. If we look at the next chart, we can see that poverty, which cuts across all the groups on the previous chart, predicts a great deal of the low performance. Again, we have the same problem here with respect to percentages, and we find that our Nation, unlike any other industrialized nation, does not provide help to the young children, the preschoolers.

"Eligibility for free and reduced lunch" is based on the income of a student's parents. As you can see, children living in families near or below the poverty line are much more likely to be reading at the basic or below-basic level.

Overall, these numbers have not changed over the past decade. They have not changed over the past decade. That means in the last 10 years we have seen no improvement. I serve on the Goals panel, and I have been there since it was initiated in 1990. We have not seen any significant change in the levels of education since that time, when we created the Goals panel to see whether we were improving.

One of the most noticeable changes in the data over time has been a decline in the scores for the lowest performing 10 percent. This means that those students who are furthest behind have been losing ground. That is totally inexcusable for this Nation.

What is so alarming about these statistics is that by the fourth grade, students are expected to have learned how to read well. Increasingly, they must read in order to learn about academic matter. The emphasis on teaching reading declines, and the opportunities to make up lost ground often dis-

appear. There is clearly a relationship between the low reading scores for these groups of students, their low academic achievement in later grades, and the high rate of dropping out of school.

I can point to another study done by the Glenn Commission and also the stories we have with respect to improving in math. Even though our children, somehow, are average with respect to industrialized nations in the fourth grade in math, from that point, they slip down until they are last in the world by the time they graduate from high school. That is one of the most serious problems from which our Nation suffers. Again, it gets back to the basics of reading as well as, of course, understanding math.

Of course, it should be no surprise that these students, when they leave school, become adults with low levels of literacy. For example, in 1993 the National Adult Literacy Survey found that 20 percent of all adults—or more than 40 million Americans—scored at the lowest level of literacy on the assessment.

Finally, to bring this full circle, a recent report from the Department of Education, "The Kindergarten Year," found that the children of parents with less high school education arrived at kindergarten with far fewer language and literacy skills than their peers who had better educated parents. In fact, when these children left kindergarten, they scored lower on these skills than when their higher performing peers entered kindergarten.

This is the current situation:

Some young children fall behind their peers before they even enter school; schools improve most students' reading skills, but they do not close the gap; these students are much more likely to fail in school and, even worse, to drop out later on; children of parents who themselves had difficulty learning to read, and who did poorly in school, are more likely to have reading difficulties.

So you can see what we have is a cycle of low literacy in this country. Now you can see why I think the Reading First Program and its companion, Early Learning First, which gets down to the 3- and 4-year-olds, preschool-age children, are perhaps the most important parts of this legislation that we will be passing.

I should add that the Even Start Family Literacy Program is also being reauthorized by S. 1. It is another important piece of our national literacy effort. That is working with both the parents and the children at the same time to make sure the family becomes literate together.

I commend the President for his leadership in proposing these reading programs and asking for funds to make them a reality. He provided similar leadership on this issue as Governor of Texas, with good results in Texas. I praise the President for bringing that experience to this body so that all of the country may share from it.

I also want to mention our First Lady, Laura Bush, who I know is also very interested. I have been with her at times when she has demonstrated that. She is deeply involved in the reading issue. She provided leadership on reading and literacy as the first lady of Texas and has taken special interest in the development of language and literacy skills in preschool-age children, as reflected in the Early Reading First initiative.

I believe very strongly that the only way we can close the gap between better performing and lower performing children in our own country and between American students and those in other industrialized nations is to:

Provide more opportunities for learning in the preschool years; second, improve instruction in our schools and give adults an opportunity to improve their own literacy skills.

I hope my colleagues will support these important programs—Reading First, Early Reading First, and Even Start Programs—in the overall legislation we are considering today.

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

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

Mr. KENNEDY. Mr. President, I congratulate my friend and colleague from Maine for an excellent statement and for her amendment. I am in strong support of her amendment. I spoke to her briefly yesterday about authorizing the Early Reading First Program at \$75 million which complements the Reading First initiative by supporting effective approaches for improving the early language literacy skills of children age 3 to 5, and under the program, 4-year competitive grants may be awarded to school districts and nonprofit organizations that serve preschool children.

Her amendment is not only building on the Reading Excellence Act, and not only provides funds for children in the early grades, but also for the preschool children. That is an area of opportunity and need as well.

I am hopeful we will, over a period of time, build on that program.

I thank the chairman of our committee. No one knows this issue better than Senator JEFFORDS. He is the founder of the Everyone Wins Program in Washington, DC, and he is constantly urging Republicans and Democrats to join him in reading to a child at the Brent School. He and I shared that experience on Tuesday. I welcome that opportunity.

I know when he speaks about reading and the importance of reading, it is a deeply held belief and one that is rooted in his soul because he lives those words very effectively. It has been a

great opportunity. I have enjoyed participating with him in that program, and I know a number of our colleagues do as well.

Anyone who has any question in their mind about the importance of developing effective programs in reading, if they would spend a few hours—just an hour, actually, a week—they would be the most enthusiastic supporter of this program. It will have an enormous impact on the children. Most important, it will enhance their ability to learn. It will excite them about learning. It will give them countless joy in the future. It is a wonderful undertaking. The expansion of this program, which started a few years ago, will be enormously important. I look forward to working with Senator COLLINS in giving additional focus and life to the earlier interventions for children because that is of major importance.

Finally, we have heard a great deal about what title I has not done over the years. For the benefit of the membership, this chart is NAEP reading scores over the past 25 years. These are the constant scores for the same test. If you look at this chart from 1971 to 1999, you will see there has been a very modest increase in 13-year-olds over that period of time. There has been a very modest increase among black teenagers and Hispanic teenagers. There has been a very modest reduction in the difference between the races, which is encouraging.

It is interesting to note, if you look over what was happening to children during this period of time with increased poverty, an increased number of immigrant children, non-English-speaking children, that is also an indicator and has a significant impact on these numbers.

One can see looking at this chart that there is a gradual improvement for all 13-year-olds over that period of time.

The next chart is NAEP reading scores for 9-year-olds over the past 25 years. We see the same: a very modest increase for 9-year-olds and somewhat a closing of the gap among the other children as well, although it has been very modest.

The next chart is in the area of math. The significance of these charts show, if one goes from 1973 to 1999, for 13-year-olds, the line is moving in a positive direction. That is a hopeful sign. These are NAEP scores. If one looks at the black children, we see the gap, which was 46 points in 1973, has been reduced to 32 points in 1999 which is a very sizable reduction. There have been some rather important gains made in math.

Another chart, again the NAEP tests, the 1990 trends in academic progress, shows the gap closing in math for 13-year-olds. It was a 35-point gap in 1973, and it is down to 24 points. Again, those lines are moving in a positive direction.

This chart is the older children, 17-year-olds, and one will see a 52-point gap in 1971 down to a 29-point gap.

The point is we have a long way to go, but we have made some important progress.

The other important point about these charts is the schools that made the greatest difference had both reform and resources. That is why we come back to the basic point that is underlying this bill and why we have been able to fashion a very good, effective bill. In a number of ways, if I had been drafting it, I would have drafted it differently.

This is a very important bill, but it needs the resources to give these trend lines a real boost in the future. That is what we want. We want reform and resources. We are talking about investments in children, investments in the futures of children. Children are the future. We need those kinds of investments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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. REID. Mr. President, I will suggest the absence of a quorum and ask that the time be equally charged.

Mr. JEFFORDS. I have no objection.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, under Senator KENNEDY's time—actually, under Senator HARKIN's time—I yield to the Senator from Michigan 10 minutes.

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

Ms. STABENOW. Mr. President, I first thank my colleagues on both sides of the aisle who are working so hard on this important issue of education: the chairman of the committee, Senator JEFFORDS, who is providing such important leadership; the ranking member, Senator KENNEDY. I congratulate him and all of the Members who are so deeply involved in focusing on what I believe is the most critical issue facing us in the future, not only of our children as it relates to their opportunities to succeed but to our economy as well.

We have all heard—as a member of the Senate Budget Committee, I heard time and time again in hearings—that we have an increased labor productivity that is driving this economy. The basis of that increased labor activity is an educated workforce. So the debate in front of us is critical.

I rise today in anticipation of an amendment that will be introduced

later that I will be cosponsoring. It relates to an important part of providing resources and keeping the Federal Government's promise that was made 25 years ago concerning funding for special education for all of our local communities.

We have many educational priorities. But as I have met with the leaders and parents in communities all across Michigan, they have said to me time and time again, if you just did one thing, if you just kept your promise to fully fund your portion of special education, it would free up dollars for us to serve the other needs of children in schools.

This is critical in Michigan. We have had numerous court suits that relate to the State portion of special education. The lack of Federal support has caused a tremendous battle in Michigan over the resources for special education.

We have the opportunity now, in the context of debating the budget and the vision for the next 10 years and in the context of this important education bill, to set it right. I hear over and over again from superintendents and teachers and parents: If we are talking about economic good times, if we are talking about budget surpluses, why can't you keep your promises? This is an incredibly important promise to our children and to our communities. It needs to be kept. We are nowhere near meeting the commitment that was made 25 years ago.

Let me give an example. I should say I have been deeply involved over the years in the issue of advocating for our children in special education. In Michigan, the cost for the 1999–2000 school year was \$1.2 billion for special education alone.

The Federal Government is supposed to provide 40 percent of that. But instead the Federal Government's contribution to Michigan schools was \$120 million. I am pretty good at math. I know that \$120 million is not 40 percent of \$1.2 billion.

Unfortunately, the State has tried to make up part of those dollars. Local communities in Michigan have shifted over \$420 million into special education that is supposed to be available for other critical needs in the schools: lowering class sizes for all children, putting more technology in the classroom, upgrading our math and science capabilities, and some issues that need to be addressed.

We have taken a large amount of resources in Michigan away from those needs in order to address the very important need of special education, one that the Federal Government agreed to help fund and has not yet kept its commitment.

Nationally, the Federal Government provides less than 15 percent of its commitment to IDEA, which is our special education funding. We are supposed to be providing 40 percent. We are yet to hit 15 percent.

We can do something about it right now. We have it within our means. I am urging my colleagues to do that.

I would like to share a couple of letters from parents, one from a teacher in Michigan, concerning this issue that has profoundly impacted the children and the families and the schools in Michigan.

Richard Spring from Manchester, MI, working in the Webberville School District, an important school district outside of Lansing in mid Michigan, wrote to me saying:

In small rural school districts, like the one where I work, the high cost that is incurred by the school district for special education makes it impossible to do a lot of the other things that we know are critical to providing adequate services to all students. For some kids, who don't necessarily qualify for special education, the impact is especially dramatic. For example, many students are on the "borderline" in school—there are a year or so behind where they should be for their age. Perhaps they were help back one year. These children do not qualify for special education in our district and there is no extra funding to provide services to help these students who clearly are struggling. This is because the district must carry such a high burden of the special education costs.

Around the time these marginal children reach middle school, they are no longer able to "just get by" in school without any additional services. Often, these students are so frustrated with school that they are diagnosed as emotionally impaired. These are the children whose behavior becomes so disruptive that it interferes with other children's opportunities to learn and a teacher's ability to teach.

This problem could be easily prevented if the federal government met its commitment of 40% funding for IDEA. This would free up the critical dollars that school districts need to provide other services, like assistance to students who are on the borderline. Even something as simple as summer school could make a difference in these children's lives. But the cost of special education is so high, that my school district has not been able to offer summer school in the seven years that I have been there.

I very much appreciate Richard Spring's letter to me, and I think he speaks very well to the struggles that are going on in our schools trying to meet the important needs of children and not having the Federal Government coming forward with its promise. We are great at mandating. We are great at laying out what ought to be done providing rules and regulations, and even when they are important and ones that I agree with completely. If we do not keep our commitment on resources, we are not keeping our commitment to children.

I also would like to read one other letter from a parent who wrote:

I am writing as a parent of a child with special needs. My son Paul is 11 years old. He needs an aide at school to keep him on track, organize his school work and home work and to interpret non-verbal information. He is a very work intelligent, sweet, easy-going child and this makes him one of the many who could fall through the cracks if special education funding is not improved.

The combination of growing enrollment and teacher shortages is putting a strain on our communities to provide quality education for our children. Our district . . . is especially struggling because of its high percentage of autistic students its very high percentage of severely afflicted children.

The need for federal education funding is greater now than ever before. I see how the special education teachers are overwhelmed with work loads because we can't afford to hire new teachers. Our special education budget is upwards of \$500,000 in the hole for next year. All of our students are affected when we cannot provide services to our special needs children. Without appropriate funding, we must pull funds from other areas of our budget. Programs are being cut and education, as a whole, suffers. . . . Please vote and fight to fully fund the Individuals with Disabilities Education Act and make its funding mandatory.

Mr. President, I could not say that better myself.

Again, this is the time for all of us on both sides of the aisle who care deeply about the future of our country and deeply about the future of our children and families to take this unique time in history and keep our commitment because the resources are now there to do so.

I ask, if we do not pass today an amendment to fully fund special education, when will we? When will we have the opportunity again for our country to be able to step up and take a small portion of resources that are currently in hand and keep our commitment to the children and families of this country? Now is the time. We need to keep that commitment to special education.

I yield the floor. I thank my colleague.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from New Mexico, Mr. BINGAMAN, be allowed to speak as if in morning business for 10 minutes and that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague from Nevada very much for that courtesy.

(The remarks of Mr. BINGAMAN are located in today's RECORD under "Morning Business".)

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that time under the quorum call be equally divided.

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

Mr. BINGAMAN. 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. EDWARDS. 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, I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, the debate we are having this week and next week on education reform in this country may be the most important debate we have in the Senate this year. Education is probably the most important thing we do as a government. We have the best military, the best economy, and the best technology in the world. There is absolutely no reason that we should not have the best public schools in the world. We are the leader in so many other areas, and we should be the leader also in this area.

Whether you are talking to teachers, students, school administrators, or parents, you hear the same thing everywhere you go. I have townhall meetings in North Carolina regularly. I visit schools there regularly. You hear the same things every single place. No. 1, everyone wants to make sure that every school is a high-performing school. In other words, there is no excuse for there being a single low-performing school in America.

Second, we need fine, quality teachers, and we need to pay them well and keep them.

Third, we need to make sure that the performance of every single student in America is improved. That is what this education debate is about.

We should make this decade the education decade in America. My home State of North Carolina has served as a model for many of the reforms that have been debated. A few weeks ago, the Secretary of Education, Secretary Paige, came and told the committee that many of the ideas that this administration has proposed are, in fact, modeled after work that has been done in North Carolina. A centerpiece of that reform effort was a sustained effort at identifying those schools that are not performing and taking all the steps necessary to make sure those schools are turned around.

I am very pleased that we were able to insert in this bill, with the help of my colleagues, a specific provision, a proposal, a system that we have used in North Carolina to turn around low-performing schools. The concept is very simple, but it is very effective. Once the measurement and the testing has occurred and we identify a school that is low performing, we gather what is called a special assistance team, a team that exists for the purpose of going into low-performing schools to turn the schools around. It is comprised of educators, experts in the field, and people who know, based on their own education and experience, how to turn around a low-performing school. Those special assistants go into the school and do what is necessary to turn it around. They evaluate the academics

of the school; they evaluate the personnel at the school; they make recommendations about changes that need to be made to restore educational quality at the school.

Again, it sounds like a simple idea. You figure out a school is low performing and you send in a group of experts to turn the school around. It is a simple idea, but it works. It has worked in North Carolina. Since 1997, we have identified 33 schools as low performing. Into those schools we have sent these special assistance teams; their job it is to turn the school around. Since 1997, 29 of the 33 schools identified as low performing have now been turned around.

Now, there are, obviously, many things that have contributed to these schools being turned around, including a lot of work done in the local community. But these special assistance teams have played a pivotal role in turning these schools around. Their contribution is important. What we have been able to do, with the help of my colleagues on the HELP Committee, and with the able leadership of both the chairman and the ranking member, Senator KENNEDY, is to incorporate into this bill exactly at a national level what has been working in North Carolina.

There has been a lot of talk in Washington and nationally about reform. Reform is important. I support it—measurement, accountability, identification of schools that are low performing, and doing what is necessary to turn those schools around. That is the system. It is the system we helped start in North Carolina, and our North Carolina system has served as a model for what we are talking about nationally.

The problem, though, is tough accountability, tough reform will not work ultimately in many school districts unless the resources are available to turn those schools around. In poor school districts, once you go in and identify a school that is low performing, you test and measure, all of which are a good idea, and so is real accountability.

The problem is, if the special assistance team makes a recommendation, if the school does not have the resources to do what is recommended, it is impossible to turn those schools around. It gets to be a very simple proposition: You identify a low-performing school, and you send in the experts to tell them what needs to be done. But in order to change things, many times resources are needed because in these poor school districts all over America, they simply do not have the resources to do what needs to be done.

Without the resources, what you have is Washington, DC, telling people in local communities what needs to be done in their schools without giving them any help in meeting the standards that are being established. It is an unfunded Federal mandate out of Washington. It is the Washington peo-

ple telling local people what they have to do and then not providing any help to do it.

North Carolina is a perfect example of how critical this is. In North Carolina, we implemented very tough measurement, tough testing, tough accountability. We identified these schools that were low performing and went in and intensely made an effort to turn them around. The critical component of that, though, was once those schools in North Carolina were identified, we made sure the resources were there to actually turn the school around.

That is why this debate over the course of the next 2 weeks is so critical because what has worked in North Carolina will work nationally. There is no excuse for us having a single, not one, low-performing school in this country. But the only way to get there is once we have done the testing, once we have done the measurement, once we have identified the schools that are not performing, the resources have to be available to turn around those schools. That is what we did in North Carolina. It worked. That is what we should be doing at the national level. It is what we are going to be talking about over the course of the next 2 weeks.

The budget debate, which is also ongoing in this Senate and will be ongoing over the course of the next several months—

Mr. KENNEDY. Will the Senator yield?

Mr. EDWARDS. Yes.

Mr. KENNEDY. We will be voting this afternoon on the Republican budget. We will be able to debate that under the time limitations, but it is coming back now with a little over \$1.2 trillion.

The Senator, I am sure, remembers the debate we had on the Harkin amendment. This body, in a bipartisan way, gave instructions to the conference that there be \$250 billion more committed to education. It is directly relevant to the matters about which the Senator has referred: To take what is working in North Carolina—and we might come back to that in a minute or two—to take those very excellent examples of how North Carolina has taken schools which were seriously behind in academic achievement and promoted those schools. I read where one or two of them are at the top in achievement.

As the Senator has pointed out, this is a blueprint we have which the Senator worked on in the committee and has been helping us fashion over the past few days.

Does the Senator agree with me that if we have this blueprint, what is going to give life to this blueprint is resources? It is about the future.

We are going to be voting on the budget proposal. The Harkin amendment had 19 million classroom slots for students. We are reaching 3 million now. There are 10 million children who qualify. If we had the Harkin amend-

ment, we could have gotten to full funding of title I. We would have had 7 million more slots for afterschool opportunities for youth; 2,750,000 fewer children in Head Start; 2 million opportunities for teachers to build skills by training and mentoring; 50,000 more teachers every year and reducing class sizes in the critically early grades; 2,000 fewer crumbling and unsafe schools. That is what we voted for on a bipartisan basis.

We are not going to get a single one of those in the budget that comes here. Doesn't this concern the Senator from North Carolina when we are trying to take this bill we have all worked on in a bipartisan way and believe it is a fundamental building stone of the future of this country because we are talking about our children, and 20 percent, one out of five, are living in serious poverty in this country. We are trying to at least move—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 10 more minutes. We are trying to make sure these children will not be disadvantaged in academic achievement and will be able to move ahead toward the American dream. That is what this is about.

I am wondering whether the Senator agrees with me that what was achieved in North Carolina took resources, took commitment, took a blueprint and would not have happened without the resources. With the resources, they were able to do it and what a difference it has made to those children.

Mr. EDWARDS. The answer to the Senator's question is simple. Without the resources, it would have been impossible to turn those schools around in North Carolina. It could not have been done.

I will give the Senator another example. On his list, he has 2,750,000 fewer children in Head Start. Every educator in North Carolina will tell you that a critical component of what we have done to improve the schools in North Carolina is our State program Smart Start. Without that, kids do not begin school ready to learn. They are not prepared to learn.

All these other things are very important, but this early childhood education is absolutely critical.

Another thing on Senator KENNEDY's list: Opportunities for teachers to build skills by training and mentoring. We have focused in North Carolina not only on recruiting quality teachers but continuing to train them, keeping them, increasing their pay, increasing their incentive pay when they perform well. Teacher training and compensation is absolutely crucial to make this work.

It gets to be a pretty simple proposition: No. 1, our kids need to start school ready to learn. That is what Head Start is about. That is what Smart Start is about. They need to have the best teachers possible. It does not do any good to have tough accountability,

which we support strongly. We are proud of what we have done in my State in that area, but you cannot turn the schools around if they do not have the resources.

When those assistance teams come in and make recommendations, that is great, but if the recommendations cannot be followed because the resources are not there to follow them, it serves no purpose at all. That is why it is so crucial that what we voted for in the Senate in a bipartisan way to help provide funding, \$250 billion for our schools in this country—there is nothing, as Senator KENNEDY well knows; he has been a champion of this for a long time—there is nothing we do that is more important than educating our young people.

Mr. KENNEDY. I thank the Senator for his response. As he knows, this \$250 billion did not come back as \$200 billion or \$175 billion or \$100 billion or \$50 billion. It came back as no dollars. I hope our Republican friends are able to explain that.

I want to ask a final question of the Senator. The State of North Carolina, as I understand, is one of 12 or 13 States that uses its own money to enhance the Head Start Program. Otherwise, I imagine it would be somewhat similar to Massachusetts where about 42, 43 percent of the children are in the Head Start Program. Some of the most urban areas and some of the poorest have lower percentages than that, 35 percent.

I was listening to a story about certain areas of the South Bronx are down to 25 percent because they have not been able to get the programs developed.

The State of North Carolina has a comprehensive approach. It has Smart Start and North Carolina also has the Head Start Program from which it is getting additional resources.

As I understand the position of the Senator from North Carolina, this ought to be a continuum. We ought to have early intervention with children, help them build confidence, help them build their interests in learning, help to open up their minds a bit to the idea of working with other students, as child psychiatrists point out, helping to develop a sense of humor so they can interact with other children.

They work in those areas, and also, in their Head Start Programs in a number of the North Carolina situations, they build into those programs the development of some academic challenges that are suitable for those children as well, in an attempt to make sure that when they actually get to the schools, they can benefit.

This is a pathway. I know the Senator is committed to each step along the way, as I am. But we are finding out that even if they take this, if North Carolina does what is necessary and they arrive at these schools, at the Federal level we are only funding a third of all those children, those who will be able to get the supplementary

services, the other kinds of afterschool programs, the other kinds of help and assistance these children need. Does the Senator think this is important, that we try to build on what has happened in North Carolina, to meet our commitments to those children by covering all the eligible children in North Carolina?

Mr. EDWARDS. As the Senator well knows, there is nothing we do that is more important. These things all go together. I have been in these Head Start centers; I have been in these Smart Start centers; I see the effect they have on these kids' lives. It is absolutely amazing. You get children ready. Every study that has ever been done has shown the early years are the critical years. Once you get kids ready nationally with Head Start, Smart Start in North Carolina, then when they are in school, they need to be with quality teachers, well trained, well paid, treated as the extraordinary professionals and heroes they are. And not only that, they are in classes that are small in size so they don't have too many kids in the classrooms, particularly in those early years. It is absolutely crucial.

I say to the Senator, I hope as we go forward with this debate we recognize, while we strongly support real accountability, tough measurement, identification of schools that are low performing, going into those schools and turning them around, that there are other components to this process that are critical to making them work: Early childhood education, quality teachers, the kids going to school in decent buildings and classrooms, not sitting on top of each other in classrooms, afterschool programs so the kids have a place to go where they can be safe and off the street; that is what this is about. We have an extraordinary opportunity to do great things, not only for America but for our children and the future of this country.

Mr. KENNEDY. If I could ask the Senator one more question. As I understand it, North Carolina has this Teaching Fellows Program where it recruits talented high school students into the teaching profession—those with a minimum 1100 SAT, 3.6 GPA, and in the top 10 percent of the class—with priorities given to males and minorities. The program provides \$5,000 a year for 4 years to 400 outstanding North Carolina high school seniors who agree to teach for 4 years following graduation in one of North Carolina's public schools or U.S. Government schools.

This is a model program in North Carolina. The Senator has spoken to it. Has he found this is a program that has helped North Carolina get the quality teachers who have made such an important difference to the children in North Carolina?

Mr. EDWARDS. This program has been extraordinarily effective. But the key to this is, it is just one step in the right direction. We need to be doing much more, much more to attract

more quality students to the teaching profession, much more to hang on, retain the young people who are dedicated to teaching and want to do it for the rest of their lives. We need to make sure, No. 1, we get quality people, and, No. 2, once we get quality young men and women in the teaching profession, we keep them there with good training programs.

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

Mr. KENNEDY. I yield myself another 10 minutes.

There is one final area about which I would like to inquire of the Senator. I have a report here that says 36 percent of North Carolina schools report that at least one building needs extensive repair or should be replaced; 68 percent have at least one unsatisfactory environmental condition; 75 percent have crumbling roofs; 14 percent have inadequate heating; 22 percent, bad plumbing; 23 percent, poor ventilation; and 42 percent of the schools do not have sufficient power outlets and electric wiring to accommodate computers and multimedia equipment in classrooms.

You can use those figures. I think in my own State it would be higher than these. The point is, the GAO has talked about over \$120 billion of needs out there in our schools. I am just wondering what the Senator from North Carolina believes. What sort of message do we send to our children if we send them to these schools in these conditions, when we have the opportunity—and, Lord only knows the resources, with a \$1.6 trillion tax cut—that we are still not going to fix those schools up? What kind of message does that send either to the children of North Carolina or the children of Massachusetts who are facing these kinds of problems in schools? Should we not try to be a partner with the State and local communities, trying to help that situation? Does the Senator not believe, with me, that we are talking about these children, now, with this bill, to try to help these children to make sure the facilities they are learning in are going to be safe and secure—at least to respond to the breakdown of some of these buildings themselves?

Mr. EDWARDS. The Senator is right, we have made great strides, but I have been in elementary schools where there are no bathrooms inside the building, the roof is leaking, the floors are crumbling; they are covered up with little pieces of carpet. To get them in the lunchroom, they have to start going to lunch at 10 or 10:15 in the morning because it is so crowded, they can't get the kids through.

If you go down the road a few miles, there will be a brand new, shiny mall, new store buildings. The Senator is exactly right. What does it say to our children when they go to a new mall with beautiful buildings and the next morning they get up and go to school and the building is falling down? What does it say about what we care about, what our priorities are? This is all part

of the same issue we have been talking about.

We need to do all these things, and they are all critically important, from Head Start, in my case Smart Start, to getting quality teachers, keeping them trained, retaining them in the school system, having kids in smaller classes so they can learn more, having them in buildings that are not falling apart, having afterschool programs and technology available to them—this is all critically important. There is nothing we do as a government that is more important than educating our young people. We have a remarkable opportunity here, and I hope we take advantage of it.

Mr. KENNEDY. I thank the Senator for his very helpful comments. Virtually all of us on this side of the aisle believe these investments in our children ought to receive a priority.

I ask unanimous consent to have printed in the RECORD a letter sent by 43 different groups that have historically represented children and teachers and parents in schools, many of them for 75, 85, 100 years, urging full funding for the title I programs. Again, we are reaching a third. This is in support of the full funding of the program.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the National Council of the Churches of Christ USA, where they are recommending that we have the full funding for these programs because they understand what difference it makes to the children themselves.

I also ask to have printed in the RECORD the letter we have from the Governors that indicates if we are going to move ahead with this legislation, we should have funding for that program as well.

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

APRIL 26, 2001.

Senator EDWARD M. KENNEDY,
Ranking Member, Senate Health, Labor, Education, and Pensions Committee, Washington, DC.

DEAR SENATOR KENNEDY: As you continue your negotiations on the BEST Act (S. 1), the undersigned organizations write in strong support of your efforts to make full funding of Title I of the Elementary and Secondary Education Act (ESEA) a top funding priority.

Just as many of our groups support proposals to fully fund IDEA as a mandatory program, we also believe securing a similar and substantial increase for Title I is a critical piece of this year's ESEA reauthorization. Providing full funding for Title I is consistent with actions taken last month by the Senate HELP Committee, which unanimously approved increasing the Title I authorization level to \$15 billion in FY 02—a significant increase over the \$8.6 billion appropriated for FY 01.

As the cornerstone of ESEA, Title I supports instructional activities that help students in high-poverty schools meet high standards in core subjects. The program currently reaches some 10.3 million poor students nationwide, providing additional instructional time in reading and math and other activities that help students meet the same high standards set for all students.

Unfortunately, Congress has never met its obligation under ESEA to fully serve all children identified as eligible for compensatory services under federal law. Over the last five years the average yearly increase for Title I has been only 3.6 percent. After factoring in inflation and enrollment increases, Title I has been flat funded. In addition, the Congressional Research Service estimates that, in FY 01, Congress provided local educational agencies with only one-third of the resources needed to fully serve all eligible students to help close the achievement gap.

Under existing law, school districts are eligible to receive 40 percent of their state's average per pupil expenditure (APPE) for each poor child within their jurisdiction. For FY 01, this calculation would be \$2,457. However, because of the inadequate funding levels, school districts received an average of only \$762 on behalf of the 10.3 million students eligible to receive Title I services in FY 00. In order to "leave no child behind"—meaning all eligible children would receive the full services Congress authorized and for which they are eligible to receive—the average yearly increase for Title I over the next four years would have to be approximately \$5.24 billion a year. The cumulative Title I increase over four years (FYs 02-05) would have to be \$49.93 billion.

While we fully support measuring student achievement and holding schools accountable for improving that achievement, testing and accountability alone are not sufficient. Congress also must provide resources to schools most in need to enable them to implement reforms to increase student achievement, such as supplemental instruction, after-school programs, teacher and principal training, effective and research-based curricula, and other reforms that schools and communities determine will help students. Fully funding Title I would also provide significant additional resources to turn around low-performing schools.

Given the projections of a growing budget surplus, we hope that Congress and the Bush Administration will reach an agreement that fully funds Title I over the next four years. This increase is essential to meet the needs of America's disadvantaged students, and accelerate current efforts focused on closing the achievement gap and raising standards for all children. We also urge that this increase in Title I, as well as increase for other critical education programs including after school, teacher quality, class size, and school modernization, not come at the expense of other important programs for children, but be funded by an overall increase in domestic discretionary funding.

We appreciate your leadership on this issue and support your efforts to secure additional funding for Title I during this year's reauthorization of ESEA.

Sincerely,

American Association of School Administrators.

American Association of University Women.

American Counseling Association.

American Federation of State, County and Municipal Employees.

American Federation of Teachers.

American Jewish Committee.

Americans United for Separation of Church and State.

Association of Educational Service Agencies.

California State Superintendent of Public Instruction.

Chicago Public Schools.

Consortium for School Networking.

Council for Exceptional Children.

Council of Chief State School Officers.

Council of Great City Schools.

Hadassah, The Women's Zionist Organization of America.

Hispanic Education Coalition.

International Reading Association.

International Society for Technology in Education.

National Alliance of Black School Educators.

National Association for Bilingual Education.

National Association of Elementary School Principals.

National Association of Federal Education Program Administrators.

National Association of Secondary School Principals.

National Association of School Psychologists.

National Association of Social Workers.

National Association of State Boards of Education.

National Association of State Directors of Special Education.

National Association of State Title I Directors.

National Black Child Institute.

National Council of Teachers of Mathematics.

National Education Association.

National Hispanic Leadership Agenda.

National PTA.

National Rural Education Association.

National School Boards Association.

National Science Teachers Association.

New York City Board of Education.

New York State Education Department.

People for the American Way.

School Social Work Association of America.

Union of American Hebrew Congregations.

United States Conference of Mayors.

Women of Reform Judaism.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE USA.

Federal Way, WA, February 2001.

DEAR SENATOR: As members of the National Council of Churches of Christ Committee for Public Education and Literacy we urge you to consider one of the great moral issues facing the 107th Congress—the Reauthorization of the Elementary and Secondary Education Act. As people of faith, we act in the awareness that children are a gift of God, made in God's image. The prophetic call for justice for the poor and excluded and Jesus' deep concern for "the least of these" reminds us that there are no more vulnerable persons than children in poverty. Because education is the only possible escape from poverty for millions of these children, Reauthorization of ESEA, especially of Title I, is a deeply moral issue. As you consider options in the upcoming debate, we urge you to keep several fundamental principles in mind:

Increase funding for Title I to at least \$10.88 billion in FY 2002.—Full funding for all eligible children would require \$24 billion, three times the current \$8 billion funding. We support full funding of Title I and believe it is important to begin moving toward this target, because urban schools with concentrated family poverty need to be investing significantly more dollars to compensate for the ravages of family poverty.

Avoid punitive accountability. We believe accountability is important but it must not be accompanied by measures that further jeopardize the students who are already at risk.—While Title I has been criticized for failing to erase achievement gaps in this nation, Education Week (1/26/2000) reported that, "Title I provides less than 3 percent of the country's total expenditures for elementary and secondary education. If Title I is expected to close the achievement gap, then conditions must be placed on how states and

school districts use the other 97 percent of the funds." Schools serving poor children depend on Title I funding for virtually all discretionary innovative programming, because state/local funding is inadequate and inequitably distributed across virtually all the states.

Maintain the overall objective of the federal Title I program. Resist efforts to convert Title I into block grants (Straight A's Plan or Charter States Plan) to any states.—The federal Title I program was designed in 1965 to compensate for what experts agree is the uneven and unfair funding for education at the local level due to reliance on property tax. State governments have done a poor job of compensating for disparities in local tax valuations; according to the U.S. General Accounting Office, across the country school funding in wealthy districts in 1998 averaged 24% more than in poor districts, even though residents of poor districts voted to tax themselves at higher rates.

Ensure that Title I funds continue to be targeted to the schools serving the highest percentages of very poor families, and to the poorest school districts.—Title I was designed to address the correlation of low student achievement with family poverty. A strong federal Title I program is even more important during the 2001 Reauthorization because during the past 36 years, the poor have been increasingly abandoned in the urban core as the middle class have moved to the suburbs. Declining student achievement is correlated with the isolation and concentration of families in poverty in specific districts and specific schools, and with the virtual resegregation of urban schools.

Emphatically oppose converting Title I funds into "portable" vouchers of any kind.—Thank you for your attention to Title I, our nation's strongest effort historically to ensure that no child will be left behind.

JAN RESSEGER,

United Church of Christ.

DAVE BROWN,

Presbyterians USA, Committee Staff.

REFORM WITHOUT RESOURCES WON'T PRODUCE RESULTS

EDUCATION LEADERS URGE SENATE TO NOT SQUANDER OPPORTUNITY INVEST IN KIDS AND EDUCATION

WASHINGTON, DC.—Education and civil rights advocates joined forces to urge the Senate to continue the fight for adequate education funding and not squander the opportunity to improve public education for all children. Following is a joint statement from the 16 groups:

"Reform without White House support for resources, won't produce results. There is no single piece of legislation that is more critical to our nation's children than the Elementary and Secondary Education Reauthorization Act—now is the time for the Administration and Senate to walk the talk of the 'no child left behind' campaign promise.

"Despite White House and Senate pledges of support for public education, accountability, programs that boost student achievement and basic civil rights are all in jeopardy in both the President's budget and a negotiated package under discussion in the Senate. Funding levels, civil rights protections, no vouchers, teacher quality, school repair and class size reduction must be resolved before we can support the Elementary and Secondary Education Reauthorization Act.

"Those children who need the most help are getting the least support under President Bush's budget. For example, under the Administration's plan, Title I would only fully serve one-third of eligible children in low-income districts. In contrast, the Senate bill

approved in committee would double the number of children currently served and provide more than \$500 million in additional funding to turn around low-performing schools.

"Glaring funding disparities between the Senate and White House proposals exist in the most critical education programs. The Senate authorizes a much-needed increase in education funding of \$10 billion. Despite insistence that education is the number one priority of the new President, the Administration's budget provides only \$669 million in increases for public education funding.

"Finally, we insist on strong legislative protections in the ESEA bill that would ensure that federally-funded after school programs abide by current civil rights laws. Friends of education and civil rights could never agree to a plan that would use taxpayer dollars to subsidize discrimination in any way. This is just simply unacceptable. The Senate is the only thing that stands in the way of this injustice—on behalf of America's children, we ask our nation's Senators to stand firm and complete an ESEA package that protects our children's civil rights and provides adequate resources to truly 'leave no child behind.'"

—National Education Association, American Association of School Administrators, League of United Latin American Citizens, Leadership Conference on Civil Rights, International Reading Association, American Association of University Women, National Council of LaRaza, National School Boards Association, National Association of Elementary School Principals, National Association of Secondary School Principals, National Parent Teacher Association, American Federation of Teachers, Council of Chief State School Officers, National Urban League, The National Association for Bilingual Education, People for the American Way.

NATIONAL GOVERNORS ASSOCIATION,

April 13, 2001.

Hon. TRENT LOTT,
*Majority Leader, U.S. Senate,
The Capitol, Washington, DC.*

Hon. JAMES M. JEFFORDS,
*Chairman, Senate Health, Education, Labor,
and Pensions Committee, Hart Senate Office
Building, Washington, DC.*

Hon. THOMAS A. DASCHLE,
*Democratic Leader, U.S. Senate,
The Capitol, Washington, DC.*

Hon. EDWARD M. KENNEDY,
*Ranking Member, Senate Health, Education,
Labor, and Pensions Committee, Dirksen
Senate Office Building, Washington, DC.*

DEAR SENATOR LOTT, SENATOR DASCHLE, SENATOR JEFFORDS, AND SENATOR KENNEDY: The nation's Governors call for full reauthorization of the Elementary and Secondary Education Act (ESEA) and support efforts by Congress and the Administration to see this important legislation enacted into law in the coming year. The Governors' priorities in this reauthorization are outlined below.

The overall structure of the major ESEA reauthorization bills currently being debated is to provide funding to state and local education entities but to hold states accountable for performance. For this structure to work effectively, there are four key areas of interest to the nation's Governors.

It is critical that the federal government not create new accountability systems, but utilize the existing systems in states. Any system of bonuses and sanctions should be based on state performance over time as indicated by the existing state accountability system.

It is important that new testing requirements are workable and build on the state's

current testing system. What is critical is that every child in grades 3 through 8 be tested, not who administers the test.

The federal government should insist on a strong policy consensus in each state on how ESEA is implemented. This means that it should require both the overall plans as well as major funding allocations to be jointly signed by both the chief state school officer and the Governor.

There needs to be adequate funding of new accountability provisions, including full funding for the new testing requirements. This means a yearly appropriation for developing and implementing new state testing requirements as well as a yearly appropriation to cover the National Assessment of Educational Progress (NAEP) test.

Key issues for the Governors include the following:

GOVERNANCE

Elementary and secondary education policy is broadly defined in state constitutions, specified in state statutes, and implemented by school districts. Current federal education programs bypass the authority of the Governors to determine education policy for these programs by sending the funds directly to the state education agencies. Coordination of state and federal funds allows states to fully leverage education benefits to meet state reform and accountability goals. Therefore, the state education agency and the Governor should jointly sign all state education plans submitted to the federal government.

TESTING

Governors support the annual assessment of students in reading and math in grades 3 through 8 and believe that a combination of state and local testing satisfies federal assessments requirements. The Secretary of the U.S. Department of Education should have the authority to approve a state's assessment plan as being in compliance with any new federal requirement for annual student assessment if the plan meets the goals of federal accountability policy. In addition, Governors strongly support the use of accountability measures but these measures must be determined at the state level. Therefore, federal rewards and sanctions in any particular state should not be based solely on NAEP results but should rely on the state's own accountability system and should be shared between state and local education agencies.

FUNDING

In exchange for higher accountability for student progress, the federal government must provide additional financial support to states. The Governors support an annual flow of funding of several hundred million dollars to be used to assist low performing schools at state discretion and believe that no more than 50 percent should be required to be passed through to local education agencies. Both the chief state school officer and the Governor should jointly determine how these funds are spent.

Recognizing that development and administration of state assessment systems and the NAEP create a financial burden on states, local education agencies, and schools, Governors believe the responsibility for funding any additional federal testing requirements in all states should fall on the federal government. Although federal mandates may reflect well-intentioned policy goals, they often impose unfunded cost and regulatory burdens on states. Federal action increasingly has relied on states to carry out policy initiatives without providing necessary funding to pay for these programs, thereby limiting states of their right and responsibility to set priorities and develop policies that best meet local needs.

Therefore, the federal government should appropriate two separate funding streams to assist states in financing the federal testing requirements as follows. First, a yearly minimum appropriation of \$400 million should be provided that is allocated to states to cover the cost of developing and implementing the new federal testing requirements for reading and math in grades 3 through 8. Testing every child in grades 3 through 8 would require testing four additional grade levels, for approximately 14.7 million students, beyond what is required under current law. At a cost of about \$27 per pupil, the total estimated cost of assessing all students in grades 3 through 8, beyond current requirements, would be about \$400 million a year. In the first few years states, regardless of size, will incur similar costs for development. However, in the subsequent years the implementation and ongoing development cost should be calculated on a per pupil basis. Second, a yearly appropriation of \$165 million should be allocated to states to cover the full cost of the NAEP test and incentives for local participation. Within this amount, \$55 million in federal funds should be provided to compensate and/or provide for additional inducements to facilitate state and school participation in NAEP and other National Center for Education Statistics data collections, as recommended by the National Education Goals Panel's Measuring Success Task Force, and \$110 million for the administration of NAEP.

In addition, states that have already developed the assessments and standards being discussed should receive their equal share of funding and should be able to use the funding they receive under this purpose for other activities related to ensuring accountability for results in the state's schools and local education agencies.

Any new overarching federal accountability requirements for states' public schools must also include a significant new federal investment. Governors believe that strong accountability systems are essential to driving reform at the state and local levels and call on Congress to recognize the federal responsibility in funding education programs. In light of that sanctions for any new federal education program containing accountability standards should not apply if those programs are not adequately funded by the federal government. The federal government has an obligation to fully fund education mandates on the states. Without providing states and Governors flexibility, autonomy, and adequate funding, it will be inappropriate and impossible to hold states and Governors accountable for meeting education reform goals.

PERFORMANCE PARTNERSHIP

The National Governors Association (NGA) supports giving states the option to negotiate a performance partnership with the Secretary of the U.S. Department of Education. Under this agreement, states could choose to consolidate one or more federal programs and federal funds into a single performance plan in exchange for being held to higher levels of accountability for improving student performance. If Title I funds are included in the partnership agreement, states would have to continue the targeting requirements under current law for Title I.

TEACHER QUALITY

Governors support and recognize the importance of having qualified teachers in the classroom and are undertaking efforts to address issues of teacher preparation, licensure, induction, professional development, compensation, and advancement. Through these efforts, states are making progress toward recruiting and retaining qualified teachers. A state's performance should be

measured against its own progress and need for improvement, giving consideration to the efforts being made by the state to ensure a supply of qualified teachers, the supply of qualified teachers nationwide, and the circumstances of small rural schools. States should, however, retain authority to establish specific criteria for teacher licensing and alternative certification.

21ST CENTURY COMMUNITY LEARNING CENTERS

The Governors support providing students with extra learning opportunities to ensure that students can reach high standards. Extra learning opportunities provide school-age children with recreational, academic, and development opportunities that supplement the education provided during a typical school day. Research indicates that such opportunities improve the health of students and their ability to learn. Through the 21st Century Community Learning Centers program, the federal government has helped local communities create such programs. However, many states are now providing some type of extra learning opportunities for students. The federal programs run parallel to the programs that states and localities operate. In an effort to coordinate these funds and programs with the states' extra learning opportunities program, Governors believe that this program should become a state-based program.

SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

The Governors continue to place a high priority on making schools safe and nurturing environments for students. States have used federal Safe and Drug-Free Schools and Communities Act funds for diverse prevention efforts and they call for the continuation of a specific set-aside to assist Governors in implementing school safety and drug abuse prevention efforts.

IDEA

While not authorized through ESEA, we would like to take this opportunity to remind you that full funding of the Individuals with Disabilities Education Act (IDEA) has long been a priority to the nation's Governors. When the law, formerly known as the Education of the Handicapped Act, was passed in 1975, full funding was defined as 40 percent. States do not have the ability to limit their special education programs to the funding available and are committed to ensuring that every student is guaranteed a right to public education. Currently, the federal government's contribution amounts to only 15 percent and states are funding the balance to assist school districts in providing special education and related services. Although Governors strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states. Therefore, Governors urge Congress to provide consistent and stable long-term funding for the federal share of 40 percent of Part B services as authorized by IDEA.

The Governors look forward to continuing to work with Congress and the Administration in developing effective bipartisan legislation to reauthorize federal education programs. We believe that our priorities for reauthorization of ESEA can serve as a road map to developing a strong bipartisan measure. Please contact us if you have any questions, or you may call Julie Manuel of the NGA staff at 202/624-7880.

Sincerely,

Governor JIM HODGES,
State of South Carolina,
Chairman, Human Resources Committee.
 Governor BOB TAFT,
State of Ohio, Vice Chairman,
Human Resources Committee.

Mr. KENNEDY. This, we think, is a very compelling case, particularly juxtaposed against what we are going to be voting on this afternoon. We find it troublesome we are not able to get the strong support from the administration for the funding.

Mr. President, how much time do I have that remains?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mr. KENNEDY. Mr. President, since 1971 the Nation's schools have faced increased challenges, including higher poverty rates, an increase in children with special education needs, and steadily rising enrollment, with barely adequate resources.

Listen to this. From 1989 to 1995, the education expenditures for students grew by less than 1 percent. Between 1994 and 2000, during a time of increasing standards, rising enrollment, increased diversity in schools per pupil, expenditures rose by only 6 percent during that whole period.

From 1979 to 1998, the national child poverty rate increased by almost 15 percent. The numbers are going up, and poverty is going up in terms of the children. The poor children are becoming poorer.

We hear a great deal about what happened to these poor children. We haven't seen an enormous blossoming under the title I program when we spend about 1 or 2 cents in comparison to what is being spent by the States. We find that in most instances, cities which have the highest number of urban poor don't have the ability really to address this.

If we look at what the projections are going to be, from 2000 to the outer 90 years, we are going to double our population. We reach only a third of the children now. We ought to at least commit ourselves to reaching all of the eligible children now. If we are talking about the expanding numbers and extrapolated on that, the figures would be a good deal higher. We are just talking about trying to do what is necessary now.

From 1972 to 1998, the percentage of public school students who are a part of minority groups increased from 22 percent to 37 percent. From 1989 to 1997, the enrollment of limited-English-proficient students in our Nation's schools grew by 70 percent. During the same period, the total enrollment of students grew by 14 percent. In the year 2000, States reported more than 864,000 immigrant students enrolled in schools during this period of time.

This is what is happening. The poorer schools are expanding. There is a great deal more diversity. More languages are being spoken. In my State of Massachusetts, there are 43 different programs for different languages in the schools to try to help students.

There is the impact of the breakup of the family with all of the fallout that has on children. We see growth in substance abuse and growth of violence in our society. There has been very little done for these children.

With the fashioning and shaping of this legislation which is going to offer new opportunity and hope for these children, the principal question is, What is going to be the commitment of this body to make sure that it is going to reach the greatest number of children?

That is what we are distressed about at this time. If we are really interested in no child being left behind, we can't say we are satisfied with the funding commitment of this bill because it will only reach a third of them. If we don't reach out to the other two-thirds, this bill is effectively a cliché, a shibboleth, a slogan; it isn't real. And there has not been anyone on this floor since we have been debating or talking about this bill who has made the case that these resources are adequate to reach all of the children; they are not.

Under the proposals that on this side we support and that we are going to hear about with the amendment of Senator DODD and others, we meet the challenge as well under IDEA. Under the Bush budget, from 2001 to 2005, we will cover 4.2 million children out of the 13 million. Under our Democratic proposal, by the year 2005 we cover every child. And the \$250 billion that went to the other side, if the budgeteers and if the leadership of the other side of the aisle had taken the position, would have come back in support of covering every child. But no; we are still back covering only a third. That is wrong. It is the wrong priority for this country because we are talking about the future of this Nation.

It is a mistake for the administration not to understand that we are going to continue to fight for this every step along the way until we get the funding for this program.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. KENNEDY. Yes.

Mr. DURBIN. I thank the Senator for his leadership not only today but throughout his career on the issue of education. I would like to ask the Senator if he would be kind enough to help me understand some of the elements.

When President Bush first took office, he invited a bipartisan group of Democrats and Republicans to come to the White House to talk about setting national goals for education. I thought it was a very positive conversation and dialog.

I know the Senator has been working with those on the other side of the aisle as well as the White House to come up with new ideas when we deal with education, whether it is accountability standards, testing, or improving teacher skills and the like. But I wish the Senator from Massachusetts would be kind enough to tell us how these ideas which are part of the better education for students and teachers are affected directly by the funding levels because as I listen to the Senator's discussion on the floor today, he is suggesting that the ideas may be good ideas but, if they are not funded, too

few children will profit from them. If we are talking about values for American families, certainly we can't ignore two-thirds of our children and only help a third of them.

Can the Senator give us some idea whereas this lack of funding will have a direct impact on the education children receive in America?

Mr. KENNEDY. The Senator has asked the absolutely correct question. We are making the reforms in this legislation. The question is, Who is going to benefit and who is going to be left out, left behind?

This chart is a reflection of the budget where the appropriation was \$3.6 billion for 2001. Under the Bush budget, there is requested \$1.669 billion—a 3.5-percent increase. That was the request for this year—\$3.6 billion, down to \$1.669 billion.

We weren't reaching all the children. I wish we had. I wish the Democrats had done more in terms of education and the allocation of resources.

It is interesting. If you take the last 5 years of the Democratic administration, we averaged a 12.8-percent increase in education at a time when we were having the deficits in this country. Now we have the surpluses in this country and we are finding out that we are willing to request only a fraction of that. We are still only covering a third, which can bring you to only one conclusion, and that is that tax breaks for the very wealthy individuals, the 1 percent—we could take a small fraction of the tax breaks that are going to the 1 percent of this country, the top millionaires of this country. Only .008 of the tax break could fully fund title I. Imagine that. We are not even asking for 1 percent. We are not even asking for a half percent, a fraction of that. But no. No. We have to have the tax break.

I do not think that expresses the values of the American people. That is translated, I say to the Senator, into the children who are sitting there in those classrooms today—whether they are going to get the supplementary services, whether their teachers are going to get trained. Today in the classrooms across this country, in the urban areas, 80 percent of them do not have math teachers. If they do not get algebra in the eighth grade, they are never going on to college and they are never going to be a participant.

Mr. DURBIN. Will my colleague yield for a final question?

Mr. KENNEDY. Yes.

Mr. DURBIN. I see my colleague from Maryland, Senator MIKULSKI, is in the Chamber. I will be brief.

The Senator spoke about the dropout rates that face students in schools. I think we have all read the recent census data that suggests a substantial increase in the Hispanic, Latino population in America.

The dropout rate for white students in America is 7 percent. The dropout rate for African American students is 13 percent. The dropout rate for His-

panic, Latino students is 30 percent. It is higher among Latinos, Hispanic American women, than those Latino populations.

I say to the Senator from Massachusetts, how can we have this dramatic increase of people coming into this country and dramatic dropout rates in this population without terrible consequences for our Nation? Could the Senator address, in this final question, what we can do, and should do, on this dropout side that is not going to be done if we do not receive adequate funding supported by the Bush White House?

Mr. KENNEDY. The Senator is absolutely correct. Last year, there were about 450,000 to 500,000 children who dropped out. It is a challenge as to how we bring them back in. There are a number of very effective programs that are doing it, but they are dramatically underfunded. They are not prioritized either. We will welcome the opportunity to join with the Senator as this process moves forward to see what we can do to fund them.

I thank the Senator.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Maryland?

Ms. MIKULSKI. May I have 5 minutes?

Mr. KENNEDY. The Senator may have whatever time I have.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KENNEDY. Could I ask the Chair, then, what is the time situation?

The PRESIDING OFFICER. Senator HARKIN has 41 minutes.

Mr. KENNEDY. I see.

I thank the Chair.

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

Ms. MIKULSKI. Mr. President, yesterday I talked about the three R's that are needed in the Elementary and Secondary Education Act. If we have reform—which I am firmly in support of—plus resources, that equals results. But if we have reform minus resources, all we end up with is rhetoric.

So I believe we need to practice the three R's that give us the right results: reform, plus resources, equals the right results.

One of the ways that we can really help have reform is by really backing what we need to do to help our special needs children. We are going to be debating very shortly the expansion of the funding for something called IDEA, the Individuals with Disabilities Education Act. Some years ago, under the leadership of a former colleague, Senator Weicker, we passed legislation that said every child in the United States of America who had a special need required an individual education plan.

We gave that as a mandate to States and local school districts. We also said we would provide 40 percent of the money to help pay that bill.

In over the 20-plus years that IDEA has been in existence, we have only funded roughly 15 percent of the cost to local school districts to pay for these individual education plans for our children.

I hope that as we continue the debate on the Elementary and Secondary Education Act, and as we work on the bill, that one of our tools for really increasing the resources, without us becoming the new schoolmarm or a Federal school board, is to fund the mandate that we have given local school districts—to meet the individual educational needs of our special needs children.

Some of these services can cost as much as \$75,000 a year. In my own State, the average cost to educate a special needs child is roughly 13,000 and the costs are rising steadily.

I will tell you, funding for IDEA is not about being a Democrat or a Republican. But I can tell you, everywhere in my own State—Democrats and Republicans, parents and teachers, doctors and school counselors, county executives, mayors, commissioners at the local level keep saying: Please increase the funding for the IDEA.

I believe that if we pass the Harkin/Hagel amendment, we could increase the percentage of Federal IDEA funds to school districts and by giving them greater flexibility—open up the opportunity to make sure we cross the digital divide, hire the right teachers, and reduce class size.

I do hope we have reform, plus resources, to get the results. And one of the ways to do that is to dramatically increase the funding for our special needs children. I do believe there is very strong bipartisan support to be able to do this.

I look forward to supporting that effort and trying to find a way to pass this bill in a way that we can be proud of and that the parents in America can count on, so that the children in America will believe that the Federal Government is on their side.

Mr. President, I yield the floor and any time I might have remaining.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time under the quorum call be evenly divided.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time to the Senator from Nebraska?

Mr. KENNEDY. Mr. President, I understand under the previous agreement

there is time on the Harkin-Hagel amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct. Senator HARKIN has 30 minutes.

Mr. KENNEDY. Is that the total time on the amendment, just 30 minutes? I ask unanimous consent that 15 minutes of that time be given to Senator HAGEL.

The PRESIDING OFFICER. That is the total time. Without objection, it is so ordered. The Senator is recognized for 15 minutes.

AMENDMENT NO. 360 TO AMENDMENT NO. 358

Mr. HAGEL. Mr. President, on behalf of Senator HARKIN, myself, and others, I send an amendment to the desk to the education bill to amend the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for Mr. HARKIN, for himself, Mr. HAGEL, Mr. JEFFORDS, and Mr. KENNEDY, proposes an amendment numbered 360 to amendment No. 358.

Mr. HAGEL. 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 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 end of title IX, add the following:

SEC. —. HELPING CHILDREN SUCCEED BY FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

(a) FINDINGS.—Congress makes the following findings:

(1) All children deserve a quality education.

(2) In *Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania* (334 F. Supp. 1247)(E. Dist. Pa. 1971), and *Mills vs. Board of Education of the District of Columbia* (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as "IDEA") (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only 1/2 of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing

the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 15 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—Clauses (i) and (ii) of section 613(a)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(C)) is amended to read as follows:

“(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds \$4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 55 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for fiscal year 2001, except where a local educational agency shows that it is meeting the requirements of this part, the local educational agency may petition the State to waive, in whole or in part, the 55 percent cap under this clause.

“(ii) Notwithstanding clause (i), if the Secretary determines that a local educational agency is not meeting the requirements of this part, the Secretary may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, and may redirect the use of those funds to other educational programs within the local educational agency.”

(c) FUNDING.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) 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) \$8,823,685,000 for fiscal year 2002;

“(2) \$11,323,685,000 for fiscal year 2003;

“(3) \$13,823,685,000 for fiscal year 2004;

“(4) \$16,323,685,000 for fiscal year 2005;

- “(5) \$18,823,685,000 for fiscal year 2006;
 “(6) \$21,067,600,000 for fiscal year 2007;
 “(7) \$21,742,019,000 for fiscal year 2008;
 “(8) \$22,423,068,000 for fiscal year 2009;
 “(9) \$23,095,622,000 for fiscal year 2010; and
 “(10) \$23,751,456,000 for fiscal year 2011.”.

Mr. HAGEL. Mr. President, the amendment we are offering today would fully fund the Federal commitment to the Individuals with Disabilities Education Act, IDEA. When Congress approved IDEA in 1975, which mandates that States provide an appropriate education to students with special needs, it pledged to provide 40 percent of the funding. Congress has repeatedly passed nonbinding resolutions supporting the full funding of this commitment. However, even with large increases in funding over the last 5 years, from \$3.1 billion in 1997 to \$6.3 billion in 2001, the Federal portions of the funds for IDEA has not exceeded 15 percent. This leaves State governments and local school districts to pick up the tab for this federally mandated program, taking away vital local education funds and options.

There is no question of the intent of this legislation. There was no question of the intent 25 years ago. Surely there is no question of the rightness of the intent of this program today. IDEA has proven to be a great success in ensuring all children, including those with special needs, receive a free and appropriate education across the United States.

Prior to its enactment, only 50 percent of students with disabilities were receiving an appropriate education. Today the majority of children with disabilities are receiving an education in their neighborhood schools in regular classrooms with their nondisabled peers. High school graduation rates for special needs students have increased dramatically, and students served by IDEA are employed at twice the rate of older adults who did not benefit from this program.

Congress did the right thing in passing IDEA 25 years ago. Today we are calling on Congress to again do the right thing, to fully fund the commitment Congress made to this program and to the people of this country.

It is typical in a way of some of the things we do here in Washington to mandate a program and then leave the State or the local governments to pay for it. Congress said when it passed IDEA that it would provide 40 percent of the funding, but 25 years later we are providing barely 15 percent. This amendment will fulfill that commitment we made 25 years ago and increase Federal funding for this very important and relevant program.

This amendment increases funding for IDEA in annual increments of \$2.5 billion until the full 40 percent share of funding is reached in fiscal year 2007. With these annual increments the amendment provides an additional \$120 billion for IDEA over 10 years. The amendment will also free up at least \$28.9 billion and up to \$52.5 billion in

education funds for local school districts by 2007. School districts will be eligible for additional flexibility if the State certifies they are meeting the requirements of the law. Forcing them to pick up the slack for Federal funding of IDEA has caused them to take funds away from other important priorities that they, the school boards, the teachers, the principals, and the parents think are most important—not what Washington thinks is most important but what those closest to education in America think is most important.

This amendment will give local education authorities and taxpayers the ability to spend these funds as they see fit to fulfill their own education needs. They could hire more teachers, build new schools, and increase the technology in their schools. There are so many areas where they could use this funding to help our children everywhere achieve a better education. This amendment will give them the flexibility to do that.

This amendment fulfills a commitment Congress made but has never kept. It increases funding for education. It frees up money for local school districts. It gives the local school districts more flexibility and at the same time fulfills the commitment to our disabled children. It restores local control to local dollars. This amendment will help our teachers and our State and local school officials to provide the best education possible for our young people. That should be our goal.

In urging my colleagues to support our amendment, I point out it is because Senators KENNEDY, JEFFORDS, and HARKIN, and many others, both Republican and Democrat, over many years have led this effort to assure quality education for our disabled children. This amendment accomplishes what we set out to accomplish 25 years ago and more. And the “more” part of this amendment is to free up local school moneys to allow those local school districts to put that money where they believe their highest priorities are for education.

Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent the time not be charged against this amendment.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 360 TO AMENDMENT NO. 358, AS MODIFIED

Mr. HARKIN. Mr. President, there is an amendment at the desk in behalf of myself, Mr. HAGEL, Mr. JEFFORDS, Mr. KENNEDY, and others. I ask unanimous consent to send a modification to of the amendment to the desk.

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

The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title IX, add the following:

SEC. ____ HELPING CHILDREN SUCCEED BY FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

(a) FINDINGS.—Congress makes the following findings:

(1) All children deserve a quality education.

(2) In *Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania* (334 F. Supp. 1247)(E. Dist. Pa. 1971), and *Mills vs. Board of Education of the District of Columbia* (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as “IDEA”) (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only 1/3 of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation’s awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 15 percent of the

maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—Clauses (i) and (ii) of section 613(a)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(C)) is amended to read as follows:

“(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds \$4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 55 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for fiscal year 2001, except where a local educational agency shows that it is meeting the requirements of this part, the local educational agency may petition the State to waive, in whole or in part, the 55 percent cap under this clause.

“(ii) Notwithstanding clause (i), if the Secretary determines that a local educational agency is not meeting the requirements of this part, the Secretary may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, and may redirect the use of those funds to other educational programs within the local educational agency.”.

(c) FUNDING.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) 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) \$8,823,685,000 for fiscal year 2002;
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- “(4) \$16,323,685,000 for fiscal year 2005;
- “(5) \$18,823,685,000 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.”.

Mr. HARKIN. Mr. President, first, I wish to thank my colleagues, particularly Senator HAGEL, for working so hard to come to an agreement on this important bipartisan amendment. We have had some good give and take on a lot of issues, especially on this one. I believe we have produced a proposal that is good for our future, good for our kids, and good for our taxpayers.

This amendment is really quite simple and straightforward. It says that the Federal Government is finally going to meet its full commitment which we set in 1975. In fact, I remember it well. Senator JEFFORDS, the chair of the health committee in the Senate, and I were freshmen in the

House that year. Both of us were interested in education, especially in issues that dealt with people with disabilities.

In 1975, when IDEA was passed in the House and Senate, there was an agreement made by the negotiators on the understanding that this would cost our local school districts more resources in the future. The negotiators agreed that the Federal Government's goal would be to provide at least 40 percent of the average per-pupil expenditure in each local education area. There was no timeframe put on it.

So, for 25 years after 1975, we continued to put more and more money into IDEA but never getting close to fully funding it, which would have been 40 percent of the average per-pupil expenditure.

The amendment that we have at the desk says we are going to put our money where our mouth is. We are finally going to be full partners with State and local governments.

This amendment fully funds the Individuals with Disabilities Education Act. It appropriates funds for the next 10 years, gradually rising so that within 6 years we are at the level projected to equal 40 percent of the average per pupil cost.

That is what was promised. That is what this amendment will deliver, plain and simple.

Let me clarify what the amendment does not do. This amendment does not create a new entitlement program. It provides advanced appropriations for the next 10 years. That amount would be set in law. It does not create an uncontrolled tap on the Treasury, so that whatever the 40 percent costs are we would match. If we did that, the incentive would be to shift costs from other education programs into IDEA, and the costs would then likely skyrocket. We don't want that. Our amendment does not allow for that.

As Senator HAGEL and so many of us have said so many times, this is not a partisan issue. Both sides have worked diligently over the years to ensure that children with disabilities and their families get a fair shake in life, and especially get a fair shake in our educational system.

This really is a win-win-win amendment. With this advanced appropriation, students with disabilities will get the public education they have a constitutional right to receive.

Second, school districts will be able to provide these services without cutting into their general education budgets. And in cases where all of the IDEA-eligible kids are getting the services they are entitled to, property taxpayers will get relief.

Here are some of the specifics of our amendment. First, our amendment would set in law appropriations levels for IDEA, an increase in roughly \$2.35 billion increments annually over the next 6 years. Currently, the State grant program within IDEA receives \$6.34 billion a year. This is about 15 percent of what we should be doing

under IDEA. In other words, we want to be at 40 percent. This is only about 15 percent of that full funding.

Under our amendment, by 2007 we will meet the goal of 40 percent by appropriating just a little over \$20 billion—\$20 billion with a “b”.

Second, our amendment strikes an appropriate balance between the needs of our students with disabilities and the needs of our State and local governments. Students will get a free and appropriate public education, and local schools will be able to deliver these services without breaking the bank of the local tax base which they have. Under our amendment, States could use 55 percent of the increased funds. That could be used for local purposes or for whatever purpose they want.

Furthermore, if a local school district can show that they are indeed meeting 100 percent of the needs of their students with disabilities, they can use 100 percent of the increase we are giving them for other purposes.

We did not want an anomaly where if a school district was, in fact, meeting all of the needs and services for students with disabilities, we would then give them all of their money and they would use this money for student disabilities when they don't have any. If they are meeting 100 percent of their needs, why should they get more money to use for that specific purpose?

Our amendment says if that is the case, and they can show that, then all of the increases that would accrue under their local State agency to a local school district they could use for other purposes. Also, our amendment provides a new measure to ensure that kids are being served appropriately.

Another section of the amendment says that the Secretary can look at a school district and, if there is clear evidence that they are not meeting 100 percent of the needs of their students with disabilities, these increases then have to go to meet that 100 percent of need.

This provides a good balance. It allows those local school districts that are doing a great job—there are a lot of them who are meeting all of the needs of kids with disabilities—they can use this money for other purposes. It provides the Secretary with the ability to go in and say, No, you are not. In certain areas where they are not meeting their constitutional requirements—and there are a lot of cases that do—they have to use these increases for that purpose.

There has been a lot of talk about Federal mandates. Every year since I have been in the Senate—that is going on 17 years now—I have come to the floor to talk about IDEA and to talk about the fact that while we should fulfill our 40 percent requirement or sort of a guarantee of 40 percent that we put out there 26 years ago, the provision of services to kids with disabilities is not a Federal mandate. It is a constitutional mandate.

Two landmark Federal district court cases—PARC v. Commonwealth of

Pennsylvania, and another case, *Mills v. Board of Education of the District of Columbia*—established that children with disabilities have a constitutional right to a free, appropriate public education.

Again, there is nowhere in the Constitution of the United States says that a State—any State—has to provide a free public education to any of its kids.

Nowhere in the Constitution is that mandated. What the Constitution does say, however, under its equal protection laws, is that if a State does provide a free public education, it cannot discriminate and say, OK, we will just educate white males. It cannot say, we will just educate whites but not blacks. It cannot say, we will educate people of one religion over another. If they are going to provide a free public education, States cannot discriminate on the basis of race, sex, creed, or national origin. And with the two cases in the early 1970s that I mentioned, States cannot discriminate on the basis of disability. So a child with a disability in America—in Illinois, Iowa, or Nebraska—has a constitutional right to a free and appropriate public education.

In response to those two cases, in 1975 Congress enacted the Education of Handicapped Children Act, which later became IDEA. It was to help the States meet their constitutional obligations. So even if we did not have this, States would still have to provide the funds. But since I believe, and I think many of my colleagues believe, that the education of children with disabilities is a national problem, that we at the Federal level ought to at least live up to what we said 26 years ago and provide at least 40 percent of the average per-pupil expenditure for children with disabilities.

Again, that is what this amendment does. It does it over the next 6 years, so that by the year 2007, fully 32 years later, Congress will finally live up to its promise to our States and local education agencies.

Congress enacted Public Law 94-142 for two reasons, first, to establish a consistent policy on what it means to provide a free and appropriate public education to kids with disabilities; and, second, to provide Federal funding to help States meet their constitutional obligations.

Finally, the Supreme Court's decision regarding *Garret Frey of Cedar Rapids, IA*, underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, such as *Garret*, can be very great. We need to help school districts meet these challenges.

Earlier this year, I heard from the Cedar Rapids and Iowa City Chambers of Commerce that more IDEA dollars will help them continue to deliver high-quality educational services to every child in their school districts. I

have heard from parents in Iowa that their kids need more qualified interpreters for deaf and hard-of-hearing children. Our school districts and our families need better mental health services and better behavioral assessments of children.

Our amendment would let these folks do it all because, over the next 10 years, my State of Iowa, I figured out, under this amendment, would receive over \$1 billion in new money.

Again, there are so many families out there where both parents are working. They may be low income families. They may have a child with a disability, and all they want for that child—a child they love, as we all love our children—is to make sure that child is not discriminated against, that child gets the support services he or she needs to be as successful in life as their capabilities will allow.

I have heard so many times about how kids in classes, who may have a disability—sometimes we hear this old saw about how they act up and become disruptive. Consider if you were like my brother, who was deaf, and you were in a classroom with a TV monitor but did not have closed-captions, and you were not provided an interpreter. After a while would you get pretty frustrated.

Sometimes, because you cannot speak well, and you cannot hear, maybe you would act out a little bit of your frustrations. What happens then? Maybe they would expel you—all for the lack of the needed services to provide that free and appropriate public education.

I must say, my heart goes out to many school teachers in this country, especially in elementary schools. A lot of them have large classes. I have seen as many as 28 to 30 in a class. Teachers are trying to do the best they can to provide instruction to these kids. They may have a couple kids with disabilities. These teachers are not trained to handle kids with disabilities. They have never been trained to do that. They are not experts in behavioral assessments. They might not have had any kind of mental health training. They probably have had no training at all for any one particular disability or another.

So I feel sorry for these teachers because they want to teach these kids. They may have a big class to teach, and yet they are not getting the supportive services they need to ensure that kids with disabilities get a good education.

That is what we hope this amendment will do, to begin to provide the funding, so that school districts can provide the supportive services, so that our teachers are not frustrated, and so that children will not act out their frustrations because they are disabled and are not getting the support and the kind of services they need. That is what this amendment is all about.

Over the past 6 years, as ranking member on the appropriation sub-

committee, I have worked with my chairman, Senator SPECTER, and many others in the Senate, to improve IDEA funding through the normal appropriations process. I think we have done quite well. On a bipartisan basis, we have been able to almost triple IDEA appropriations in the last 6 years. I thank Senator SPECTER for his leadership in this area. So we are now up to 15 percent of the funding formula. But that is still not adequate.

That is why this amendment is so necessary. Yes, we can go by, year after year, trying to get some money out of the discretionary pot. But then that is always a battle. It is always a battle. With this amendment, we will not have to fight that battle every year.

Let me make very clear what this amendment does. This amendment appropriates the money that is necessary to get us to that 40 percent level. This is not an authorization amendment, my friends. This amendment appropriates the money. And it does it over a 6-year period of time.

I will read the words. The amendment says: Funding. For the purposes of carrying out this part, there are authorized to be appropriated, and there are appropriated—so this amendment isn't just a lot of rhetoric. This amendment isn't just a lot of flowery speeches about how we are going to help our States. This does it. This puts our money where maybe our rhetoric has been in the past. It puts in the money.

It lists right in the amendment the amount of moneys that will be appropriated next year, and every year thereafter, until the year 2011. It sets forth those sums. By the year 2007, we will be at approximately \$21 billion per year or at 40 percent of the average per pupil expenditure. That is why this amendment is so critical.

Now we can say to our States and our local school districts that it isn't just the promise that next year we will try to do better, next year we will try to do a little bit more, and yet every year they see that promise is unfulfilled. This amendment actually means the money is going to be there. For kids with disabilities, IDEA is a downpayment on the American dream. If we want adults with disabilities to succeed in the workplace, we have to first help them succeed in school. Now we have this amendment that will do that.

I ask unanimous consent that Senators STABENOW, DODD, REED of Rhode Island, WELLSTONE, and LEVIN be added as cosponsors of the amendment.

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

Mr. HARKIN. Once again, I thank Senator HAGEL for working so closely on this amendment to make sure we had one that really did what we wanted it to do and did it in a cost-conscious and fiscally responsible manner, to make sure we address what is the need out there, the need of kids with disabilities who are not getting served, and to help our local school districts that are

meeting that need to be able to use this money to help out their hard-pressed property tax payers.

I thank Senator HAGEL for his strong work on this amendment; Senator JEFFORDS, for his many years of support both on the authorizing side and on the appropriations side for kids with disabilities; Senator KENNEDY, for his stalwart leadership in all aspects of trying to make life more fair for people with disabilities; Senator DODD, who, again, has worked hard on these issues through all the years; and my other colleagues on both sides of the aisle.

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

Mr. HARKIN. I ask unanimous consent for 2 more minutes.

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

Mr. HARKIN. Through all the years, while we may have had disagreements on one little aspect of this, I have found generally on both sides of the aisle a lot of goodwill to try to reach some consensus on how we fulfill the constitutional mandate of providing our kids with disabilities a free and appropriate public education.

We have, indeed, come a long way since I first came here in 1975, with the passage of IDEA, then, later on, the Americans with Disabilities Act, early intervention programs and now, finally, the fulfillment of the promise we made 26 years ago that the Federal Government would provide the lion's share of funding to our States and local school districts so our constitutional mandate could be fulfilled.

I yield the floor.

Mr. KENNEDY. I will take a few moments to talk about the substance of the Harkin-Hagel amendment and the reasons I support it.

Mr. President, I strongly support this amendment of Senator HARKIN and Senator HAGEL. I congratulate both of them for bringing focus and attention to this great opportunity and responsibility to the Senate. They both deserve great credit. I am on the floor now with my friend and colleague, the Senator from Vermont, who has been a strong supporter over his lifetime in terms of funding for the special needs as well. I know he will have a chance to speak to it. I think all of us are very grateful for their leadership, and it is appropriate, as we are coming into the Nation's choices about its budget and taxes, that we get an idea of some of the alternatives.

This amendment to fully fund IDEA finally puts real dollars behind the goal of full funding by providing \$181 billion over the next 10 years in increased funding for special education. Congress owes the children and families across the country the most effective possible implementation of this legislation and the Federal funding necessary to make it happen.

For 25 years, IDEA has sent a clear message to young people with disabilities that they can learn and that their

learning will enable them to be independent and productive citizens and live fulfilling lives. Prior to 1975, 4 million disabled children didn't receive the help they needed to be successful in school. Few disabled preschoolers received the services; 1 million disabled were excluded from public schools. Now, IDEA serves almost 6 million disabled children from birth through the age of 21, and every State in the Nation offers public education and early intervention services to disabled children.

That is a remarkable statement in terms of the American people, to transition from this point where so many of these children were basically ignored, shunned, placed in the shadows of the communities, and it has been extraordinary courage those children have shown, their parents have shown, schoolteachers have shown, community leaders have shown, and to awaken this Nation to its responsibilities to provide education and opportunity for these children to live independent, constructive, and positive lives is just virtually unlimited.

I don't think any day goes by when we don't hear another remarkable story. I saw Leonard Slatkin just yesterday. I was commenting about the wonderful success the National Symphony had with its brilliant symphonies; many positive comments have been made about it. One of the comments made was regarding the percussionist, who is tone deaf, for the National Symphony. Maestro Slatkin had indicated that this woman is probably the best percussionist in the world; she has a general worldwide reputation. She plays the instruments with bare feet. She can hear the vibrations that are coming through the floor of the concert hall as she plays her music. She is able to produce just superlative performances.

Every day we are all reminded of these extraordinary acts of courage. So little of that would have been possible if we had not moved ahead to develop an IDEA program a number of years ago. IDEA now serves almost 6 million disabled from birth to age 21. Every State in the Nation offers public education and early intervention services to disabled children.

Mr. REID. Will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. Yes, I am glad to.

Mr. REID. I have been impressed with the Senator's statement about in 1975 it became a Federal edict, in effect, saying we are going to educate the handicapped—mentally, physically, and emotionally. It is my understanding, though, the reason this amendment is offered on a bipartisan basis by the Senator from Iowa and the Senator from Nebraska is that the Federal Government hasn't been living up to its financial responsibility to take care of these disadvantaged children; is that true?

Mr. KENNEDY. The Senator is absolutely correct.

Mr. REID. So this amendment is to allow school districts to use the money

they have on programs that are not mandated by the Federal Government. They can use the money that we hope will come from this amendment to take care of the disadvantaged children; is that true?

Mr. KENNEDY. That is entirely correct.

Mr. REID. Is it true that one reason school districts all over America are just scavenging for money, desperate for money, is the necessity that we all accept of educating these children? Is that true?

Mr. KENNEDY. That is true.

Mr. REID. Well, I look forward to supporting the amendment. Again, in this 50/50 split Senate, I look forward to voting for this bipartisan amendment on this important issue.

Mr. KENNEDY. I thank the Senator.

Just to come back to looking at the history, when the original special education law was passed, the Congress intended to work toward the goal of fully funding the 40 percent of the cost of educating special needs children—a child. After 25 years, the Federal Government pays only 13 percent of the excess costs. This bill will obligate funds to reach the 40 percent, full funding, in the fiscal year 2007. So that is what this bill does. It meets the responsibility we have given to the communities. I am sure in your own State, as in mine, you can go to a very small community where they have maybe a severely challenged child and the child goes to the local school. These extraordinary benefits are for the child.

But these are extraordinary burdens to the community. The community wants to help the child, and suddenly they are caught up in something they never anticipated or thought possible, and they are sort of left out there without assistance. If we recognize that we as a nation have additional responsibilities in these areas of the very special needs—we do this in different ways under the Medicare and Medicaid systems; I recognize that—I think that helps define our humanity. But if we are going to define our humanity, we ought to at least be able to define it in a more complete way, and that is by providing the resources for this problem.

I will just mention a couple of additional facts. I see my friend and colleague from Vermont, who I know wants to say a word. Listen to what has happened in the schools. The dropout rate for these students has decreased, while graduates have exploded. The number of young adults with disabilities enrolling in college has tripled. These results do not come without financial costs. It is time for the Congress to help schools provide the services that give children with special needs the educational opportunities to pursue their dreams.

For too many years there were empty promises. The amendment of Senators HARKIN and HAGEL will help the schools and communities to meet the responsibilities. This amendment

would make IDEA mandatory, and by passing it we will free up discretionary funds that could be allocated to other critical education priorities. We can truly ensure that no child is left behind; that every needy child has a fair chance at a quality education; that more teachers are better trained; that more afterschool opportunities are available; and more schools are modern and safe.

This is another chapter, I believe, in no child being left behind. We want to make sure that no child with special needs is left behind. We need the funding for the title I. We want to make sure that the children with special needs are not going to be left behind. This is a continuum. We should free ourselves from: Well, look, we have increased this fund, that fund by X percent, by Y percent.

What we are talking about is not leaving the children behind and at a time of record surpluses, these are questions and choices. There will always be reasons why we cannot. The question is, Do we have the will and determination? Now is the time.

I see my friend and colleague, the Senator from Vermont. I yield the floor.

Mr. JEFFORDS. Mr. President, I thank the Senator for yielding. I commend him for his statement.

As we all know, there is nothing more crucial in this bill than to make sure we have the resources available to help the schools and communities meet the demands that will be placed upon them by the required standards. At present, those resources are not there.

I correct the Senator's statement on one matter. We do not fund 40 percent of the cost of the disabled child. We fund it at 40 percent of the cost of the average child. That means we are really far from fully funding the cost of a child with disabilities. Keep that in mind.

What we are asking for is 40 percent of the average child, but that is billions of dollars in shortfall. If one examines this bill and examines the problems in this Nation, what I am concerned about—from the perspective of the President—is if we do not have the resources that are necessary to bring about the changes in our schools to have these young people meet the standards which are going to be required of them, then this bill is not going to reach its fulfillment.

I urge all Members to recognize that if they want to help the President's goals that are set forth in this bill, they are going to need the resources. Fully funding IDEA will be a big step forward. Forty percent of the cost of an average child is far less than the cost of a disabled child. This is what is draining the money out of our school systems. This is what is putting pressure on property taxes in this Nation, to the point that, as in my State and all across this country, more and more votes are going against additional resources for the schools because we do

not fund that 40 percent that we promised.

If we do fund it, then many of the young people who presently will not be helped educationally or because of disabilities will be helped. The President's goal will not be reached if we do not provide the necessary funds.

I strongly support the Harkin-Hagel amendment. I want to make sure everybody understands that if we do not do this, this bill is going to have a very difficult time reaching the goals which the President desires.

Mrs. MURRAY. Mr. President, I rise to thank Senator HARKIN for his work on this amendment.

I've supported this proposal in a free-standing bill, and today I'm proud to be an original cosponsor of this bipartisan amendment. And as an appropriator, I have special concerns I want to share.

We agree as a country that we need to work together, in partnership at the Federal, State, and local levels, to make sure that students with special needs get the support to succeed.

Under the Individuals with Disabilities Education Act, IDEA, the Federal Government is supposed to provide 40 percent of the average per student costs. But we all know that the Federal Government has not paid its share.

This amendment will make sure the Federal Government meets its obligation to support special education. This amendment will bring us to full funding in 6 years.

This amendment also has another important advantage. By moving IDEA funding from the discretionary side to the mandatory side, we will free up about \$7.1 billion for education. That money can be used to pay for the costs the underlying bill imposes on States.

As I have mentioned before, the underlying bill creates a number of expensive, and unfunded, mandates on States in areas like testing and accountability.

We can not just demand that students pass tests. We have got to give them the tools to pass those tests. But funding all the requirements in this bill will be difficult because of the limits imposed by the President's tax cut.

As a member of the Appropriations Committee, I'm trying to prevent a train wreck. I want to make sure the \$7.1 billion freed up by this amendment will go to fund the mandates in this bill. If that does not happen, we will have to fund this bill's requirements at the expense of other priorities such as child care, higher education, and social services.

So we need to pass this amendment because it is the right thing to do for students who have special needs, and we also need to use the money this amendment frees up to bolster our investment in education. That extra money should stay in the classroom.

I have received many letters and e-mail messages about the importance of fully funding IDEA.

I should like to share with my colleagues a letter I received in March

from the Yakima School District in Washington State. It is from Superintendent Benjamin Soria and Barbara Greenberg, who is president of district's board of directors.

They write that the Yakima School District serves about 1,800 students with disabilities, about 13 percent of the district's total school population.

Unfortunately, the State of Washington only provides 12.7 percent of funding for special education. And, as we know, the Federal Government is not paying its promised share.

As a result, they write:

The Yakima School District must supplement state and federal funds for special education with local district dollars, this year amounting to \$850,000.

If the district were to receive full funding as promised by Congress, it would amount to more than \$3 million to be used to meet the provisions of IDEA as intended 26 years ago.

It is time for Congress to make good on a long overdue promise.

I received another letter from John Cady from Seattle. John is the parent of a child with a disability.

He writes:

I believe that by investing in the education of our nation's children, we are enabling individual growth and productivity that will ultimately lead to financial independence and an adult life of dignity and self-fulfillment. The dollars spent on our children in Washington now are well worth the rewards both they and America will receive in the long run.

Schools throughout the country are working to help students with special needs reach their full potential. This amendment will help them and will provide additional funding that we should use to support classrooms.

Let's show the educators in Yakima and across the country, and parents like John Cady, that we will fully fund our share of special education.

Mr. DODD. Mr. President, I rise in support of the Harkin-Hagel amendment to fully fund the Individuals with Disabilities Act.

I have been a strong supporter of full funding for IDEA for many years and hope that this amendment finally will realize that goal.

This Congress, I joined Senators HARKIN and HAGEL and many others as an original co-sponsor of S. 466, to fully fund IDEA.

Last Congress, Senator JEFFORDS and I twice offered budget amendments to fully fund IDEA, and I have offered many measures over the years to increase funding for IDEA.

The Harkin-Hagel amendment offers Congress the opportunity to fulfill our goal of funding 40 percent of the cost of educating children with disabilities and to strengthen our support for children, parents, and local schools.

When Congress passed IDEA in 1975, we set a goal of helping States meet their constitutional obligation to provide children with disabilities a free, appropriate education by paying for 40 percent of those costs.

We have made great strides toward that goal in the last few years, having

doubled Federal funding over the past five years. Nevertheless, we still only provide 15 percent of IDEA costs.

In my own state of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs, we are facing a funding shortfall. In our towns, the situation is even more difficult. Too often, our local school districts are struggling to meet the needs of their students with disabilities.

The costs being borne by local communities and school districts are rising dramatically. From 1992 through 1997, for example, special education costs in Connecticut rose half again as much as did regular education costs. Our schools need our help.

Of course, no one in Connecticut, or in any state or community in our country would question the value of ensuring every child the equal access to education that he or she is guaranteed by our Constitution. The only question is how best to do that—and a large part of the answer is in this legislation. This amendment would demonstrate that our commitment to universal access is matched by our commitment to doing everything we can to helping states and schools provide that access.

And, this amendment will help not only our children and schools, it will help entire communities, by easing their tax burden. By our failure to meet our goal of fully funding IDEA, we force local taxpayers—homeowners and small businesspeople—to pay the higher taxes that these services require. That's especially a problem in Connecticut, where so much of education is paid for through local property taxes.

If we're going to talk about the importance of tax relief for average Americans, there are few more important steps we can take than adopting this amendment. It will go far to alleviate the tax burden that these people and businesses bear today.

Last year, the National Governors' Association wrote me that "Governors believe the single most effective step Congress could take to help address education needs and priorities, in the context of new budget constraints, would be to meet its commitment to fully fund the federal portion of IDEA."

Over the next ten years, we're looking at a \$2.7 trillion non-Social Security, non-Medicare surplus. I think that fully funding IDEA is one of the most productive ways that we can use a small part of that surplus.

I ask that my colleagues seize this opportunity and support this amendment and choose to help our schools better serve children with disabilities. Because, I am tired of the false dichotomy that many people perceive between parents of children without disabilities and parents of children with disabilities.

By fully funding the Federal share of IDEA, and easing the financial burden on states and schools, we can stop talk-

ing about "children with disabilities" and "children without disabilities," and start talking instead about all children, period.

Mr. REID. 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.

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

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

Mrs. BOXER. I ask unanimous consent to speak for 5 minutes in favor of the amendment.

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

Mrs. BOXER. Mr. President, I am very grateful to Senators HARKIN and HAGEL for proposing this amendment. It is very important. It is a promise long overdue.

If we look at what has happened since we created this program, which essentially is a mandate to the schools to ensure that they take care of the disabled children in their school districts, we have fallen far short of our commitment to those children and to those schools. Every one of us knows this, regardless of whether we are from Illinois or California, east coast, west coast, North, South.

The fact is, if you look at the chart behind me, what you see is that in 1996, for example, we voted \$2.3 billion to help fund this program for our disabled children when in fact our commitment really was for \$12.7 billion. It goes right through: In 2001, \$6.3 billion. Remember, we added quite a lot, but it still is far short of the \$17 billion we promised.

This amendment is about fulfilling a commitment and a promise to our disabled children and also to the school districts all across this country that are doing so well at taking care of the children. As a matter of fact, if you look at the results of this IDEA program, these children are doing so much better. Fewer of them are dropping out. They are living up to their potential. This is an important and a good program.

I will show this other chart that illustrates in another way the unfulfilled promise that has occurred. This is mandatory spending for our school districts. Yet that whole inner part of our graph shows how we have had an unfulfilled promise. But we will gradually begin to fulfill this promise with this IDEA authorization that this amendment would bring us, until we get to the point in several years where the need and the Federal money, 40 percent of the program, actually meet and we are meeting our commitment.

For too many years we made too many empty promises. I know Senator KENNEDY believes strongly in this regard. I was pleased he asked if I would say a few words. By committing to this level of funding, we are not only keeping a promise, which is the moral and

right thing to do, but we are helping the children who most need our help.

Again, I hope we have a very good vote in favor of the amendment. It is extremely important that we keep our promise to these children.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I understand all time has expired on our amendment.

The PRESIDING OFFICER. Two amendments are being considered concurrently.

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yielded back on the Harkin-Hagel amendment that is now at the desk, and I ask consent that the question be put to the Senate regarding that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, may we add to that request that the time until 4 o'clock be evenly divided between the majority and minority to speak on this?

The PRESIDING OFFICER. Does the Senator from Iowa modify his request accordingly?

Mr. HARKIN. Yes, I will modify the request accordingly.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered. The question is on agreeing to amendment No. 360, as modified, offered by the Senators from Nebraska and Iowa.

The amendment (No. 360), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senators from Iowa and Nebraska. We need to do more legislating on a bipartisan basis. This is a very important amendment that was accepted in this manner, with the unanimous consent of the Senate. That says it all. This should set a good tone for the rest of this bill. The reason I asked that the time be set aside, there are some Members who still want to come and speak on this subject. It is very important. Senator WELLSTONE wanted to speak, as do others. I wanted to make sure they could do that.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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

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 was meeting with some people from the small business community. I was an original cosponsor of this very important IDEA amendment.

I congratulate Senators HARKIN and HAGEL. I understand we actually had a voice vote on this amendment. I also congratulate Senator JEFFORDS, Senator KENNEDY, and others who were involved in drafting and passing this critical piece of legislation.

I point out to colleagues that by making IDEA part of mandatory spending and not leaving it up to the appropriations process year to year, we have done something very significant. In the State of Minnesota, if we have automatic funding for IDEA—and I think we get to fully funding it over a 7-year period—then we are going to have about \$169 million for education in Minnesota.

This is extremely important. I am proud to be an original cosponsor. The voice vote is a good thing but it makes me nervous; a voice vote is an indication of strong support, which is what I take it to be in this case. But I also must assert how extremely important it is that this, of course, stay in the bill through the conference committee. The word from the Senate today on this question is one of clear, unanimous support.

Speaking for my colleague, Senator DAYTON, he is going to have an amendment next week—and I will join him—that will accelerate the timetable for funding IDEA. He feels strongly about it. He campaigned on this issue and believes it is a longstanding commitment we have not met. I could not agree with him more.

But for today, this is an extraordinary first step the Senate has taken. I congratulate everyone involved.

In particular, I congratulate Senators HARKIN and HAGEL. I know this is near and dear to Senator HARKIN's heart because he has been, maybe more than anyone in the Senate, the strongest advocate for children with special needs. There is some poetry and justice to the fact that Senator HARKIN has led the way on this issue of funding.

I am proud of what the Senate has done today. I hope with this and on a whole lot of other amendments we will continue to dramatically change and improve this bill to the point where we are really doing well for education and children. I will take it 1 day at a time or 1 hour at a time. This was important action. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER are located in today's RECORD under "Morning Business".)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

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

Mr. KENNEDY. Mr. President, I express the appreciation of all of us to Senator HAGEL and Senator HARKIN and their staffs and all those who have been part of the effort to bring about this extraordinary and incredibly important resolution that will result in hundreds of thousands of children having better opportunities for their future. This action that was taken here today sends an enormous message of help to many children who are growing up, not only with the challenges and needs that normal children have, but who have the additional burdens of some physical or mental disability or challenge.

It will make an enormous difference to their lives. It will make an incredible difference to their parents' lives. It will make an extraordinary difference to those who care for these children. I think it is really the Senate at its best. So I thank those two leaders. It seems to me you probably do not have to do much more than that, to have had a very great mark on the lives of many people in this country.

I salute them both. This adds a very important, special, and extra dimension to this legislation. It will take time for the American people to understand it, but it will make an important difference.

Mr. REID. Will the Senator yield for a question? Does the Senator from Massachusetts agree that it also sets a very good tone for this very important piece of legislation that one of the most important amendments this bill could have been offered on a bipartisan basis and approved on a bipartisan basis? Doesn't it set a good tone for the rest of the bill?

Mr. KENNEDY. It certainly does. I appreciate the Senator mentioning that. The underlying blueprint reflects the best judgment of Members on both sides of the aisle. It is a blueprint which I strongly support.

The real gap, as the Senator heard, is placing enormous demands on schools, on teachers, and on children. We need to have the resources for the children. That requires funding, and we still are not there on that particular issue.

But certainly with regard to the special needs children, this has been an extraordinarily bipartisan effort. That is of incredible importance to this country. I congratulate our colleagues on both sides of the aisle. This is a very sound, bipartisan effort. We are enormously grateful for their initiatives and for the result.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to join Senator KENNEDY in congratulating Senators HAGEL and HARKIN on their amendment with respect to IDEA. This amendment will guar-

antee America's 16,000 school districts a long overdue increase in special education funding.

The amendment proposes to fully fund part B of the IDEA over the next 6 years.

One of my first legislative tasks, when I was a freshman Congressman in 1975, was to work on the first federal legislation to guarantee a free and appropriate public education for children with disabilities.

Public Law 94-142, later renamed the Individuals with Disabilities Education Act, was passed in response to numerous court decisions involving lawsuits against a majority of the states, and growing concerns about the unconstitutional treatment of children with disabilities.

In passing this legislation, it was Congress' intent to define a state's obligation to students with disabilities residing in the State.

In crafting Public Law 94-142, Congress looked at the national average per pupil expenditure and estimated that it would cost approximately twice as much to educate children with disabilities as it would to educate other children.

At that time, 26 years ago, Congress pledged to assist states and localities in meeting the needs of students with disabilities by providing federal funding to cover 40 percent of the average student cost.

Although numerous studies conducted since 1975 have verified that it costs at least twice as much to educate children with disabilities, Congress has never provided more than 14.9 percent of the average per pupil expenditure.

If we were funding 40 percent of the costs educating students as promised in 1975, we would have appropriated \$17 billion for Part B of IDEA for fiscal year 2001. The \$6.3 billion that we did appropriate for fiscal year 2001 falls far short of that commitment.

While I commend Congress for increasing the appropriation for Part B of IDEA over the years since 1996, it frustrates me to no end that we still fall so far short of meeting our 26 year old commitment to fund out 40% of the costs.

However, this amendment will have a far greater impact than simply helping students with disabilities. With the Federal Government's failure to live up to its obligation under IDEA, State and local governments have been forced to incur almost all of the additional costs associated with educating children with disabilities and putting undue stress on such things as property taxes.

Money that might have been directed to additional training for teachers, to hiring new teachers, to increasing salaries to retain high quality teachers, or to repairing schools, has instead gone to meeting part of the Federal Government's obligation under IDEA.

This amendment provides increased flexibility to states and localities by modifying the provisions that were included in the 1997 reauthorization of

IDEA which permit a local education agency to treat up to 20 percent of the increase in the appropriation over the preceding fiscal year's appropriation as local funds.

Currently, a State or locality must maintain their share of the annual special education spending levels regardless of the amount of the Federal contribution.

Our amendment would give local education agencies the flexibility to use local funds in an amount up to 55 percent of the increased funding over the fiscal year 2001 appropriation for other local needs. In passing this amendment, we will be increasing our Federal commitment to meeting the needs of students with disabilities, and we will be giving local communities the flexibility to use local tax dollars that are currently meeting the Federal Government obligation for special education, for other local purposes and to reduce the stress on property taxes.

While I think the reforms proposed in the BEST Act are critical to overall reform in our education system, I feel it is unfair for us to demand more of state and local educators when we have failed so badly in meeting our obligation to assist in funding special education.

Without question, we need to dramatically improve the education we provide to all of our children. Some of this will come through the increased accountability and flexibility we provide in the BEST Act.

Forty percent of our 4th grade students are not proficient in reading. Our 12th grade students come in near the bottom of international exams in mathematics and science.

The crisis we face in math and science was recently underscored by the work of the Glenn Commission. Many of its recommendations, which were also supported by President Bush, have been incorporated in the BEST Act.

But training and retaining high quality math and science teachers requires money, especially when schools are competing in a tight market for their skills.

Turning our schools around will not be easy, and it cannot be done on the cheap. This amendment to fully fund IDEA should help us achieve the reform we all seek. We owe our children nothing less.

Increasing special education funding is a top priority for many disability groups, for teachers, for school boards throughout the country, for local education agencies, for governors, and for children with disabilities and their families.

I have a petition from every school board in my State. Vermont schools have made it clear to me again and again that their number one priority is to fully fund IDEA. These petitions serve as a sobering reminder of my responsibility to the children, and families, and the schools in my State.

I have no doubt that each and every one of us has heard similar messages

from your state education agencies, local education agencies, and school boards, and from the families of children with disabilities.

This amendment is a win-win for everyone. Children with disabilities will get the services they need.

There will be more money in local school districts to hire personnel and to train or retrain personnel to work with children with disabilities.

Schools will be able to provide more support to general education teachers who have children with disabilities in their classrooms.

More money will be freed up for other purposes such as general education reform initiatives chosen by local communities.

School boards will no longer feel as though they are pitting the needs of one group of students against another.

Finally, with predictable, substantial increases in IDEA funds and expanded flexibility, school districts will be better able to undertake thoughtful planning.

Over the last few months, I have heard references to the need to fully fund special education almost every day that Congress has been in session.

Our country is currently enjoying thoughts of a projected 5.7-trillion-dollar budget surplus over the next ten years. We are discussing over a trillion dollar tax cut. The presence of this large surplus and the possibility of providing substantial tax cuts provides Congress with the unprecedented opportunity to fulfill the commitment that Congress made 26 years ago in passing P.L. 94-142. If not now, when?

The time for rhetoric is passed. The time to act is now. I'm glad the Senate has agreed to fully fund IDEA and make good on the promise we made over 26 years ago.

I thank my colleagues for their support of this amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the Senator from Vermont has certainly not let the people of Vermont down who have been asking for his help on this important issue. We have a long way to go on this bill. We have to take the wins when we get them. This is a tremendous win, and we could not have accomplished it but for advocacy of the Senator from Vermont.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. I also ask unanimous consent that the Senator from Vermont yield me several minutes of time.

Mr. JEFFORDS. I yield the Senator 10 minutes.

Mr. CARPER. Terrific. I thank the Senator.

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

The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I serve today in the Senate, but for the last 8 years I served as the Governor of Delaware, and for several of those years as the vice chairman and chairman of the National Governors' Association. I sometimes still think a little bit as a Governor. On behalf of the Governors of this country in all 50 States, probably, I give a special thank you to those who made possible the adoption of an amendment in this Chamber today that would provide for full funding of IDEA, to meet the longstanding obligation from the Congress for programs throughout the country that are funded in this way.

I cannot recall how many Governors' meetings I sat in where one Governor after another—Democrats and Republicans, from one end of the country to another—would say, if the Federal Government would simply meet its obligations under the Individuals With Disabilities Act, if they would only do that, we would be able to meet some of our other needs in our schools—whether the needs are small class sizes, extra learning time, or technology in our classrooms. The Federal obligation is that we would pay 40 percent of the cost of educating these children. Today we provide less than 15 percent of the cost of educating these children.

We have taken an important step in the Senate toward meeting that obligation. But it is only one step. It needs to be followed by other steps when we go to conference with the House, to make sure that what emerges from that conference committee, and what we ultimately vote on, is a final compromise containing this provision. If we do that, then the Governors of those 50 States and the parents—parents of hundreds of thousands of children—and the teachers in our schools will stand up and applaud.

I also say that as this bill comes to us today, I am encouraged. It is not a perfect bill, but it is one that offers the prospect of additional investments from the Federal Government for our schools. It offers that money with a bit more flexibility than is the case under current law. It makes it clear that we offer that additional money targeted where the needs are the greatest, but it offers that money more flexibly and demands results.

As we look more closely at the accountability provisions in this legislation, once testing begins in earnest in the various States, in accordance with annual testing and in accordance with the standards adopted by the various States, there are consequences that come to bear for schools that do not make progress in accordance with the schedule agreed to, adopted by the individual States.

If a school is not making progress in meeting its own stated goals by the end of the fourth year—if a school continues to fail its students—a number of things will happen. One is that those students in that failing school must be offered the right to go to another public school, where transportation will be provided by the school that is failing, by the school district that is failing, using up to 15 percent of their title I moneys.

There are also three other things that must happen to that school that fails for the fourth year in a row. One, it has to be closed and reconstituted as a charter school, or, two, closed and reconstituted with a new administration and with a new faculty, or, three, turned over to the State or some profitable enterprise, commercial enterprise, to run the school—those three options.

I simply remind my colleagues, as we move past the adoption of the funding for IDEA, we have to keep in mind the accountability provisions. We have focused on more money and more flexibility, and I support that. But on the accountability issue, if children are really going to have the ability to choose another public school, we have to make sure we include in this bill assistance to States and school districts across America to enable them to adopt public school choice statewide. It is not easy and it is not free.

Secondly, if we are really serious about charter schools being a viable option for schools that fail 4 years in a row, we need to provide assistance, including brick-and-mortar assistance, so that those charter schools can be successful, so the kids going to those schools will have a fighting chance to get the kind of education they did not previously receive.

I say to Senators HARKIN and HAGEL, who have worked for weeks on the legislation to increase IDEA funding and to make sure we meet our fair share of that burden, job well done.

To the Senator from Vermont, the chairman of the committee, and to Senator KENNEDY, who has been very supportive, I give my thanks as well.

On behalf of all Governors who have sought this support, sought this day, this kind of victory, it is a day to salute and celebrate for their children, for their students, and all of America.

Mr. President, I thank the Senator for yielding the time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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. LOTT. 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. LOTT. Mr. President, I am not going to propound an additional unanimous consent request at this time, although we are working with the leaders on both sides of the aisle so we, hopefully, can have a further agreement entered into between 4:30 and 5. We will go ahead and be able at that time, hopefully, to lock in the sequence of amendments that will come after these two.

I announce to the Senate that following this vote, I will ask the Senate to begin debate on the budget resolution conference report notwithstanding receipt of the papers. Assuming consent is granted, I would expect several hours of debate tonight on this important conference report to be followed by a vote on the adoption of the budget conference report.

Therefore, Members should be on notice that a vote is expected to occur late tonight on the budget unless an agreement is entered into to have it at a specific time in the morning. We expect to continue working tonight and go into the night, and we will get exact timing of when we might expect another vote hopefully within the next few minutes or within the hour.

If consent cannot be granted to begin debate before the paperwork enters the Senate, then a vote would have to be scheduled tomorrow.

I hope all Senators will cooperate, and I have every indication that we will be able to get an agreement so we can vote on the budget resolution this evening.

Then we will also be able to enter further agreements with regard to additional amendments.

I believe we are ready to go to a vote at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 359 offered by the Senator from Maine. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—100

Akaka	Cleland	Fitzgerald
Allard	Clinton	Frist
Allen	Cochran	Graham
Baucus	Collins	Gramm
Bayh	Conrad	Grassley
Bennett	Corzine	Gregg
Biden	Craig	Hagel
Bingaman	Crapo	Harkin
Bond	Daschle	Hatch
Boxer	Dayton	Helms
Breaux	DeWine	Hollings
Brownback	Dodd	Hutchinson
Bunning	Domenici	Hutchison
Burns	Dorgan	Inhofe
Byrd	Durbin	Inouye
Campbell	Edwards	Jeffords
Cantwell	Ensign	Johnson
Carnahan	Enzi	Kennedy
Carper	Feingold	Kerry
Chafee	Feinstein	Kohl

Kyl	Nelson (FL)	Snowe
Landrieu	Nelson (NE)	Specter
Leahy	Nickles	Stabenow
Levin	Reed	Stevens
Lieberman	Reid	Thomas
Lincoln	Roberts	Thompson
Lott	Rockefeller	Thurmond
Lugar	Santorum	Torricelli
McCain	Sarbanes	Voinovich
McConnell	Schumer	Warner
Mikulski	Sessions	Wellstone
Miller	Shelby	Wyden
Murkowski	Smith (NH)	
Murray	Smith (OR)	

The amendment (No. 359) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 361 TO AMENDMENT NO. 358

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 361 to amendment No. 358.

Mr. JEFFORDS. I ask unanimous consent the 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 provisions relating to certain assessments)

On page 47, beginning with line 13, strike all through page 48, line 14, and insert the following:

“(i) a State may defer the commencement, or suspend the administration, of the assessments described in this paragraph, that were not required prior to the date of enactment of the Better Education for Students and Teachers Act, for 1 year, for each year for which the amount appropriated for grants under section 6203(a) is less than—
 “(I) \$370,000,000 for fiscal year 2002;
 “(II) \$380,000,000 for fiscal year 2003;
 “(III) \$390,000,000 for fiscal year 2004;
 “(IV) \$400,000,000 for fiscal year 2005;
 “(V) \$410,000,000 for fiscal year 2006;
 “(VI) \$420,000,000 for fiscal year 2007; and
 “(VII) \$430,000,000 for fiscal year 2008; and
 “(ii) the Secretary may permit a State to commence the assessments, that were required by amendments made to this paragraph by the Better Education for Students and Teachers Act, in school year 2006–2007, if the State demonstrates to the Secretary that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous or unforeseen decline in the financial resources of the local educational agency or school, prevent full implementation of the assessments in school year 2005–2006 and that the State will administer such assessments during school year 2006–2007.”

On page 778, strike lines 5 through 10, and insert the following:

“(a) GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.—

“(1) STATE GRANTS AUTHORIZED.—From amounts appropriated under paragraph (3) the Secretary shall award grants to States to enable the States to pay the costs of—

“(A) developing assessments and standards required by amendments made to this Act by the Better Education for Students and Teachers Act; and

“(B) other activities described in this part or related to ensuring accountability for results in the State’s public elementary schools or secondary schools, and local educational agencies, such as—

“(i) developing content and performance standards, and aligned assessments, in subjects other than those assessments that were required by amendments made to section 1111 by the Better Education for Students and Teachers Act; and

“(ii) administering the assessments required by amendments made to section 1111 by the Better Education for Students and Teachers Act.

“(2) ALLOCATIONS TO STATES.—

“(A) IN GENERAL.—From the amount appropriated to carry out this subsection for any fiscal year, the Secretary shall first allocate \$3,000,000 to each State.

“(B) REMAINDER.—The Secretary shall allocate any remaining funds among the States on the basis of their respective numbers of children enrolled in grades 3 through 8 in public elementary schools and secondary schools.

“(C) DEFINITION OF STATE.—For the purpose of this subsection, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated \$400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

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

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, it has been so hard to get this very important education bill up and actually moving that I hate to let any time go by without making some further progress. So we have been working on both sides of the aisle, and I believe we have an agreement to allow us to proceed with the Jeffords amendment next and then go to the Dodd amendment after that.

Mr. DODD. Dodd-Collins.

Mr. LOTT. No. I prefer to say just the Dodd amendment.

Mr. DODD. I am just trying to help out.

Mr. LOTT. You are giving too much credit here, I say to the Senator. No.

We would try to have the vote on both of these at 7:30. I think that is more than enough time. I hope that maybe even some time could be yielded back. That way we could make progress. Senators could attend to other business and then would be prepared to be here for those two votes between 7 and 7:30, or not later than 7:30.

I also had intended—and hope to get agreement—to proceed to the conference report to accompany H. Con. Res. 83, the budget resolution, immediately following those two votes. I was not going to try to get a time specified as to exactly how we would use the time or when a vote would occur. I un-

derstand that the Democrats are not prepared to agree to that at this point. And I cannot force it at this point.

I do think it is very important we get an agreement on the budget resolution as soon as we can so Members can know what to expect tomorrow, and/or Monday, and so that we could get this completed so we can move on with our annual appropriations bills and also our reconciliation bill.

So I now ask unanimous consent that the next two first-degree amendments to be offered to S. 1 be the following, and not subject to second-degree amendments: Jeffords No. 361 and the Dodd-Collins amendment.

I further ask consent that votes relative to these amendments occur at 7:30 in the order in which they were offered, and the time between now and then be equally divided and run concurrently on both amendments, and there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, other than to say that we appreciate the leader not asking for the last paragraph of the request that is written on the paper in front of me. We are trying to work that out.

As the distinguished majority leader knows, we are in consultation with the ranking member, Senator CONRAD. Senator DASCHLE has been in touch with him. We are going to try to work something out as soon as we can.

Mr. LOTT. I thank Senator REID.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 361

Mr. JEFFORDS. I have an amendment at the desk.

The PRESIDING OFFICER. The amendment is pending.

Mr. JEFFORDS. That is right. I thank the Chair.

Mr. President, my amendment will establish the Federal Government as a full partner in the assessments that are required under this bill.

Earlier today, the Senate went on record, after 26 years, to fulfill its responsibility under IDEA. My amendment will ensure we do the same on testing, only we do it today, not 26 years later.

If we want the States to undertake these extensive testing requirements, we should be willing to pay for them. Each Senator I have spoken to supports the thrust of this amendment—that we avoid creating yet another unfunded mandate, especially at a time when we are asking more and more of our schools.

Good tests are not cheap. They must be aligned with the State’s standard. They should measure higher order thinking, and they should constantly

be improved. This bill will not just require testing in reading and math but will also require standards in history and science and an assessment later on in science.

My amendment calls for close to \$400 million in spending each and every year to help pay for the cost of developing and implementing assessments. If the money is not forthcoming, the State’s obligation will be suspended until Congress meets its obligation.

The exact cost of testing cannot be known. I can tell my colleagues with confidence that this amendment will cover the great majority of those costs. I urge my colleagues to give me their support.

I yield the floor to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend the chairman of the committee for drafting this very important amendment to the bill.

I have been concerned that we could be imposing an expensive new mandate on State and local governments through the testing requirements of this bill. Testing is very important, but I think we need to provide support. The chairman’s amendment will ensure that the funding is provided to help States and local school districts develop the very best possible tests in order to assess the performance of their students and that we will be providing a good chunk of the money to do so.

I commend the Senator for his amendment and for understanding that we need an assurance that that funding will be forthcoming before imposing this requirement.

Again, I thank the Senator from Vermont for coming forth with this important amendment.

Mr. JEFFORDS. Mr. President, I know of no other Senator who desires to participate in the discussion. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from Vermont for his amendment. I would add myself as a cosponsor, but I don’t want to get into trouble. I will tell him I am for it and cast my vote when the time comes. He has been a wonderful leader on education issues for many years and cares about it very deeply. He comes from a great tradition in his home State of Vermont where Members of this body have dedicated a good part of their careers to improving the quality of education. I commend him not only for the amendment he has just introduced but also for his tireless efforts over the years.

AMENDMENT NO. 365 TO AMENDMENT NO. 358

Mr. DODD. Mr. President, I send an amendment to the desk offered by myself and my colleague from Maine, Senator COLLINS, and Senator LANDRIEU, among others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Connecticut [Mr. DODD], for himself and Ms. COLLINS, Ms. LANDRIEU, Mr. BINGAMAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CORZINE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, and Mrs. CLINTON, proposes an amendment numbered 365.

Mr. DODD. 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 increase the authorization of appropriations for local educational agency grants)

On page 31, strike line 23 through line 2 on page 32, and insert the following:

“(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

“(1) SHORT TITLE.—This subsection may be cited as the ‘Equal Educational Opportunity Act’.

“(2) AUTHORIZATION.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated—

- “(A) \$15,000,000,000 for fiscal year 2002;
- “(B) \$18,240,000,000 for fiscal year 2003;
- “(C) \$21,480,000,000 for fiscal year 2004;
- “(D) \$24,720,000,000 for fiscal year 2005;
- “(E) \$27,960,000,000 for fiscal year 2006;
- “(F) \$31,200,000,000 for fiscal year 2007;
- “(G) \$34,440,000,000 for fiscal year 2008;
- “(H) \$37,680,000,000 for fiscal year 2009;
- “(I) \$40,920,000,000 for fiscal year 2010; and
- “(J) \$44,164,000,000 for fiscal year 2011.

Mr. DODD. Mr. President, I will take a few minutes. Others may arrive shortly. In fact, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I am very pleased to offer this amendment on behalf of myself and my good friend and colleague from New England, Senator COLLINS of Maine, among others; Senator LANDRIEU of Louisiana; my colleague from Connecticut, Senator LIEBERMAN; and others who have been supporters of seeing to it that we have the goal—that is what this amendment is; there are no mandates in this amendment—of full funding for title I over the next 10 years.

I ask unanimous consent that a chart be printed in the RECORD showing how title I funds are presently allocated and what this amendment would do if it were an appropriation—which it is not—and were to be adopted, in terms of the number of children who would then benefit under this amendment if it were to receive full funding.

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

ACTUAL FY2000 (2000–2001) ESEA TITLE I, PART A GRANTS

	Children counted in allocating part A grants, FY 2000	Total basic and concentration grants	Accountability grants	Capital expenses	Total basic, concentration, accountability, and capital expenses grants	Total grants per child counted for allocations
United States	10,266,051	\$7,807,397,090	\$134,000,000	\$12,000,000	\$7,953,397,000	\$774.73
Alabama	192,377	129,133,448	2,239,838	25,918	131,399,204	683.03
Alaska	16,346	19,089,449	331,109	62	19,420,620	1,188.10
Arizona	191,360	121,896,690	2,114,315	131,143	124,142,148	648.74
Arkansas	121,258	79,070,702	1,371,492	37,976	80,480,170	663.71
California	1,440,856	972,870,300	16,874,570	1,830,602	991,575,472	688.18
Colorado	94,208	71,304,340	1,236,784	28,218	72,569,342	770.31
Connecticut	79,352	70,351,232	1,220,252	97,270	71,668,754	903.18
Delaware	17,423	21,268,392	368,903	0	21,637,295	1,241.88
District of Columbia	28,811	25,547,302	443,121	197,710	26,188,133	908.96
Florida	537,170	363,365,948	6,302,633	169,492	369,838,073	688.49
Georgia	315,471	210,267,990	3,647,127	29,150	213,944,267	678.17
Hawaii	27,586	20,157,643	349,637	7,521	20,514,801	743.67
Idaho	34,959	23,516,224	407,892	10,069	23,934,185	684.64
Illinois	386,359	326,710,586	5,666,840	626,443	333,003,869	861.90
Indiana	146,101	116,421,506	2,019,347	139,161	118,580,014	811.63
Iowa	65,848	53,287,278	924,275	114,737	54,326,350	825.03
Kansas	73,562	56,306,231	976,639	87,760	57,370,630	779.89
Kentucky	170,233	127,790,039	2,216,536	91,428	130,098,003	764.23
Louisiana	260,808	191,235,915	3,317,013	330,407	194,883,335	747.23
Maine	34,734	31,963,499	554,411	10,007	32,527,917	936.49
Maryland	114,292	102,603,524	1,779,672	75,889	104,459,085	913.97
Massachusetts	149,980	153,374,071	2,660,294	568,641	156,603,006	1,044.16
Michigan	348,377	334,366,422	5,799,632	277,452	340,443,506	977.23
Minnesota	103,181	87,985,945	1,526,128	244,884	89,746,957	869.90
Mississippi	156,879	124,796,295	2,164,609	129,714	127,090,618	810.12
Missouri	190,061	134,785,325	2,337,870	253,523	137,376,718	722.80
Montana	35,471	26,320,082	456,525	21,940	26,798,547	755.51
Nebraska	38,316	32,206,952	558,634	83,658	32,849,244	857.32
Nevada	37,365	23,321,774	404,519	4,910	23,731,203	635.12
New Hampshire	16,079	19,697,776	341,661	7,458	20,046,895	1,246.77
New Jersey	184,403	177,216,019	3,073,836	400,516	180,690,371	979.87
New Mexico	108,531	66,239,892	1,148,940	72,346	67,461,178	619.30
New York	811,011	731,360,429	12,685,548	1,904,316	745,950,293	919.78
North Carolina	238,302	150,972,799	2,618,644	10,193	153,601,636	644.57
North Dakota	18,999	19,820,740	343,793	25,234	20,189,767	1,062.68
Ohio	339,503	302,371,742	5,244,680	458,381	308,074,803	907.43
Oklahoma	153,064	96,337,713	1,670,991	20,448	98,029,152	640.45
Oregon	79,615	68,818,656	1,193,669	46,677	70,059,002	879.97
Pennsylvania	354,835	339,858,213	5,825,507	1,382,601	343,066,321	966.83
Rhode Island	27,324	24,654,345	427,633	89,998	25,171,976	921.24
South Carolina	159,793	100,733,900	1,747,243	7,521	102,488,664	641.38
South Dakota	27,908	19,734,301	342,294	18,335	20,094,930	720.04
Tennessee	191,731	134,693,146	2,336,271	24,488	137,053,905	714.82
Texas	984,807	665,787,285	11,548,173	453,346	677,788,807	688.25
Utah	33,442	35,293,180	612,165	7,645	35,912,990	910.53
Vermont	14,064	17,738,863	307,683	15,352	18,061,898	1,284.26
Virginia	178,979	118,413,150	2,053,892	40,027	120,507,069	673.30
Washington	139,324	108,939,573	1,889,572	38,659	110,867,804	795.76
West Virginia	85,656	73,479,762	1,274,517	18,832	74,773,111	872.95
Wisconsin	133,180	125,861,555	2,183,086	285,594	128,330,235	963.58
Wyoming	13,851	17,754,152	307,948	7,893	18,069,993	1,304.60
Puerto Rico	556,506	262,415,735	4,551,637	1,038,395	268,005,767	481.59

Mr. DODD. I note my good friend from Alabama is in the chair. His is always the first State on the list. But just to make the point, presently there would be some 10 million children in the country who would be served by title I out of the 55 million children

who go to school. In the case of Alabama, there would be 192,377 children who would be served if we had full funding. That number today is about a third of that number, a third of the 192.

If we go down the list—and what I have provided in the first column is

what full funding would provide—and look at the number under your State and then calculate what one-third of that number is, you would get a rough idea of what the present number of children is who are being served. Of course, the number itself reflects what

full funding would amount to in all 50 States. That is what this chart provides.

As we know, our society is based on the promise of equal opportunity, not equal success. None of us bears an obligation to guarantee the success of anyone, but we all share the common goal that everyone ought to have an equal opportunity to succeed.

This amendment, offered on behalf of myself and my colleague from Maine, and others, is designed to see to it that, as we ask for in this legislation, as we will over the coming days, there be greater accountability at the local level—in fact, a requirement of additional testing—so that we don't just socially promote students through the educational process; that we have some data about how students are doing—taking their temperature, in effect.

Imagine, if you would, taking a temperature every year to see how the patient is doing. We know that just taking the temperature doesn't make a child better. We may get some idea of their health, but we don't really know or are not really providing any medicine that they need in order to improve the quality of their health.

What title I does, and what it has done historically, is to provide that needed medicine, which I will demonstrate in these remarks, to the most disadvantaged children in our society. Title I represents about one-third, or a half, almost, of the entire Federal dollar commitment to education in the country. It is what our primary responsibility has been over the last 35 years since we decided to enact the Elementary and Secondary Education Act.

Just to back up a little bit and put this in perspective, the Federal Government, when it comes to elementary and secondary education—this may come as a shock to some—allocates between one-half and 1 percent of our entire Federal budget to elementary and secondary education. If we add higher education, that number jumps to about 2 percent of the entire Federal budget. If we exclude higher education and just take elementary and secondary, it is between one-half and 1 percent of the entire Federal budget. That is our commitment.

If you take the amount of money being spent on elementary and secondary education, for every dollar that is spent, that one-half of 1 percent amounts to somewhere between 4 and 7 cents on the dollar. In other words, for every dollar that is spent to improve or invest in the elementary and secondary education needs of America's children, about 94 or 95 cents comes from our local communities or our States, and about 5 or 6 cents comes from your Federal Government. That is one-half of 1 percent of the Federal budget.

So when we start talking about title I, which was designed to go to the neediest districts in both rural and urban areas, we are talking about a sizable percentage of that 4 or 5 cents on the dollar. Yet we have never gotten to

the full funding of title I since we initiated it 35 years ago. We are only serving about a third of title I eligible children in the country. So what the Senator from Maine, myself, and others are saying is that sometime over the next 10 years we have laid out a schedule, but obviously the schedule is an authorization subject to whatever changes this body and the other body and the President would like to adopt. Then we could modify this formula.

We have laid out a formula for our colleagues that doesn't mandate anything. It just sets out a goal and says that as we are going to test children, as we are going to ask for greater accountability, we also want you to know that we believe as a goal that we ought to fully fund title I to give these children a chance to reach their maximum potential educationally. That is what this amendment is really designed to do.

Let me lay it out a little bit. Congress passed the ESEA to help provide disadvantaged children with an education to enable them to take advantage of America's promise of equal opportunity, and the primary mechanism for delivering on that promise has been title I grants for schools.

Title I does more than just serve all eligible children. The reason why is simple: According to the Congressional Research Service, Congress funds title I grants to local education agencies at only about one-third of the amount allowed under the formula.

Twenty percent of schools with poverty levels between 50 and 75 percent receive no funds at all. Let me repeat that. Twenty percent of all the schools in America with poverty levels between 50 and 75 percent do not receive any title I funds today at all. And 36 percent of schools with poverty rates between 35 and 50 percent do not receive any funds.

So it is quite clear that an awful lot of eligible children that are clearly disadvantaged, by any standard, are not getting the kind of help that we originally envisioned with title I. About one-third are, if you take the country as a whole. Some areas get zero.

So our goal with this amendment, without mandating anything, is to say that over the next 10 years we would like to get as close to living up to and fulfilling the promise made of serving these children.

The bill we are debating will impose, as we know, some significant testing and accountability standards, many of which I think most colleagues support, on States and local schools. I think all of us agree—although the devil is in the details—that we need to know how students are doing in school and that States and schools need to be accountable for educating our children.

We need to remember that testing and accountability aren't the same as reform. They measure reform, or they measure how students are doing, but they are not reform in and of themselves. Some of my colleagues have

said that we should not provide schools with more resources until we have implemented these reforms.

This bill would require schools to set the goal of having all children become proficient in reading and math in 10 years. That is what the bill says. It only makes sense that we in Congress set a goal for ourselves of providing districts with the resources over the 10 years that they and the students and schools will need to meet the goals of proficiency in reading and math. That is reform.

Some often talk about the importance of communities, not the Federal Government, in making decisions about education policy. I don't disagree with that at all.

Mr. President, this is a very important point I want to make here because I think this gets lost, and sometimes we talk about titles and numbers and programs and you can glaze over the eyes of even the most interested listener when you start talking in acronyms and numbers and so forth. Average people who even care about education can get lost in all of this. But this is a very important point I want to make about title I because I think there are a lot of misimpressions about how title I funds are allocated and what it means if you get title I funds in your town and school.

Title I funds are used in a completely flexible fashion—completely flexible—if you are a qualified district and the students are qualified. There has been great flexibility. Schools, for instance, use title I funds to hire new teachers and provide them with professional development. Title I funds are used to provide new technology in schools if the district desires it and thinks that is the best way to improve their education. They use title I funds to implement cutting-edge research based on new academic programs to provide better, more intensive instruction in reading and math to students with the greatest educational need. They use title I funds to support preschool and afterschool activities. They can be used to support any number of other activities to increase student achievement.

The only goal required in the title I that we have ever mandated is that they should be designed to reach eligible children and to increase student achievement. That is it. So at the local level, if you are a qualified student or qualified school district and you are designing a program to increase student achievement, then title I funds can be used. That is all we really require.

Despite the rumors and the misinformation about title I, this is not some narrowly construed, highly narrow Federal mandate. We really do allow great flexibility.

Contrary to what some have also argued, schools have been implementing reforms, and we need to do more to help them. The Department of Education 1999 National Assessment of title I, which was done, I might add, in

consultation with an independent review panel, found the following: Since 1992, national reading performance has improved for nine-year-olds in the highest poverty public schools, regaining lost ground in the late 1980s and early 1990s. Since 1992, math achievement also has improved among students in the highest poverty public schools.

Another study, which I have put up here for the edification of those who might like to see it, found in 1999 that students receiving title I services increased their reading achievement in 21 of 24 urban districts studied, and increased their math achievement in 20 of 24 urban districts studied.

Mr. President, it is apparently working. Again, I come back to the fact that there were a significant number of school districts where students were not receiving any funds. But where they are, it is making a difference.

In 2000, the Rand Corporation found that the largest gains in test scores over the last 30 years have been made by African American, Hispanic, and white disadvantaged students when title I funds have been expended.

A study published this year concluded that, "Whenever an inner city or poor rural school is found to be achieving outstanding results with its students by implementing innovative strategies, these innovations are almost invariably funded primarily by title I."

Mr. President, these title I funds are making a difference. They really make a difference. Our goal is not to mandate these funds, but to say that if over the next 10 years we really want to raise the level of achievement, and if we are going to test people over the next 10 years to reach full proficiency in math and reading, our goal is to fully fund this program that is making a difference today.

Some of my colleagues say that although we have spent about \$120 billion on title I since 1965—which is true. Over the last 35 years, we have spent about \$120 billion in this program—there is still a huge achievement gap. There is; they are right. Even the numbers showing improvement don't really deserve to be heralded too much because where they started from was so low that while it is improvement, it is not a level that any one of us would accept as satisfactory, but clearly there has been. Therefore, they say, because we spent this amount of money and still have an achievement gap, we should not spend any more money until we get the reforms.

Let's keep in mind that title I spending represents only about 3 percent of all spending on elementary and secondary education nationally. Let's not blame all the problems on title I. It is such a tiny percentage. Again, you start talking about a dollar being spent, and I mentioned that about 5 or 6 cents is the Federal commitment, and of the 5 or 6 cents, about 3 cents is title I. So when people say your title I

money is a waste of money because the 3 cents isn't working, remember, there is about 95 cents that we ought to look at in terms of where that is going. So title I funds are important.

Many experts argue that to the extent there is still an achievement gap, as I said, title I has kept it from growing even greater. I think that is probably a more accurate statement.

The new Secretary of Education, Secretary Paige, the former superintendent of schools in Houston, TX, has often spoken about the need to shine a spotlight on those schools so that parents and the public will bring pressure to bear where schools aren't doing their job.

I could not agree more. The parents and public have a right to know how the schools are doing and a responsibility to get involved. But if we do not provide schools with the resources they need to implement reforms, then all of the testing and accountability in the world is not going to make any difference.

As my colleague from Louisiana, Senator LANDRIEU, has often said—and I think it is a good statement—resources without reforms may be a waste of money, but reforms without resources are a waste of time. And I agree with that statement. Testing and accountability without more resources are an unfunded mandate, however well-intentioned.

No one questions the need for reform and no one should question the need for more resources for the full funding of title I. Congress passed the Elementary and Secondary Education Act 36 years ago because of the achievement gap, and we need to provide schools with the resources to close it.

This again does not mandate dollars. It sets the goal over 10 years. Many agree if we do not have an adequate allocation of resources that we may be creating an unfunded mandate, where we are going to shut down schools, close the doors, without providing the financial backing that is needed.

As I said, only 2 cents of every dollar go to education, and less than that, in fact, if you are talking about elementary and secondary education. Eighty percent of American citizens approve more than doubling the Federal investment in education in the next 5 years. We are talking about a 10-year commitment.

I know all of us are interested in closing the education gap for disadvantaged students. This amendment, while an authorization, is an important step in that direction.

We will have further debates on the appropriations bill down the road. There will have to be an agreement struck between the White House and Congress, but many of us, Democrats and Republicans, would like to go on record that over the next 10 years we ought to try to get it. There may be other reasons that get in the way, but sending a message to America that we care about this; that as an authorizing

bill these goals are commendable and deserving of bipartisan support in this body.

I yield the floor to my colleague from Maine who I know wants to be heard. There are several other Members who want to be heard on title I. I have already taken more time than I should have. I apologize to my colleagues. I thank my colleague from Maine.

I mentioned earlier my colleague from Vermont who has done so much on education issues, but Senator COLLINS from Maine, from the day she arrived, has been committed to these issues.

There are many reasons why I enjoy my service on the Health, Education, Labor, and Pensions Committee—I think that is the right name. We sometimes change the names of the committees, the education committee—but no more significant reason than serving with the Senator from Maine whom I have joined on numerous occasions on a variety of efforts where we find common ground. We have on this amendment, Mr. President, and I am delighted to join her in this effort.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield time to my colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I first commend the Senator from Connecticut for his extraordinary efforts. He has such a commitment to improving the education of disadvantaged children. He has been a leader in this effort, and I am very honored and pleased to join him tonight as his principal cosponsor of a very important amendment.

We talked a great deal during the past few days about what the proper role is for the Federal Government with regard to education. We all agree that States and local communities have the primary responsibility for education, but since the mid-1960s, when the Federal Government first passed the Elementary and Secondary Education Act, the role of the Federal Government has been to promote educational equity, to try to narrow that persistent and troubling achievement gap between disadvantaged children and their peers. That is the reason the Federal Government is involved at all in education. It is to help with the education of the poorest children in this country, to help ensure they have the same opportunities as children from more affluent families.

Title I authorizes Federal aid to State and local education agencies for the education of these disadvantaged children. Title I grants are used to provide supplementary educational and other services to low-achieving children attending schools with relatively high concentrations of pupils from low-income families.

Much has been made of the fact that more than \$120 billion has been poured in to title I programs over the past 35

years with not much to show for results. I understand that argument, and I am concerned that we have not made more progress in providing educational opportunities to disadvantaged children, but I firmly believe that is about to change.

We are not talking about putting considerably more money and doing things in exactly the same manner. We are not talking about pouring more money into a failed system. Instead, what we are putting forth with this bill is a new approach, a reformed system, a system that sets forth the goal of leaving no child behind, including and especially those children from disadvantaged families.

We are talking about having accountability, of holding schools responsible for what really counts, and that is improving student achievement. We are changing the focus from regulations and rules to results. We are asking the right questions. We are asking the question, "are our children learning?" And not, "Was that form filled out correctly?" That is a fundamentally different approach to education policy.

With the leadership of President Bush and the Members on both sides of the aisle, the Senate has produced landmark legislation, the BEST Act, legislation that I believe may well be the most important bill we consider this year. It is legislation that I believe will help turn around many failing schools across America.

With this act, we are making a fundamental change in our expectations for our schools. We are rejecting what President Bush has so eloquently called the soft bigotry of low expectations. But along with reforming the system, as we are imposing these new requirements and holding schools accountable for improved student achievement, we need to provide some assistance with the financial aspects of reform.

The amendment I have cosponsored with Senator DODD will do just that. Our amendment authorizes the Federal Government to provide the poorest schools in our country with significant additional funding over the next 10 years. Our effort would set the goal of fully funding title I programs by the year 2011.

We may not be able to do it. We may not be able to produce the appropriations over the next 10 years that match these authorization levels, but shouldn't we set forth the goal of doing so?

Shouldn't we challenge ourselves, just as we are challenging schools, parents, teachers, administrators, school boards, and students all over this great Nation to increase their standards, to set high standards for our children, and to hold schools accountable for improving student achievement?

Shouldn't we, too, set high standards for ourselves? Shouldn't we challenge ourselves to meet the goal of fully funding title I?

That is what our amendment proposes.

We should be troubled by the growing achievement gap between disadvantaged students and their peers. Recent test results suggest we are going in the wrong direction, that the students who are performing the worst are actually getting worse. We cannot accept that. We have to make the difference.

The system has failed to narrow this persistent and troubling achievement gap over the past 35 years. That is why we need the fundamental reforms included in this legislation. But it is also why we need to put more resources into the system to support these new reforms.

We have set these challenging goals for the schools of America. Let members set an equally challenging goal for ourselves to fully fund title I. I urge my colleagues to support this amendment and to join with the Senator from Connecticut and with me in setting this goal for America's schools.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Maine for her eloquent statement. I know my colleague from Tennessee wants to make some remarks, and I yield whatever time he may consume.

Mr. FRIST. Mr. President, we have two amendments on the floor now. My colleague from Vermont talked 30 minutes ago about an amendment that is very important that I want to elaborate on and express my support for, while addressing some of the issues that, to me, are very important. It is important the American people understand the significance of that particular amendment.

Earlier today we addressed the issue of fulfilling an obligation on behalf of our Government, an obligation we made through a mandate called IDEA, Individuals with Disabilities Education Act.

As we debated in this body in the past we put a mandate on local schools and school districts and on States to fulfill a very important obligation. That mandate was to make absolutely sure we didn't leave individuals with disabilities behind. In doing that, it imposed certain additional costs on the system locally. Yet we never fulfilled our obligation in supporting that so-called unfunded mandate. That is exactly what it is. We addressed that earlier today.

In spite of our best efforts over the last 6 years and a true market increase in funding, we have a long way to go to address that issue.

I think this bill, through bipartisan cooperation and the addition to the underlying bill worked through the Health, Education, Labor, and Pension Committee, goes a long way in stressing President Bush's agenda of education, looking at local control, accountability, measurable standards, and involvement of parents and empowering parents to make choices in the best interests of their children, instead of having the Federal Govern-

ment or bureaucrats making those decisions. There will be a lot of debate as to whether it went far enough in areas such as choice and parental involvement, while others said we went too far.

It is important to recognize the accountability provisions in this bill are strong. They have been strengthened, I believe, after a lot of debate in the Health, Education, Labor, and Pension Committee and have been strengthened through bipartisan efforts of Democrats and Republicans and representatives from the administration working very hard to make sure whatever we do in terms of streamlining—getting rid of red tape, allowing the freedom to innovate—we couple that freedom with very strong accountability provisions. These are not block grants as we have in the bill elsewhere. These are performance grants. Don't just give money to the problem and walk away. We have tried that and it does not work. We invest the money and measure the results, and we measure the results in a way that it helps not to just identify the problem but make the diagnosis specifically as to what the problem is so we can fix it. Reward success; do not reward failure. If there is failure, further invest if necessary or put in a type of reform in an innovative way, that could correct whatever the deficiency.

What has become apparent to most everyone today is that over the last 35 years, in spite of very good intentions, we have not made the accurate diagnosis as to why the achievement gap is getting worse every year and why we are failing to boost the academic achievement of the disadvantaged or the underserved, the less fortunate. Looking at international comparisons and what progress has been made over the last 30 years, we have to figure out how to eliminate the achievement gap and define it. That means more assessments.

We will hear people who do not like assessments saying it is a bunch of Federal tests we are imposing on local communities, and there is no Federal role for that. People will call and say we already have too many tests out there and that is not the problem. We are already testing our kids four or five times a year.

It is now apparent for the first time, and this is why the bill is so important, the accountability, making the diagnosis, identifying the problem, and defining it, requires an understanding of where we are today but also making comparisons over time. If you just give a test sporadically or there is no uniformity to the test, there is no ability to longitudinally, year by year, compare and there will be an inadequate diagnosis.

A bunch of results such as A, B, C, D, E, or F, and you will not know whether a B in Nashville, TN, is the same in Alaska or down in Florida or California.

All of this requires a degree of standardization but not a Federal test.

Again, I have talked to people around the country today who are calling and asking: Are you going to impose this national Federal test designed by bureaucrats or designed by the Department of Education or designed by Senators? The answer is no.

The assessment, however, is critical. We have spent, according to Secretary Paige, about \$150 billion over the last 35 years, and we have hundreds of new programs. In spite of that, too many children are being left behind by our education system. That is the problem.

Now we have to make the diagnosis. It means accountability systems and the foundation of making that diagnosis, the foundation of those assessments, and the foundation of defining that problem means we have to assess, and we have to assess on a regular basis so we can intervene at the appropriate time—not just once in the fourth grade, wait 4 years and test that same individual in the eighth grade because then it is too late, and 4 years are lost.

Thus, in the underlying bill, which I think is critically important, we have the annual assessment of all students in reading and math in grades 3-8 consistent with President Bush's proposal. That is a problem. The problem is out there, and we can define the problem and define it earlier. We can track a school or an individual. If they are doing OK the first year, worst next year, worst next year, we can intervene. Whereas today we cannot intervene because the test that is applied, there is no uniformity, and we do not know if the test in the eighth grade is the same in the fourth grade, if there is a difference. There is no standardization.

Now, it is critical; this is not a Federal test. We are not designing a curriculum. That is dangerous. Everybody will be out there teaching just to the test and that will probably not give the results that are desired. Therefore, in this bill, it very specifically says that States would be free to develop their own assessments, but they have to be linked to state standards, No. 1; and No. 2, student achievement results must be comparable to year after year after year—fourth grade, fifth grade, sixth grade, seventh grade, eighth grade. We have to compare year to year. It is like looking at the heart, and you take pictures and you see parts at a time, and that is useful, but it is really useful to get an EKG 1 year, and the next year, and the next year. That is where the powerful diagnosis is actually made.

States would be required, in addition, to report those assessment results. Can you do a test and get accurate data to make the diagnosis? Unless you give that information to somebody who can use it to intervene or correct, once again, it might just be a bunch of test results sitting on a shelf that nobody looks at, an accurate test, a cross-sectional and longitudinal comparison. Then you have to require reporting of

that information—this is in the bill—to the parents. Again, the importance of this bill is it empowers parents to make choices, to be involved, to make demands, to hold teachers accountable or schools accountable, again consistent with the principles of President George W. Bush. Those results are also reported and spelled out to the public in the bill.

The test results also—again, it is important because of this achievement gap—must be disaggregated. You don't want to report in the aggregate how good a school or district or State does. You want to be able to take out that data, dissect it out. Therefore, in the bill we say that you have to do what is called disaggregation. Instead of lumping all the data together, you want to be able to take it apart, again so you can more specifically and better identify what the deficiencies might be, or what groups are doing well, what groups are not doing well. So there will be this so-called disaggregation or further dissection of the information and data by socioeconomic status, by disability, by language proficiency—all of which you can address in innovative and creative ways if there is failure.

All of that brings me back to the Jeffords amendment. That is because those are mandates of a sort, but they are mandates that are carried out at the local level—again, not a Federal test but a State-designed or locally-designed test. But it is a mandate. You have to give the test. You have to give the paper. You have to wait the hour or two. You have to grade it. You have to develop the test. You have to make sure it is a useful test in a longitudinally and cross-sectional way.

In 1994 when we addressed the reauthorization—and we have to learn from our past mistakes—we did not quite get it right. Remember, we reauthorized ESEA, or the Elementary and Secondary Education Act, seven times. In 1994, Congress adopted a State assessment requirement for title I but at that time did not provide the funds to the States to meet that requirement. Again, you have a mandate out there and you have no resources to go with it, and therefore it has had very little in the way of impact.

The significance of the Jeffords amendment, once it is added to this bill and voted upon in an hour and a half or so, is it will commit the Federal Government to sharing the cost of the proposed assessments, of the proposed testing. What it specifically does, S. 1, or the Jeffords amendment once inserted into S. 1, is it will provide \$370 million in the year 2002. There will be annual increases of \$10 million each year all the way out to 2008. A total of about \$2.8 billion will be added through the Jeffords amendment over 7 years.

There was a discussion of from where that figure came. It came from a lot of analysis and a lot of study. I want to tell my colleagues that because this was initially raised in one of the working group meetings, the bipartisan

working group. It became very clear that we were all concerned about giving this additional responsibility to States and local communities.

Everybody said: How much does it cost to conduct a test or to develop a test? Again, the data that came back showed that there is a lot of variation from State to State.

A State such as Tennessee has been very involved in testing many times during the year for many of the grades and therefore has gotten on down the line. The cost is going to be less. We will still be able to use many of those tests and adapt them according to Federal standards.

The 7-year cost estimates have ranged, in terms of estimates you see in the press circulating around, from \$2 billion to some as high as \$7 billion. But the more we as a group looked and analyzed this data, the more comfortable at least I became with this figure of about \$2.7 or \$2.8 billion as a part of carrying that additional burden that the States will have for this testing. Again, it depends so much on how much is already going on in that State.

It also depends on what types of assessments are out there. You can do all sorts of assessments, what is called norm-referenced assessments or criterion-based assessments. There are States such as Massachusetts, I believe, which have a certain criterion that far surpasses even what we require. We are able to compare State by State.

I, for one, am very comfortable with the Jeffords amendment as sufficiently and appropriately supporting that incremental cost with this increased requirement, very important requirement, of accountability to make sure, in everything else we are doing, we are linking any change we proposed in this bill to strong accountability.

In closing, I urge support of the Jeffords amendment to S. 1.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I yield as much time as she may consume to the distinguished Senator from Louisiana, who is a principal cosponsor for full funding for title I, an amendment by myself and the Senator from Maine.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleagues, Senators DODD and COLLINS, for their great leadership in this area. In committee on many days, in many meetings, in many different forums, these two have been just tremendously powerful voices for a very important piece of our education reform efforts, and that is, in fact, title I.

The title, the block grant, if you will, is the money that goes to all of our school systems and our districts to help turn around poor performing schools, to help reach those children who are in the greatest need, to help reach those counties—in Louisiana's

instance, our Parishes—where the tax base is minimal or weak, where even well-intentioned individuals who want to give more revenues for schools cannot because of their limited capacities. Title I was intended, when it was created, to be the answer to that, to help equalize the playing field. It was intended to make real what we say about giving equal opportunity for children.

I thank them because they were very forceful in committee and now bringing this amendment to the floor, in which it seems many of our colleagues are going to join.

I also thank Senator KENNEDY for his outstanding work in the whole area of education, for working so diligently to bring us to the underlying compromise which Senator JEFFORDS' amendment represents, which is a strong accountability component. The Federal Government now really enters into a partnership with States to not just throw more money at education but to improve every school. It will give them the resources to help frame the goals. It will give them the tools they need to set their own standards of performance and to increase testing and accountability in addition to adding investments through title I to meet those goals.

Senator KENNEDY and Senator JEFFORDS, Senator LIEBERMAN, Senator BAYH, and so many others have been engaged in this compromise. I am proud to be here to support it and to speak for just a moment on what the title I amendment will do for Louisiana.

Mr. President, for your State, Alabama, which is similar to Louisiana, it will be a tremendous victory for our schools and our schoolchildren, particularly in the South, particularly in areas where there are high concentrations of the poor. If this amendment we are advocating is adopted and the authorization for title I is increased as substantially as this amendment calls for and the underlying agreement allows, it is going to mean, for Louisiana, an additional \$161 million. That is going to help add resources to one of the strong accountability systems we have in the Nation.

I commend our Governor and our legislature, our BESE board, for stepping out years ago, introducing rigorous tests and accountability, trying to identify failing schools. If we are successful in not only passing this amendment and authorizing this increase in title I but ultimately successful and can lean hard on the appropriators—and I am a new member of that committee—to actually get this money appropriated, it will be a tremendous help to Louisiana, to Alabama, to California, to New York, to Maine, to Connecticut—to all of our States, to give those administrators the resources they need to help these schools turn around and improve.

In addition, on a separate amendment which is not what we are discussing but was already adopted, we

have now made a commitment and a statement in the Senate that we want to live up to full funding for special education.

If we will do those two things—get the full funding for special education and, in fact, adopt this title I amendment, and get the money actually funded through the appropriations process—I would say we have done more to really improve, enhance, and strengthen public education than we perhaps have done in the last 30, 40, or 50 years. I mean that. Let me tell you why.

Some Senators have made statements that would lead people to believe that in the years past we have really funded title I and that the problem is we just kept funding it but we didn't ask for results. I would like to take issue with that in the few minutes I have.

Title I was created under President Johnson's administration with the idea that for the first time in America the Federal Government would step up to the plate and recognize there were some areas of our country that needed extra help and tried to provide extra money for these schools. We have really barely kept pace with inflation. While the amount of money has gone up, when you look at it, it has barely kept pace with inflation.

This amendment would significantly increase our investments in title I so we can live up to that promise we made 35 years ago. Whether children live in the rural part of Maine or Louisiana, or Massachusetts, whether they are in a poor pocket of a large urban area; whether their community can afford to pay high property taxes or whether there is property of value to tax, these children could get qualified teachers; they could get computers; they could get technological training; they could have access to wonderful libraries, not only physically but on the Internet; they could have courses in science and literature to help build the kind of education they need to break out of the cycle of poverty.

We know schools can't do all of it. We know parents, families, and the community have a role to play. But I can tell you, as a great beneficiary of an education system, that every single Senator in this room has benefitted. Some Senators came from very wealthy families, but many Senators came from poor families with very limited opportunities. If it wasn't for strong parents and a good sense of community and a good education, none of us would have made our way to the Senate.

That is why I believe so strongly in title I and why I thank Senators DODD and COLLINS for putting forth this amendment while we have a projected surplus to make a real commitment in moving these dollars to title I.

Lets add another word about title I. Title I is not just one part. There are four parts to it. There is a basic grant that is distributed to all the States

based on the number of poor children. Then there are three other parts laid on top of that to make sure the money we send actually reaches to the poorest districts that need the most help.

While this amendment doesn't specifically direct those dollars in that way, the underlying amendment and the underlying bill basically say if this amendment is adopted, the new money—we are talking about a significant amount of new money, \$6.4 billion—will not only be added to title I but it will be appropriated through those targeted concentration formulas so that States such as Louisiana that have high rates of poverty can be well served, and so that in the field Federal Government will, in fact, step up and be a real partner to these States and these local communities that are trying their very best to make the kind of real reforms that we are advocating.

It will enable them to provide this new testing—not just fake tests, not just the easy tests, not testing on the cheap, but good tests and good accountability measures so we can identify what schools need help and then give them the help they need so we don't leave any child behind.

That is what is exciting about this amendment. I am so proud to be working on it with Senator DODD and Senator COLLINS.

I believe it is most appropriate, while we are in this debate about the budget and setting parameters for how we are going to spend our money—we are going to give significant tax relief, and we can most certainly do that—that we set aside the right kind of investments for our schools.

It has been said, and it was repeated to me over the weekend by one of the outstanding authors on the subject of education in the Nation, and I think it is worth repeating at this time, our schools don't just serve the public; our schools create the public.

In a nation that prides itself as being the longest living democracy in the world, a nation, while not perfect—we most certainly have many flaws and we have much to improve—that is really a model of democracy for the world, our education system becomes more than just learning facts about what was and what is. Students learn about the possibilities of what can be. They learn to think. They learn to believe in themselves. They learn to put things in perspective. An education system literally becomes a place where we create a public that is educated enough to sustain a democracy that not only brings hope to every person that lives in America but brings hope to millions of people around the world.

This is a big issue. I don't mean to overemphasize how important title I is. But it really becomes imperative that this National Government, our Federal Government, give the resources necessary to strengthen the schools that create the foundations and the bedrock of our Nation.

Again, I am proud to be part of it. I most certainly hope we have a strong vote on this amendment tonight.

I thank my distinguished colleagues from Connecticut and Maine for bringing this amendment to the floor, and I urge passage of the Dodd-Collins amendment.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). Who yields time?

Mr. DODD. Mr. President, I yield 10 minutes to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to support the Dodd-Collins amendment.

I have had the privilege of being a legislator most of my adult life. I must admit what we are facing today is not a first. I realize that legislation and the legislative process is an imperfect activity. As a matter of fact, it was Bismarck, I believe, who was quoted as saying that making laws is something similar to making sausage. It is a process that you should never see. Today is an example of that, for here we are discussing one of the most important subjects facing this Nation: How we are going to invest additional funding in education, a subject matter that is absolutely essential to the future of this country, while at this very moment discussing and hopefully adopting the Dodd-Collins amendment that will fully fund title I over the next 10 years—title I being the funding for disadvantaged students—while at the same time we have just received the report from the other end of the U.S. Capitol Building that the House is about to take up a conference committee report on the budget resolution from which the Democratic leadership was excluded. All of the Democrats on the Budget Committee were excluded from knowing what was in that budget conference report.

We find, in fact, that what is in it is exactly the opposite of what we are debating right now—that instead of fully funding title I, title I will not be fully funded; much less, it will not even be adequately funded; much less, it will not even be increased over the next 10 years. That is an irony of all ironies.

But let's look at some other issues. We understand that the budget resolution may come here tonight for a vote, while at the same time we are discussing the education bill and voting to invest additional resources into education. What we are going to be voting on tonight is a budget resolution that has no increase in funding for education. You can't have it both ways.

We understand, although we have not been privy to this documentation yet, that not only are there not going to be the increases in title I, the subject of the amendment that we are discussing for a significant increase—indeed, the full funding of title I—but that there is going to be less funding, with no increases, for safe and educational after-school opportunities. Head Start is not

going to be significantly increased, the program to get children ready to enter kindergarten and the elementary school years. It is going to eliminate the additional funding for the training of our teachers. It is going to eliminate the additional funding for reducing class sizes. And it is going to eliminate funding for making our schools more safe.

What we have just talked about is what the American people want. They want safe schools. They want smaller classes. They want better paid teachers and better trained teachers with continuing education opportunities. They want additional opportunities for disadvantaged children. And they want afterschool programs for children.

That, in large part, is what this entire bill, S. 1, is about, which we are talking about and have amended.

Earlier today we adopted the Harkin amendment. It provided some \$180 billion over the next 10 years for children with disabilities. Yet I am told that a stealth budget resolution conference report, that we are not privy to see, is coming to this Chamber for a vote tonight. That is exactly the opposite of what we are doing in the consideration of this education bill.

I know the process of legislation is not pretty, but this defies anybody's description about any kind of symmetry because there is none. It is a total irony that we would be giving, with one hand, for one of the most fundamentally important needs of this country, education, and later tonight taking away with the other hand.

Mr. President, I thank you for the opportunity to address the Senate.

Mr. DODD. Mr. President, I commend our colleague from Florida. He has made an eloquent statement. He raises a very valuable point. I appreciate his support for this amendment. This is one way to put us on record, in a bipartisan way, to say how critical increased Title I funding is to educational reform. Not only must we insist upon accountability but we must make it possible for people to demonstrate their academic achievement, which is necessary if we are going to be successful.

So I, for one, am very grateful for his support on this amendment and also for his comments in relation to the position we may find ourselves in with having supported a reauthorization but then finding it difficult under the budget agreement to have the resources actually committed.

I thank the Senator for his comments.

Mr. FRIST. Mr. President, I yield myself 5 minutes, and then I will yield the Senator from Alabama 15 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, the whole issue of funding is very important. It is very clear to everybody in this Chamber that we have not sufficiently funded title I, especially if we are to focus on eliminating the achievement gap. In

fact, after the bill passes, we will require our States to engage in assessments so we can make the diagnosis and understand better why, after 35 years, \$150 billion, and over 200 programs, we continue to fail the disadvantaged. We have failed to eliminate or even diminish that achievement gap. In fact, we have done just the opposite. That achievement gap has increased over time. The President of the United States has pointed that out again and again. That is our charge: to have measurable results, linked with the freedom of innovation and the best of what America is all about to address this fundamental problem.

Title I is the cornerstone of the Federal involvement in focusing on the disadvantaged in this country. It is a monument, in many ways, to our commitment as a nation to boost the academic performance of disadvantaged children and to close that gap between rich and poor youngsters.

It is not because of a lack of good intentions; we have a litany of programs that are out there today—some have been funded fully and some have been inadequately funded—but we have failed the disadvantaged in this country. Title I is not accomplishing its purpose today.

We are talking a lot, in relation to the two amendments we will be voting on at 7:30, about markedly increasing the funding in title I and in the education bill. We are talking about markedly, massively increasing it with this increased authorization.

I just want to make two points. The answer is not just money. It does take an increased investment. But we absolutely have to link that increased investment to accountability and to appropriate reforms and flexibility. We have to empower parents, have local control, and accountability.

The strategy over the last 35 years of aiming dollars at programs or school districts to create just new programs for disadvantaged students simply has not worked. I do not want this body to think that just throwing money at the problem alone is going to address the issue.

Part of the problem with title I, and this whole concept of fully funding title I, is it is pretty complex. The decision was made about 30 years ago not to fund individual students. We say: Leave no child behind. People think when we are increasing this money, we are giving it to that child or to that family, or that the value goes to that child or to that family, the disadvantaged student, that the resources are aimed at that student.

In truth, that is not what was decided historically. It has been to fund the institutions where the highest percentage of those students are but by using a formula which really funds the institutions. That means even if we put in an unlimited amount of money into title I, we would still not be addressing

the issue of covering all the disadvantaged students. It is a quirk in the formula. It is a quirk of the decisions that have been made in this body.

I mention that because Senator JUDD GREGG of New Hampshire will later, next week, address this issue of portability. If we really care about disadvantaged students, shouldn't we, in some way, address every disadvantaged student? The best way to do that, conceptually and practically, would be at least to take some of these resources and attach them to the student—the disadvantaged student, the poor student, the student with the disability—and allow that student to have the resources that are most appropriate for him or her. Again, it comes back to portability. But that is not the issue tonight.

But as I see the great support for increased funding, we have to link it to accountability.

I want to introduce the concept we will be debating next week, and that is portability.

Just so people will understand, the title I formula is based on the number of low-income children living in a district, but the money goes to the school and does not go to the child. As a process, we have corrected some of it in the underlying bill. The formula favors high spending in wealthy States because part of the equation is how much you are spending right now in a State, and wealthy States or wealthier States—New York spends a lot more per capita or per student than Tennessee; that is an important part of the formula—are going to get more money through title I than a student will in Tennessee or Louisiana or many other States.

Secondly, districts with high-poverty schools are served first, and that is appropriate, but at some level there is a cutoff and, therefore, you can't serve all schools. You just don't have enough money to serve all schools that have 1 or 2 or 3 percent or 4 percent of disadvantaged students.

Third, high-poverty schools receive a priority for funding but because of the equation, per pupil, per individual disadvantaged student, they receive less than low-poverty schools. It doesn't make sense for a high-poverty school to receive less per pupil. It is because they have a higher percentage.

I mention that because the formula, the way it is configured today, means that nearly half of low-income children in America receive no assistance from title I. Therefore, when you hear that half who deserve it don't receive it, then the response is: Let's put more money into it.

I want to point out to my colleagues, you could put more money into it and more money into it. I am not arguing against that. I think we need to put more money into it, but given the formula and the way we target institutions and not the students, with unlimited money put into the system as currently configured, you will never be

able to take care of all the disadvantaged students out there. The only way you can do that is looking at portability and saying that you need to attach some of these funds to the individual student.

I know we have been going back and forth.

Mr. DODD. May I yield to my colleague from Delaware who has another engagement before we actually vote? If he could have 2 minutes or 3 minutes and then go to my colleague from Alabama.

Mr. FRIST. Absolutely.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to say a word about accountability and relate that to resources. In the measure we will be voting on and amending later today and for the next week or so, there is a full measure of accountability. I want to mention some of the provisions.

If after 4 years a school has been unable to shed its label of a nonperforming school, a school is unable to meet its yearly progress goals, a student who is trapped in that school must be offered the chance to go to another public school. That school district must provide the transportation for that student.

Under the accountability regimen that is part of this bill, after 4 years of failure by the school, either that school must simply be reconstituted and the administration and teachers let go, or largely replaced, or the school has to be turned over to the State or another entity. There is real accountability in this legislation. There ought to be.

The question we need to consider is, Are we investing the resources that will enable that school and thousands of other schools falling short of the mark to help their kids meet the standards that have been set by the various States, particularly in reading and in math?

Our role in the Federal Government—when I spoke yesterday I talked about our role—is to level the playing field for kids who come from a disadvantaged background. Part of that role is making sure that kids are healthy, born healthy, have enough to eat and nutritious food early in their lives, and to make sure they have access to health care so that when they are old enough to go to school, they are not already hopelessly behind.

It goes beyond that. It is trying to make sure that there is adequate child care, as we push people off the welfare rolls, compel them to go to work, to make sure that those children of welfare parents have some decent child care so that they get that help when their brains are young and so much can be done to get them on the right path.

Our role extends to Head Start. We don't begin to provide the Head Start funding that we have promised to provide. We just don't meet our obligation for 3- or 4-year-olds in this country. We

leave it up to the States to try to make up the difference. States such as Delaware and Ohio do, but many do not.

Until the adoption of an amendment earlier today on a voice vote for the Individuals with Disabilities Education Act, we simply didn't fund it. We met about a third of our obligation but not the rest.

As we prepare to hold schools and school districts and States accountable for the children left behind today in failing schools, we have to make the appropriate investments. Whether it is Head Start, whether it is child care, whether it is individuals with disabilities, and whether it is children who are eligible for these title I programs, they actually work. To the extent that we can come closer to funding for every three kids, to make the program available for those three kids instead of, today, one out of three, we will enable those children to be successful and enable their schools to avoid being a failure.

I thank the Senator for yielding.

Mr. DODD. Mr. President, I thank our colleague from Delaware. As a former Governor, I know many Governors believe as he does as well. I appreciate his comments and thoughts.

I ask unanimous consent that our colleague from Vermont, Senator JEFFORDS, be added as a cosponsor of this amendment.

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

Mr. FRIST. Mr. President, I also commend the Senator from Delaware. About 3 years ago, I guess it was, as Governor, he was one of the instrumental driving forces in a bill called Ed-Flex, where it, in a bipartisan way, was brought to the Senate and passed, providing education flexibility. It is a pleasure now that we can all participate in a bill in a bipartisan way, although we get partisan at times, developing those things that started several years ago.

Mr. CARPER. Mr. President, if the Senator will yield, we would not have education flexibility in all 50 States were it not for the leadership that he provided in the Senate and the support of Senators DODD and KENNEDY and others. I thank him for the great work he does.

Mr. FRIST. Mr. President, I yield to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, it is a pleasure to be able to discuss once again some of the issues facing education. We can really do better. The Government has not, in my view, been effective enough in utilizing our resources and our laws and regulations and paperwork to produce education excellence.

Yes, we should have accountability. As the Senator from Delaware: You have to have more money then to achieve excellence, and we are going to have a lot more money this year in education. That is going to be a good start.

I suggest that that is not the only thing that drives improvement in education. Dr. Paige, our Secretary of Education, who served in the Houston school system from 1995 to 2000, took over the seventh largest system in the country with only 37 percent of the students passing the basic Texas test. He applied, when President Bush was Governor, principles that he believed in and learned as the dean of an education school, as a teacher himself, and as a coach.

He went to work to improve education in the Houston schools, and in 5 years, he reported that 73 percent of the students in Houston passed that test.

When asked recently: Didn't you get a lot more money? He said: The third year we had a proposal for more money. The voters voted it down. Test scores kept going up and things were getting better, and we came back again. And we did get more money.

Most of the progress and the framework for the progress was made before he was given any more money.

Testing, he says, is not an accountability factor so much as a part of teaching. It is a way, an ability. The process of helping children learn is to find out where they are and what they can do.

Are they up to speed? Are they behind? What level are they on? How can you improve them? We cannot leave children behind. We cannot wait until the fifth, sixth, seventh, eighth, ninth grade, and find out that children are able to do basic math and read and write. Isn't that terrible? That has been happening, we know, too much in America.

I would say the key component of testing isn't just some sort of accountability, although it does provide accountability; it is a way and a technique of identifying children that are falling behind. We don't want to leave children behind. No child should be left behind. We can intervene early, and the President wants testing from third to eighth grade to make sure they are up to speed and not falling behind, because he cares about them.

Dr. Paige said he loved those children. He loved them enough to test them and find out how they were doing and make sure they are catching up. And he wants to engage parents. You can bring them in if things aren't going well. If the whole school is doing badly, you can come in and improve it. You can challenge the leadership if they are not doing well.

So I think we have some real potential movement in education, and that is exciting. If we allow schools to have more freedom to use their education money that they are going to be receiving—and are receiving now—in ways that they believe will drive academic achievement, but we simply say find out how your children are doing, report that to the parents and teachers and the taxpayers, and if you are not doing well, let's confront that problem quick-

ly. I think that is something that will work.

We voted today to fully fund the IDEA, the Individuals With Disability Education Act. I think that is wonderful, and it is an act that has a great goal. It has achieved some very good things. The vision of the Individuals With Disability Education Act was to make sure that children were not shunted aside, that they were allowed to participate fully in the environment in which they would be participating when they graduated, and that physically disabled children would be able to participate with other children in a classroom, that children who are blind or deaf would be able to mainstream in the classroom and benefit from it. It had some good provisions in it.

But I am here to tell you that there is a growing problem in America with this act, dealing with one just minor—really, in the scheme of things—part of it, but it has a major impact; that is, the ability of schools to discipline and deal with children who are not able to function in a classroom. It is a major source of frustration and anger, and a major factor in teachers actually quitting education. We can do something about this. We do not have to allow this to continue.

I have visited in my State approximately 25 school systems within the last year and asked them about what is going on. I have been hearing routinely about the problems they are having with the disciplinary requirements that really limit their ability to maintain order in their classrooms. The head of the Alabama Education Association and Teachers Group said he believes changes need to be implemented. He said, "I am tired of these people cursing teachers in Alabama and nothing can be done about it."

So I believe that the time has come to deal with it, and I want to share some of the information I have learned over the last year or so about this particular subject. Let me read this letter from a student that I think gives an indication of what we are about:

I am a 14-year-old eighth grader. I have a problem. There is this girl that goes to school with me. She is an ADD student. She has been harassing me for no reason. She has pretty much done everything from breaking my glasses to telling me she is going to kill me. This really bothers me because she is an ADD student and the only punishment she ever gets is a slap on the hand. My principal says there is not much he can do because her status as a special ed kid. I asked what would happen if I threatened her back and he told me I would be suspended from school and forced to stay away. The most she has ever gotten is 3 days "in school" suspension. I think this is wrong. She scares me and I am tired of this. It has been going on for 5 months and it's really getting scary.

Doesn't that bother you? Can you hear that child saying that? She is exactly correct. That principal is able to discipline her for a threat or a violent behavior much more severely and much more effectively than he can deal with a special ed student.

Let me read this story in the Dothan Eagle, a newspaper in Alabama:

Until recently, Tina Ham never worried about the safety of her child in Geneva County Elementary School in Hartford, AL. But since last week, school safety is all she and other parents have thought about after a third grade special ed student threatened to kill his fellow third graders. Parents say that an 11 year old boy threatened to shoot and kill two African American students and then threatened to kill the entire third grade. Parents say that the boy has a history of behavior problems and has frequent outbursts at school. He has a history of reportedly attacking other students. Sources say the boy can be heard yelling in his classroom, and that he has been seen spitting on people, walking on tables, and throwing books and desks. The threats came to light after calls were made to a State violence prevention hotline.

I would like to see more States do that, so that if a parent or teacher or student sees something they are concerned about or violence, they can make an anonymous call and perhaps something can be done about it.

About 50 parents confronted the school board members recently to express their concern about the situation. One parent was quoted as saying that she "didn't want to hurt the child, but I don't want him to hurt my child. I lose faith in school officials." One school official explained that since the child was in special education, they would have to meet Federal guidelines in disciplining the student. It is more involved than it is with general students. One school official was quoted as saying that it is a serious situation and has created quite a disruption to the day-to-day activities of the school. More intervention is needed. One parent explained, "I want this child to be helped. I want him to receive the help he needs and my child afforded the education she deserves. If there is a problem, get him some help. I feel this child is capable of killing someone."

This is a letter from a teacher from Troy, AL. First, let me just add, parenthetically, that as I went about and people would tell me stories, I would routinely ask them to send me a letter, put that in writing to me and I may share it one day on the floor of the U.S. Senate. I have received 50 to 75 or more letters with these kinds of examples.

This is a letter from a mid-sized rural town in Alabama:

As a special educator of 6 years, I consider myself "on the front lines" of the ongoing battle that takes place on a daily basis in our Nation's schools. I strongly believe that part of the "ammunition" that fuels these struggles are the rights guaranteed to certain individuals by the IDEA act of 1997. The law, though well-intentioned, has become one of the single greatest obstacles that educators face in our fight to provide all children with a quality education delivered in a safe environment. There are many examples that I can offer firsthand. However, let me reiterate that I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology, a masters degree in special education and a PH.D. in good ole common sense. No where in my educational process have I been taught a certain few "disabled" students should have a "right" to endanger the right to an education of all other disabled and non-disabled children. It's nonsense; it's wrong; it's dangerous; and it must be stopped. There is no telling how many instructional hours are lost by teachers in

dealing with behavior problems. In times of an increasingly competitive global society it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced. There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals there is no doubt we would have better educated students. It is even more frustrating when it is a special education child who knows and boasts "they can't do anything to me" and he is placed back in the classroom to disrupt it day after day, week after week. It is clear that IDEA '97 not only undermines the educational process it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources our credibility is being stripped from us.

Strong letter. I am reading her words:

I am sure you have heard the saying: The teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be? I have experienced the ramifications of the "new and improved" law first hand. I had one child attempt to assault me (he had been successful with two other teachers) He was suspended for one day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because "these special ed kids have rights". I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibilities to the children I had in my class kept me there.

She was going to give up the profession she had given her life to.

The particular child I spoke about frequently made vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special ed, could talk to me about it. Unfortunately, they had to put up with it because "nothing could be done". I know of a learning disabled child who cut a girl in a fight. The learning disabled child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over the other child's head. I know of another specific incident where three children brought firearms to school. The two "regular" children were expelled. The special education student was back to school the following week. I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school.

Listen to that:

I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school. As my grandmother said, "right is right and wrong is wrong" and to enable this to continue is just wrong.

That is a serious commentary. The example of guns is a good one. For example, three children bring guns to school. One of them is a special ed stu-

dent and the other two are not. The two that are not are expelled while the special ed student goes right back in the classroom.

What does that say about equal justice and fairness? Is there any concern that the disabilities were not the driving factor in this and independent decisions can be made by these children?

Mr. President, I had 15 minutes. I do not want to go over my time. Is anyone keeping time?

The PRESIDING OFFICER. The Senator has consumed his 15 minutes.

Mr. SESSIONS. I thank the Chair for allowing me to talk about this important subject. We have provided a historic and highly significant increase in funding for IDEA, but the Federal IDEA requirements for schools all over America have created a dual system of education and of discipline.

It is important, perhaps even more than the money we are spending, that we consider trusting those educators who have given their lives to special education children and are trained to teach them, and allowing them to handle these discipline problems in ways they think are appropriate. This would be a lot better than having Federal regulations micromanaging the schools. It is a very sore spot among every teacher in America, and if any of my colleagues do not think it is, they should just ask them. They will tell you about it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes on the time of the Senator from Vermont.

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

Mr. KENNEDY. Mr. President, I want to address the issues before us, the Jeffords amendment, and also the Dodd amendment.

Having listened to my colleague from Alabama, there are many children who attend our schools who need assistance. One of the more recent studies shows in our city of Boston, a quarter of the children come from homes where either substance abuse or violence is present.

Those who have looked at the profile of children from that urban area and similar urban areas understand the need for assistance for children who are facing different challenges. One is the kind of violence they have at home. Another is the medical challenges they are facing.

All of us want to find ways to deal with these issues. What we have seen in recent times is where, out of the security for other children, children are dismissed arbitrarily. Too often we see instances where they get further frustrated and resort to other types of violence, such as going home and finding a gun and acting out their anger with even greater violence.

These are complex issues and questions. Children ought to be able to learn in a climate which lends itself to progress, and we also ought to find

ways of providing assistance to the children who need it.

We can address those issues, and I welcome the opportunity to participate as we move through the reauthorization of IDEA or at other times.

I want to reserve 4 minutes at the end of my 15 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Mr. President, I join in supporting the Jeffords amendment which proposes the trigger for testing. There is bipartisan support for this program.

The case has been made very eloquently by Senator JEFFORDS and others about the role of testing. I was impressed when I heard Secretary Paige and the President talk about their strong views that this should never be used as a punitive measure; that the role of these tests is to try to determine what the children know and to help the teachers develop approaches to assist those students so they can do better in their school work and in the future. That is certainly my view. I believe that is certainly the view of those who fashioned and shaped this proposal that is included in the legislation.

A reasonable question has been raised about tests, tests which are simple, easy, multiple-choice tests that too often are used to test children and too often the curriculum or the children are coached or taught to those tests. That, clearly, is not our interest.

During the course of this debate we will attempt to address the issue of the quality of the tests, the tests that take critical thinking, demonstrate an excellence in writing, tests that examine what the child should know. Obviously, the difficulty is calibrated upon a well-thought-out curriculum taught by a well-qualified teacher. That is basically what we are looking at in this legislation.

We are going to upgrade the curriculums. We are going to incorporate professional development for the teachers and thoughtful examination for the teachers themselves so they understand the challenges that remain for children and help develop the supplementary services that will be of high quality to help the children make progress in their education. That is certainly the way we want to proceed. That is the objective.

The Jeffords amendment indicates we recognize our responsibility in helping fashion, shape, and support those developments. We will give our strong support and commitment and help develop those tests. This is the essence of the Jeffords amendment. It provides resources. It has a trigger. I think this will be funding that, effectively, will be assured as we move through the process. I will certainly support it.

As we make this case in support of the Dodd amendment, we are talking about additional resources. As has been said eloquently by the Senator from Connecticut and by others, we have devised a new blueprint for accountability and responsibility on the

schools, on the States, on the teachers, and really with the students. What we are pointing out and what Senator DODD and Senator COLLINS have pointed out is, in order to give life to those dreams, we have to have the resources to make sure all of the elements of this proposal will be available to the neediest children in our society.

Twenty percent of our children live in poverty. There are 10 million who qualify for the benefits of this proposal. Only about 3.5 million are reached. Under the Dodd amendment, in the first year we will increase children reached from 3.5 million to 6.8 million. That is a dramatic increase. Over the rest of the years, we are moving for the final 3.5 million. For those who want to say we have done something important, if we support the Dodd amendment we will cover 6.8 million children at the end. This is progress. This is what we believe this whole legislation should do.

We will consider later this evening the proposal on the budget of \$1.2 trillion. What we are talking about in this instance amounts to less than six-thousandths of 1 percent of that tax cut in order to be able to fund that program. Mr. President, \$250 billion was approved in this body, Republicans and Democrats, to go to the conference on the budget. Virtually zero is coming back. We are asking six-thousandths of 1 percent, and with that money we are including an extra 6.8 million children.

Investing in these children makes a difference for the children, not just for the future but for our country. Although the support for title I historically has been very minimal—less than 2 percent of the money that has actually been expended—it is important to respond to those comments I heard recently on the floor about what has been happening in Texas and the fact they made such progress, allegedly, without using any more resources.

The fact is, in 1994, they spent \$673 million in the Dallas independent school district. In the year 2000, they spent \$985 million. That is a \$312 million increase. What have been the results? The results have been a significant increase in the funding and a dramatic increase in student achievement. We are not just saying throw the money at the problem and that will answer it all. We are saying if the money is used, and used effectively, it results in student achievement. We have seen it in Dallas, as raised earlier this evening, and we have seen it in a number of other places.

I will mention a few other title I success stories.

Approximately 80 percent of the students at the Baldwin Elementary School in Boston, MA, are from low-income families, and many are recent immigrants. With a strong focus on professional development and high standards for even the neediest children, test scores soared between 1996 and 2000. In the year 2000, 96 percent of the third graders and 91 percent of the

fifth graders passed the State reading test, and 60 percent of the third graders and 39 percent of the fifth graders scored proficient at advanced levels.

At Gladys Noon Spellman Elementary School in Cheverly, MD, in 1994, only 17 percent of third graders scored at or above the satisfactory level on the State test. Title I was used to implement reform. Each teacher was paired with another staff member to provide small group instruction during a 90-minute reading period in a language arts block in the mornings. All staff utilized specialists as a basis for language instruction and were provided with professional development. By 1999, 73 percent of the third graders performed at or above satisfactory on the State tests.

These are exactly the kinds of programs that have been included in this legislation and which the Collins-Dodd proposal intends to support.

The poverty rate at Burgess Elementary in Atlanta, GA, is 81 percent. Burgess Elementary staff set out to improve parent involvement in working with parents in the classroom, parent volunteer programs, academic programs for parent learning, and Saturday school programs for parents and students. Parental involvement in the school has boomed. Most days, 10 or 15 parents are in the school voluntarily. In 1995, only 29 percent performed at or above the norm on the State tests. That increased to 64 percent as of 1998, and the math scores have improved from 34 percent to 72 percent.

Parental involvement is in this bill.

We can take the other examples and take the time of the Senate to review these other examples. We have tried to find the kinds of efforts that have demonstrated success and support those in this proposal. But unless we are going to provide the investment in the children, we are not going to be able to achieve those objectives; we are not going to be able to get there. That is what this amendment is all about.

We have the blueprint. It will do the job. It will make a big difference. But we want to make sure no child is left behind. This should be a priority. We have an opportunity in a few moments to indicate our priorities, our support for this strong bipartisan effort to make sure the most needy and poorest children in this country will not be left behind.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Connecticut.

Mr. DODD. Let me first say that last evening I had the privilege of presenting an award at the Greater Boys and Girls Clubs of Washington, DC, to a very good friend of mine, Bud Selig, the Commissioner of Baseball. But another recipient of last evening's Boys and Girls Club Award was the distinguished Presiding Officer of this body, the Senator from Virginia. I will take a moment to commend my colleague—as I did last evening—for the recognition he received. I commend his work.

May I inquire of the Chair how much time remains on these amendments?

The PRESIDING OFFICER. The Senator from Connecticut controls just under 17 minutes, and the Senator from Vermont has about 11 and a half minutes.

Mr. DODD. Mr. President, I will yield myself, if I may, about 6 minutes. If the Chair will notify me when that time has expired? I know that one colleague, the Senator from New York, Mrs. CLINTON, is on her way to the floor to be heard. I want to reserve some time for her, and then will yield back some time if necessary and get to a vote.

I thank my colleagues from Delaware and Florida and others who have spoken on this amendment that I am offering on behalf of myself, Senator COLLINS, Senator JEFFORDS, Senator LANDRIEU, and others, to increase title I funding.

I want to share something with my colleagues. I have submitted for the record data about all 50 States and the number of students eligible to be served. About 10 million students would be fully served under full funding of title I. We are fully serving about 3 million of the 10 million today.

I mentioned the numbers in Alabama earlier. I know in the State of Tennessee, there are 192,000 eligible children. In Connecticut, there are about 80,000 eligible children. In Maine, 34,000. In Georgia, the number of eligible students is 300,000. In Virginia, roughly 179,000 are eligible. In each case, we are only providing about one-third of the support that we ought to be.

I think most of my colleagues who have visited schools and talked to superintendents and principals have discovered as they have gone around, title I funds really do work. There is a great deal of flexibility in how title I funds can be used, particularly in school environments. Here are some of the things I have heard from Connecticut educators about how title I funds are working.

Title I has provided the Norwalk Public Schools with 35 highly trained professionals in the district for elementary schools, almost 100 computers and printers, \$17,000 for teacher workshops on best practices, parent training, and parent center computers. That is title I funds at work. It has done a great job in that community.

In Canterbury, we see improvements in reading. Without this help, I am told by the teachers there, some students would be placed in special education. We just adopted the special education full funding amendment by voice vote, and there are some concerns that too many kids will be placed into special education when in fact it may be just that they need remedial training.

The Connecticut Mastery Test Scores for title I students have continued to increase. In short, the support provided to title I students results in increased achievement, according to the Region One school district.

Norwich, CT, has hired preschool teachers under title I so the children can have the language development needed to be ready to learn, and an instructional technology coordinator to implement computer-assisted instruction.

Title I funding is responsible for the increased number of computers available for students as part of their learning in New Haven, CT. Title I funding has also made it possible for New Haven to hire additional teachers.

Title I in Ashford, CT, is an integral part of the K-8 program. Teachers tell me that title I students go on to high school—many on the honor roll, college—many on the dean's list, or the military. And, they also tell me that students come back to thank them for "making me do my work" and "teaching me to respect teachers."

My colleague from Maine and I are not suggesting this is going to create a utopia. But, we think if we can get more resources to disadvantaged kids through a program that is working, they can reach their full potential.

Obviously, a lot of other things need to happen. More parental involvement and more qualified teachers, for example. But we also know that poor districts—it could be Virginia, Connecticut, Tennessee, Maine—because of local property taxes funding most of the system, do not get the resources they need.

Because of that, as shown by the examples I have cited from my own State—and I'm sure other Members could find similar examples in their State—we believe this amendment has great merit.

With that, I will withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee, Mr. FRIST.

Mr. FRIST. Mr. President, we have 11 minutes on this side?

The PRESIDING OFFICER. A little over—11 minutes 17 seconds.

Mr. FRIST. I yield myself 11 minutes. Will the Chair notify me after 10 minutes, please?

Over the last 2 hours we have been debating really two amendments. One is the Jeffords amendment and the other is the Dodd-Collins amendment. We will be voting in about 22 minutes. We have had a good discussion on both amendments, both of which are very important. In the case of the Jeffords amendment, we will be making absolutely sure that the mandates we are placing on States in terms of assessments and districts are adequately funded, that responsibility that is being imposed from above—I should say to the benefit of the children who are out there so we can make the diagnosis and we can figure out what is not working in that failure to diminish that achievement gap which has gotten bigger and bigger, and boosting education for all children today—and the Dodd-Collins amendment, which fully funds title I funding.

I again want to make the case that money is not the answer. We have

heard that again and again, that we have to have sufficient reforms. There is a fear, I think, of a lot of people, that we commit to a lot of money before we really agree on the reforms, and the reforms have to involve those elements of flexibility, of getting rid of redtape, which, as we hear again and again, really strangles and straight-jackets our teachers and principals. It happens really across-the-board.

We have heard testimony in the past that, although the Federal funding is only 7 percent—the pie chart showed a little sliver of Federal funding—most of it is local and State funding. But coupled with those, 7 percent of the funding passes through this body. It comes from the taxpayer. We try to send it back down. Coupled with that is about 50 percent of the paperwork on which a teacher back in Nashville, TN, is working. Every time we do something here, we need to be very careful in those mandates that come down for those regulations. That is coupled, A, out of the funding, but, B, also adequate reform, local control, accountability, parental involvement, and choice.

It has been fascinating. I am so glad we finally got to the floor the underlying bill itself, and the agreement that has been reached in a bipartisan way, working with the administration over the last 3 weeks because it allows people to see what is in the bill, to read the language, and to react to it. It has been a positive and negative reaction.

I, for one, believe it embodies the principles outlined by President Bush, although I will say it does not go as far as I wish it to go in certain areas of innovation, freedom, putting the parents in charge, and allowing them to choose and be more actively involved in their children's education. It is very strong on the accountability and in areas such as the Straight A's aspect of it. It is very strong on flexibility, tied with accountability.

One area that falls short—and I am very hopeful that over the coming couple of weeks that we are on the bill we can address it—is involving parents and families in education.

We hear public education defined as a Federal monopoly. In truth it is a monopoly. There is a little bit of fringe innovation going on in charter schools. The underlying bill encourages that greatly, although I should also add that States like Tennessee do not have charter schools yet. It is one of a handful of States that doesn't allow charter schools. We need to work in that direction.

But the area that it falls short in is in parental involvement and choice.

Instead of trying to go through a bunch of points, I would like to quote several people. We are going to come back to it next week because there will be amendments proposed on choice, empowering parents, and portability. I have already commented that we have to be careful with the funding. We can throw unlimited funds in the current

formula, and I still leave out disadvantaged children because of the way the formula is focused on institutions and not on the individual disadvantaged students—portability.

Again, Senator GREGG from New Hampshire will be introducing an amendment to that effect.

This is a quote from Virginia Walden, a single mother and executive director of D.C. Parents for School Choice.

They are actually having a rally tonight. They expected a few hundred people to be there, and thousands wanted to come to talk about choice here in the District of Columbia.

This is from the Washington Post of May 24, 1998. I think it captures the feelings well.

I am a lifelong Democrat, and I am not sure when the Democrats decided that siding with the poor and the needy is no longer part of their platform. School choice empowers parents, and I don't care who is behind it, Democrats or Republicans.

Again, that is from an article from a couple of years ago but captures, I believe, the feeling about parental involvement.

Alveda C. King, the niece of Dr. Martin Luther King, Jr., has been an outspoken person. This is from the Wall Street Journal of September 11, 1997, which again captures the feeling. I refer again to the District of Columbia because we talked about choice.

The District of Columbia public school system allocates \$10,180 per student, the highest in the nation, according to the U.S. Department of Education. Yet, according to the Annie Casey Foundation, 80% of fourth-graders in the Washington public schools score below their grade on basic math skills. The National Assessment of Education Progress reports that 72% of Washington's fourth-graders test below "basic proficiency" . . . [an] appalling failure. . . .

Washington's families and teachers favor a right to choose the paths of education for their families. . . . The issue is not what families choose, but rather, that they be allowed and empowered to do so.

Again, the importance of involving parents, and, again, as people look at the bill, they will conclude that we don't go far enough.

I am hopeful that we can address that to empower parents to be involved.

William Raspberry, a columnist whom our colleagues know of and read on a regular basis, in the Washington Post, March 9, 1998, says:

Look at it from the viewpoint of those parents who grab so avidly for the chance to get their children into better schools: Should they be required to keep their children in dreadful schools in order to keep those schools from growing even worse? Should they be made to wait until we get around to improving all the public schools? . . . Surely voucher opponents cannot believe the logic of their counterargument: that if you can't save everybody—whether from a burning apartment house, a sinking ship or a dreadful school system—it's better not to save anybody at all.

We basically have a provision in the underlying bill which, if you are locked into a school that fails 1 year, and then another year, and another year, increases resources to try to bring that

school up. After the third year, that parent is empowered to go to another public school. A charter school is a public school.

But many of us would like to see that expanded to fully empower that parent to be able to take whatever money we pay as the taxpayer and allow that student to go anywhere. It is not in the underlying bill. Again, it stops short of exactly where we would like to be.

Rod Paige, Superintendent, Houston independent school district, on June 16, 1998, said:

[A limited voucher program] doesn't weaken public school systems, it strengthens public school systems.]

That is from Houston Chronicle of June 16, 1998.

One more because the story is a powerful one as we look at choice. The President's belief and my belief is that we need to maximize choice and demand strong accountability.

Urban League of Greater Miami, September 23, 1999, Christian Science Monitor:

...the Urban League of Greater Miami is opposing a lawsuit against Florida's new voucher program. The NAACP, on the other hand, is one of the parties seeking to stop vouchers. They allow us to have access to educational opportunity. . . . Why should a kid be forced to go to a school where it is obvious that the school is not preparing him or her to be competitive?

The underlying bill as amended today is a very powerful bill, again developed in a bipartisan way, surrounding the principles we believe in strongly and that recognize we have not done a service which our young people today deserve. Yet there are ways to improve that bill.

I am very hopeful, as we look to choice, that we can empower because it is the parent whom we should trust most with the education of our children. The bill does not go as far as I believe we can and that our children deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Massachusetts, Mr. KENNEDY, be added as a cosponsor of this amendment.

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

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

The PRESIDING OFFICER. Eleven minutes, three seconds.

Mr. DODD. I will yield 10 minutes to the distinguished Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, I am delighted to be supporting this critical amendment, the Dodd-Collins amendment—and the Jeffords amendment—because I think that both of them offer the kind of real support in terms of resources that are needed to make good on the promise of this legislation.

I share the support my friend from Tennessee has put forth on the underlying structure of this bill, and what it offers our children and parents and teachers. But I also believe strongly that increasing accountability without also increasing and targeting resources to those children whom we know will have difficulty meeting the accountability measures is an essential and critical component to making this piece of legislation all that it should be, and hopefully fulfilling the promise of leaving no child behind.

Earlier this week, I came to the floor to talk about my concern that increasing accountability without providing resources needed to help our children meet these high standards and pass these new tests would be an empty promise.

Right now, we know from the independent, nonpartisan Congressional Research Service that in fiscal year 2001 Congress provided school districts with only one-third of the resources needed to fully serve eligible students in order to help close the achievement gap.

With these limited funds, schools are using 70 to 80 percent of their funds to pay the salaries of teachers and instructional aides, and have little left over for other critical investments, from ongoing professional development to reducing class sizes, or for providing all students eligible for title I with the extra help they need to meet high standards.

I have gone in and out of schools in our country for more than 18 years. I have spent a lot of time in the schools of New York. I know that we have the ingredients for improving education, but we have been reluctant to provide those ingredients in the quantities needed to the children who require them the most.

Yet even with our limited Federal investment, our urban school districts have actually shown gains in reading and math. Since 1992, national reading and performance has improved for 9-year-olds in our highest poverty public schools by nearly one grade level.

We know from local examples that title I is working. It will work if we target the funds where they are needed. Let me just raise one example. I could have picked many to talk about. I talked about some of them in my earlier remarks in this Chamber.

P.S. 172 in Brooklyn, NY, enrolls over 600 students. Three-quarters are Hispanic, and virtually all of them receive free or reduced-price school lunches. The school has operated a title I schoolwide program since 1993. They have combined their Federal resources from title I, Goals 2000, title 7, with State and private funds to help all students achieve high standards.

Since 1994–1995, P.S. 172's third and sixth grade reading and mathematics scores on the New York State assessments have exceeded district and city averages.

For what have they used this money? They help teachers implement a lit-

eracy-focused curriculum through intensive professional development. A master teacher and a full-time staff development specialist mentor first-year teachers. We know how important that is. If we send a first year, inexperienced teacher into an overcrowded classroom, and in some of the most difficult neighborhoods in our country, and we say: "You are on your own; try to teach these children," whose first language is not English, who come to school with all kinds of difficulties; "teach them to read, bring them up to standards," we are asking a whole lot from a young, inexperienced teacher.

But if we mentor that teacher and say: "We are going to give you the help, the extra attention you need to be an effective teacher," we will get positive results.

Teachers share their ideas and their expectations with each other and across grade levels. They learn how to work in a crowded classroom with children who may not have the attention span that is needed. They do everything they can to really marshal those title I resources to make it possible to bring about the results that every one of us in this Chamber want.

I do not question any one of my colleagues on either side of the aisle about their commitment to improving the quality of education for our children, especially our most needy children. But what I do question is that we do not look at what has worked. We do not look at the best practices where title I is making a difference, where schools are able to take those resources and get the kind of results that we are seeking.

In 1999, the Council of Great City Schools found that fourth and eighth graders in urban schools did boost their performance. I have heard a lot of talk from Senators who say the Federal Government has not made a difference, that title I has not made a difference. I respectfully ask you to look at the evidence. Go to the schools where I go. Talk to the teachers.

In fact, 87.5 percent of the urban school districts showed reading gains in title I schools, and 83 percent showed improvements in math achievement for title I students. We also found that the percentage of title I students in urban schools below the 25th percentile has been declining.

So we do have the formula. We have a recipe. We just need to make sure of the ingredients. Setting standards, testing to see whether children meet those standards, and looking for ways to bring more resources to bear is a winning strategy.

I could not be more in favor of what my good friends, Senator DODD and Senator COLLINS, are attempting to do because if we do not focus our resources on these children, then I think our attempt to reform education is not only an empty promise but really a fraudulent one. We are saying, fine, we are going to test these children. I have used this metaphor before. It is similar

to handing out thermometers in the midst of an epidemic. We are going to find out we have a lot of sick children. We know that.

We know we have children who are under tremendous stresses in the world today, who come from very difficult and dysfunctional environments, who cannot concentrate in school. Go in and do a random test for the children's eyesight, and you will find children who cannot see well enough to see the board, and they do not get any medical care for that. Do a random dental care check, and you will find children, as I have, who have abscessed teeth, who are not concentrating or learning to read because they have too much pain which is dulling their abilities.

But we can today, with this debate, and with a bipartisan commitment with the administration, make the changes that we know will work.

So I strongly urge all of my colleagues that we put our resources where our promises are. Let's not turn our back on the evidence of what works.

I sometimes joke that Washington occasionally seems to be an evidence-free zone. We can come with stacks of evidence, with all kinds of reports; we can say, look, if we give a little more help, this title I school, using these best practices, will turn itself around. Instead, we say, it is not working because all of these children, with all of these difficulties, are not reading at grade level.

I know that if we are true to the mission that brings us to this education debate, if we are willing to support, with resources, the kind of accountability we are asking from our children, we will see results. We have seen results in the past.

I urge all of my colleagues to join in supporting this amendment which will make a tremendous difference for our children.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has approximately 2 minutes on his side; and the other side has 1 minute 40 seconds.

Mr. DODD. Mr. President, let me, again, thank our colleagues who have addressed this important subject. And I thank my colleague from New York for her eloquent statement on the value of expanding the title I program, as my colleague from Maine and I are attempting to do with this amendment. I do believe, if we have additional resources, based on the evidence—and the evidence has been significant—that we will get results.

There are those who suggest that because we have spent about \$120 billion on title I over 35 years and have not fully closed the achievement gap, that it is not working. But, over the years that has represented less than 3 cents of each dollar spent on education. We

are proving today, while the results certainly are not perfect, that title I is essential to improving student achievement.

We have listened to those who are working on in the districts, in the schools, who do not have Ds or Rs associated with their names or wear political labels, who tell us it is making a difference.

What better evidence could we have than relying on those who every day do the hard work of trying to improve the intellectual and learning capabilities of the 50 million children who go to public schools in America? The amendment we are offering is based on that evidence. It is based on the hard evidence that is provided by teachers and school boards and school principals and parents who have watched title I funds make a difference.

We think they can make even more of a difference, particularly, in conjunction with accountability standards. We think that providing the resources to make it possible for these children to reach the goals we all want them to reach is absolutely critical if this Elementary and Secondary Education Act of 2001 is to be worthy of our nation's children.

With that, Mr. President, I ask for the yeas and nays on the Dodd-Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I yield back the time, unless my colleague from Maine wants to speak.

The PRESIDING OFFICER. The Senator's time has expired.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, we have been discussing the schedule and voting order with Senator DASCHLE and the managers of the legislation and how we would handle other issues. I think we have a good agreement. We need to read it carefully and make sure we understand exactly who is going to be offering the amendments.

I ask unanimous consent that if the House of Representatives has adopted and copies have been made available under the Senate rules, then the Senate proceed to the conference report to accompany the budget resolution at 10 a.m. on Monday, May 7, and the time between then and 6:30 p.m. be divided with 12 hours under the control of the minority manager and 3½ hours under the control of the majority manager.

I further ask unanimous consent that the vote occur on adoption of the conference report at 6:30 p.m. and that paragraph 4 of rule XII be waived.

As in executive session, I ask unanimous consent that immediately following the 6:30 p.m. vote on Monday, May 7, the Senate proceed to executive session to consider Calendar No. 39, the nomination of John Robert Bolton to be Under Secretary of State for Arms Control and International Security, and there be 3 hours of debate equally divided as follows: 30 minutes under control of the chairman, 30 minutes under the control of the ranking member, 60 minutes under control of Senator DORGAN, 30 minutes under the control of Senator FEINSTEIN, and 30 minutes under the control of Senator KERRY.

I further ask unanimous consent that following the use of time the Senate proceed to vote at 9:30 a.m. on Tuesday, May 8, on the confirmation of Mr. Bolton, and following the vote, the President be immediately notified of the Senate's action, the motion to reconsider be laid upon the table, and the Senate immediately resume legislative session.

Finally, I ask unanimous consent that when the Senate resumes consideration of S. 1 at 10 a.m. on Friday, the next amendment to be in order be offered by Senator CRAIG regarding ESEA funding, and the next amendment in order for the minority side of the aisle be an amendment by Senator KENNEDY, or his designee, and that any votes ordered with respect to these amendments occur in a stacked sequence after the 6:30 vote on Monday, with no second degrees in order, and 2 minutes prior to each vote for explanation.

I note that we are not sure which amendment Senator KENNEDY or the Democrats will want to go with in the morning. It could be Senator MURRAY, Senator WELLSTONE, or some other amendment. I believe you will work that out during the vote, and we will need to be notified, of course, of which one it will be and its substance.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, reserving the right to object, I would like to ask the majority leader, is there any way that he could postpone this vote until Tuesday morning? I will not be here Monday evening. There is no way I can be here. I haven't missed a vote this year.

Mr. LOTT. If the Senator will withhold one moment, I believe Senator BYRD has a question, too, and then I will come back to the Senator in a minute.

Mr. BYRD. I thank the leader. Mr. President, I am very much opposed to lining up votes, stacking votes, and I am constrained to object to stacking votes. I don't think that is a good way to do business in the Senate. I have bitten my tongue many times and did not object. I think I should put both leaders on notice, if I may use that kind of