

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. At this point morning business is closed.

RECESS

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

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

EDUCATION FLEXIBILITY  
PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 280, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate resumed consideration of the bill.

Pending:

Jeffords Amendment No. 31, in the nature of a substitute.

Bingaman Amendment No. 35 (to Amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified Amendment No. 37 (to Amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) Amendment No. 40 (to Amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies. (By 0 yeas to 88 nays, 1 voting present (Vote No. 33), Senate failed to table the amendment.)

Jeffords Amendment No. 55 (to Amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) Amendment No. 56, to reduce class size.

Lott (for Jeffords) Amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) Amendment No. 59 (to Amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 4 p.m. today occur instead at 2:45 and that the time between now and 2:45 be equally divided between the chairman and the ranking member of the committee.

I further ask that immediately following the vote the Senate stand in adjournment until 12 noon on Wednesday, and that the routine requests through the morning hour be agreed to, the morning hour be deemed to have expired, and the Senate proceed for 1 hour of debate to be equally divided between the chairman and ranking minority member of the committee relative to the cloture votes.

I further ask unanimous consent that at 1 p.m. on Wednesday the Senate proceed to the cloture vote with respect to the Kennedy motion regarding class size, and the mandatory quorum under rule XXII be waived. I also ask that immediately following that vote, if not invoked, the Senate proceed to a cloture vote relative to the Lott amendment regarding IDEA and choice.

Finally, I remind all Senators that under the provisions of rule XXII, all second-degree amendments must be filed by 12 noon on Wednesday, March 10, in order to qualify postcloture.

Before the Chair rules, I just want to advise the Members that the purpose here is that staff and others be able to avoid what may be a very difficult afternoon rush hour with the snow coming down. And indications are it is probably going to increase even more. But we do want to have this cloture vote, so we will have 30 minutes equally divided for debate and then the vote, and then we will be back up with this very important bipartisan education flexibility bill on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. KENNEDY. Mr. President, as I understand it, we are going to have 15 minutes a side. Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts is correct. There will be 30 minutes equally divided between now and 2:45.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in just half an hour the Senate will vote on the second cloture motion to terminate debate on the Ed-Flex bill, and then tomorrow we will have two more cloture votes. It is our position that these cloture votes are completely unnecessary—what we would like to be doing here this afternoon and in the course of tomorrow is voting on education policy.

We were given assurances by the majority leader at the annual National

Governors Association Conference that we would have the debate for 1 or 2 weeks. Now the minority leader has proposed limiting our side to just five different amendments, and we would be glad to have a number of amendments on the other side. We are glad to enter into time limits. There is no reason we cannot end the whole education debate tomorrow.

We have no assurance—none—from the majority leader, none from the chairman of the Health and Education Committee, that we will have another vehicle before the end of this year to debate education. This may very well be the only opportunity that we have. Why not have a reasonable time to debate and discuss the issues that are before the Senate in education, primarily the issue of class size reduction from grades K to 3, which is enormously important and very successful in terms of enhancing student performance. What about the afterschool programs? What about enhancing the effort to terminate school dropouts? The range of different, important policy issues—all we want to be able to do is debate them. We are being denied that by the majority.

That is part of our frustration. We believe the discussion on education is one of the most important debates that we will have. We are here, ready to debate. We were here last week on Friday and were closed out. We were here on Monday and are here Tuesday and continue to be closed out from being able to consider these amendments. That is the wrong policy.

Parents do not understand why we cannot debate it. Various organizations representing teachers, parents, school boards, and local communities are all pleading to the U.S. Senate to go ahead and have the debate on these issues.

There is widespread approval for continuing Federal support for reducing class size nationwide. This initiative is supported by the National Parent Teacher Association, the National School Boards Association, the National Association for the Advancement of Colored People, the Council of Chief State School Officers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of State Directors of Special Education, the National Education Association, the International Reading Association, the American Federation of Teachers, and the National Association of School Psychologists.

These groups are all saying please, go ahead with this debate. Go ahead and have the votes on these matters. We will abide by whatever the Senate does, but do not close us out.

Mr. President, that is what is happening here this afternoon. I hope we will not have the cloture vote to close it out. I am still hopeful somehow at