

and the amendments immediately be laid aside.

I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that Senator LOTT, or his designee, have a chance to offer an amendment relative to the special education amendment, and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside.

I further ask that I or my designee be allowed to offer another amendment relative to special education, IDEA, and that it be laid aside, and that Senator BOXER be recognized to offer an amendment relative to afterschool programs and that it be laid aside.

I further ask that I or my designee be allowed to offer another amendment dealing with special education and that it be laid aside for a Feinstein amendment relative to social promotion, and that there be 5 hours equally divided in the usual form for debate on the eight first-degree amendments, and no additional amendments or motions be in order to S. 280, other than the motions to table.

I emphasize that we are saying, basically, we have amendments by Senators KENNEDY, BINGAMAN, BOXER, FEINSTEIN, with amendments on this side of the aisle to match each one of those, and that we would have debate only, limited to 5 hours of debate, and so we would have an opportunity to debate and vote on those issues.

Then I ask that at the conclusion of yielding back of that time, the Senate proceed to vote on or in relation to the eight pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes and all others after that be limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following those votes, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

So, we could have these issues all debated, eight amendments, then go to final passage, and we could complete it at a reasonable time tomorrow and move on to the next issue.

I think this is a very fair approach. So I ask unanimous consent it be agreed to.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER (Mr. GREGG). The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for making the offer that he has. He and I have been in discussions throughout the morning trying to find a way with

which to resolve this impasse. I appreciate very much his willingness to have the up-or-down votes that we now have wanted for some time.

We have 20 amendments that Senators want to offer. For the life of me, I don't understand. We had over 20 amendments offered, voted on, considered, and disposed of on the military bill a couple of weeks ago, and we resolved that bill within 3 or 4 days. We could have easily done that by now.

I have offered to the majority leader the agreement that he has just articulated, with one minor change. We keep the time. We go to the time certain that the majority leader suggested in his unanimous consent request. But we would also accommodate four other amendments: Two offered by Senator WELLSTONE, an amendment offered by the Senator from Rhode Island, and the amendment offered by the Senator from North Dakota—all related to Ed-Flex, directly related to Ed-Flex, with the exception of Senator DORGAN's report card amendment. Those four amendments would not require any additional time beyond the 5 hours; that is, we divide up the time allotted to us in whatever amount is required for each amendment. But we would accommodate at least those three Senators who have waited patiently now for over a week to offer their amendments.

So I hope the majority leader can modify his request with that simple outstanding caveat, that one additional change: No additional time, one additional change to accommodate three Senators who have waited patiently and who want to resolve this matter. I hope the majority leader will modify his request in that regard, and I ask unanimous consent to that effect.

Mr. LOTT. Mr. President, I would object to that modification.

I would say that then we would have 14 additional amendments, but crammed into 5 hours on this non-controversial bill that is broadly supported on both sides. I don't think that is an adequate solution.

We can go forward with a cloture vote, and we can continue to have debate, and we can continue to work to come to conclusion on this in a way that everybody is comfortable with.

I understand Senators want to offer amendments. There are Senators who want to offer amendments on this side. I understand there are Members who want to offer amendments who want a direct vote. There are other Members who would like to second-degree them. So we have made a very complicated process out of a broadly supported, simple bill that would help education.

I would object to that modification at this time.

But we will continue to work to see if we can come up with something later.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. In light of the objection, the Senate will conduct two back-to-back votes on cloture motions relative to this bill.

I regret that there are objections. The agreement is exactly what the ranking member and the whip had indicated they would support a few days ago. But we can continue to work on this, and hopefully we can get an agreement where we can complete it tomorrow so we can go to the other issue. Until we complete this bill, everybody else will have to wait.

#### EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

The Senate continued with the 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 the language in the bill proposed to be stricken by amendment No. 31), to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

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.

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280.

Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy-Daschle motion to recommit S. 280, a bill to provide for Ed-Flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

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

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

[Rollcall Vote No. 36 Leg.]

YEAS—44

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

NAYS—55

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

NOT VOTING—1

Murray

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37, as modified, to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, John H. Chafee, Craig Thomas, James M. Jeffords, Michael B. Enzi, Mike DeWine, Rick Santorum, Spencer Abraham, Jim Bunning, Wayne Allard, and Jon Kyl.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 37, as modified, to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington Mrs. MURRAY, is absent because of a death in the family.

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

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

[Rollcall Vote No. 37 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators not having

voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senators JEFFORDS and FRIST and those who have worked so hard on the Ed-Flex bill. This is an outstanding piece of legislation. It has the support of our Nation's Governors, the National Governors' Association. They strongly support this legislation. Most of the educational leadership in the States and local communities support this type of legislation. My Governor of Alabama, a Democrat, Don Siegelman, supports this legislation. Mr. Ed Richardson, the State superintendent of education in Alabama, supports this legislation.

The Ed-Flex bill came out of the Labor Committee last year with a 17-1 vote. Democrats and Republicans supported it. Now this year, the President indicates that he will support it and sign this legislation. The strength of it is that it is a clean bill. Basically, what it says is that we learned a lot from the historic welfare reform debate during the 104th Congress. We learned if you give State and local officials some flexibility and the ability to do things differently than the Federal regulations have mandated, they will find ways to be better. They will find ways to do a better job. It is an affirmation of them.

I'd also indicate that a GAO report in 1998 said that the Department of Education officials have told the GAO that they believe that 12 Ed-Flex States, the 12 States that now have this legislation as a pilot project, have used their waiver authority carefully and judiciously.

Mr. President, It simply goes against reason that people duly elected to run the school systems in our counties and States would abuse flexibility and should be denied creativity because those of us in this body believe we know how to run their school systems better. The Federal Government provides only 7 percent of the money for State and local education, but it mandates over 50 percent of the regulations.

Let me read you a letter I received from the Montgomery public schools in Montgomery, AL. This is what I was told with regard to paperwork that has to be done for the Federal Government.

Personnel in the schools of the Montgomery Public School System and three Central Office assistants are estimated to spend this year 16,425 hours in Title I program documentation, bookkeeping, etc. What this boils down to moneywise, is that the system spends \$860,833.48 for the personnel to take care of the paperwork. This is a conservative estimate and does not include such programs as HIPPA and other programs funded by Title I not housed in schools.

This is the kind of thing that is happening. This is the kind of money we

need to get down to the classroom. I taught in public schools one year. My wife has taught in public schools a number of years. Our two daughters graduated from a large public high school in Mobile, AL. We have been involved in PTA. To suggest the principals and teachers and school superintendents do not care about their kids and are not trying to do better to get more bang for their buck every day is to demean them and put them down, while we have this idea that we have to protect the system by mandating what they do.

I think the Ed-Flex bill is a wonderful bill. It is a clean bill. It is not a radical bill. It allows applications for waivers and that sort of thing.

Mr. President as a teacher, as a spouse of a teacher, and as a parent of children in the Alabama public schools, I know that the most important event is that magic moment in a classroom when learning actually occurs. That magic moment is not enhanced by micromanaging regulations from Washington, DC. It simply does not help education.

Mr. President, I care about education. I want to see our education system improved. I will support—as Congress has done for the last 10 years—increased Federal funding for education. But I want to be sure it is used wisely and efficiently so that learning is enhanced, and not creating a bureaucracy that takes 35 cents out of every dollar before it ever gets down to the States. That is what we have learned. In fact, after this modest bill, I will be supporting a bill that will have even greater impact which will require that 95 percent of every Federal education dollar that is expended actually goes to the local classroom.

Let me share with this body a response to a question I proposed to a principal of a Title I elementary school in Alabama, Mr. Thomas Toleston. He was asked what would he do if he had less Federal mandates which would help free up some extra money for his school; if the Federal Government would eliminate the regulations, how would he spend the freed up funds. This is what he said he would like:

I would ensure that Southlawn would implement a comprehensive summer school program in reading and math for all students who score below average on the Stanford Achievement Test 9.

No one here even knows what the Stanford Achievement Test 9 is. He does; this is his career. That is what he would like to spend more money on—not building a new classroom or 100,000 new teachers.

He said:

This would include sufficient faculty, hardware and software in an effort to bring those poor performing students up to average performance.

So you could take your year-long teachers and pay them extra to work in the summer school program.

If additional funds were available, I would also attempt to bring more faculty to our extended day program [afterschool programs] to offer more exposure to our students. These exposures would be in the areas of music, i.e. violin and other musical instruments that are available in the Montgomery Public School System, but are not being utilized.

They would take extra funds to have teachers come down after school to do this, not new teachers.

Another area of interest to me would be the ability to provide students with scholarships of additional exposure. This would include paid trips to the Huntsville Space Center to increase students' interest in science and math.

Now, we have been talking about building classrooms and adding 100,000 teachers and all these ideas that people in this body, who have been doing some polling, and they think the polls are good so they offer to mandate it all over the country. Mr. Toleston never mentioned any of those ideas, yet we here in Washington want to force them on him and his school?

The earlier we expose students to these hard core areas the greater the chances for them to develop an interest.

I would also like to expand our present extended day program to begin classes in computer program at the 4th and 5th grade level. This is a career that will allow one to have a fairly good paying job without a college degree. This program would provide a net for some of the students who we know will never make it to college. But, again, I think that the interest must be presented at the elementary level to make a significant difference.

Since we all know that the greater the parent involvement the better students do in school, I would like to have more money set aside for parent programs. Presently, I have one teacher who volunteers one night a week to teach parents how to use computers. I would like to compensate her but the funds are not available.

Under this bill, if we have Federal mandates, they still won't be available.

He goes on to say:

Most of the planning for the school year takes place during the summer months. The stipend paid to teachers is \$50.00 per day. I would like to have the flexibility to offer my teacher an additional \$50.00 per day. This still seems like a small price to pay but it would be a worth while incentive for them to give up one of their summer vacation days. I feel that this would encourage more teachers to be apart of the planning process during the summer. Once school starts it is time to execute our plans—no time for planning.

Mr. President, those are just some of the points that I would make.

I would just say this: People are asking, Why won't this bill pass? I think they have to look at those on the other side of the aisle who say often that they are for returning control to the local people, to people we have elected in our communities to run our school systems. But when the chips are down, there is always some reason not to.

I hope that we can work through some of these amendments, all of which ought to be debated during the

Elementary and Secondary Education Act that we will be taking up later this year, not on this bill. This is a clean bill, and should be kept clean. If we will do that, we can pass this important bill, and then we can deal with many of these issues later.

Mr. President, I thank you for the time. I'd also like to again thank Senators FRIST and JEFFORDS for all of their hard work on this bill. I agree wholeheartedly with the premise of this legislation which is that, if given more flexibility, our local school systems can improve their ability to educate our children.

I notice that the majority leader has arrived on the floor. I am pleased to yield.

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. LOTT. I thank the Senator from Alabama for yielding so we can get this consent agreement before Members change their minds.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur on Thursday be vitiated. I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and I be recognized to offer an amendment relative to IDEA/choice and the amendment then be immediately laid aside. I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that I or my designee be recognized to offer an amendment relative to the Individuals with Disabilities Education Act amendment and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside. I ask that myself or my designee be recognized to offer an amendment relative to the Individuals with Disability Education Act and it be laid aside and Senator BOXER be recognized to offer an amendment relative to afterschool programs, and it then be laid aside.

I further ask that I or my designee be recognized to offer an amendment relative to IDEA and it be laid aside for Senator FEINSTEIN and DORGAN to offer their amendment relative to social promotion and it be laid aside. I further ask that I or my designee be recognized to offer an another amendment relative to the Individuals with Disabilities Act and it be laid aside for Senator WELLSTONE to offer an amendment relative to accountability, and there then be 5 hours equally divided in the usual form for debate on these 10 first-degree amendments and no additional amendments or motions be in order to S. 280, other than motions to table. I further ask that at the conclusion or yielding back of time the Senate proceed to

vote on or in relation to the 10 pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes, with all succeeding votes limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following these votes the bill be advanced to third reading and passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not, did the majority leader say between the votes tomorrow there will be 5 minutes equally divided?

Mr. LOTT. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving the right to object. There was discussion previously with respect to my amendment. I wonder if the majority leader has anything to say with respect to my amendment?

Mr. LOTT. Mr. President, we have discussed the Reed amendment, and I believe there has been a good deal of work done on that amendment. An agreement has been worked out, and it will go into one of our amendments that will be put into the bill. So it will be included. It would not be necessary to consider it separately.

Mr. REED. I thank the majority leader for that information. It would have been cleaner to have done it up or down, but the substance is important, and I am pleased that it will be included in the legislation.

Mr. LOTT. I appreciate the Senator's attitude on this. Obviously, he has worked on it, he cares about it, and he would have liked to have it highlighted and considered individually. We were trying to craft an agreement, and the attitude he had was that he wanted to get it done; that was more important. I wish we had more Senators who were willing to make such a concession. I thank the Senator from Rhode Island for that approach.

Mr. REED. I thank the majority leader and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not. Is the order which listed the amendments the order of the votes or the order in which the amendments would be laid down? Is there flexibility—to use that word—about how we might proceed this afternoon, for those of us who are here and ready to do our amendments?

Mr. LOTT. I believe they would come up in the order identified and votes would occur in that order, too. However, I presume that if there is a scheduling problem, the managers would be flexible and we could get an agreement

to change that order. But that was the agreement that was asked for.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his cooperation in this effort, too. We found, a few moments ago, that we were very close to an agreement, even though it might not have appeared so. I am sure Members on both sides would have liked to have done it differently, but I believe this will allow us to get to a conclusion on this bill. It has broad support. We can then move on to other very important national issues. So I thank Senator DASCHLE for his help in working out this modification.

One last thing, and I will yield the floor. In light of the agreement, then, there would be no further votes today. The Senate will debate the amendments to S. 280 for the remainder of the session today, and up to 11 back-to-back votes will occur tomorrow morning. I hope maybe it won't be necessary to have all 11, but it could be 11, with the 10 amendments and final passage. All Senators will be notified of the exact time of the votes. I thank my colleagues for their cooperation. We did get the unanimous consent agreement, correct?

The PRESIDING OFFICER. We did.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, I want to briefly thank those Senators on both sides of the aisle. This is a very important procedural agreement we have reached, after some deliberation and a great deal of willingness to cooperate on the part of many Senators. There were many, many Senators who had expressed the hope that they could offer their amendments; they were precluded from doing that. Frankly, I am disappointed that they were precluded. But I will say this: I am also grateful to the majority leader for agreeing to have up-or-down votes on the class size amendment, on the dropout amendment, on the social promotion amendment, on the amendment with regard to report cards, and on the amendments Senator WELLSTONE will be proposing on the accountability.

This represents, I think, a compromise that we hoped we could reach. It represents an extraordinary amount of good-faith effort on both sides. I think the Senators from Oregon and Tennessee ought to be commended as well for their patience and tolerance in working with all of our colleagues in bringing us to this point.

It goes without saying, the managers of the bill, the Senator from Vermont and the illustrious and extraordinary ranking member, Senator KENNEDY, deserve a great deal of credit. We have come a long way. We have reached a point now where we are going to be able to finish this bill—a very good bill that deserves support. This also allows

us to deal with the amendments that a number of Senators have been fighting to have votes on now for several days.

I thank all Senators for their cooperation.

Mr. President, there have been a number of questions about how we are going to be proceeding under the unanimous consent request. We consulted with the majority leader and with the manager of the bill.

I ask unanimous consent that all but 1 hour of time allotted under the unanimous consent agreement be consumed today, allowing 1 hour under the arrangement anticipated by the unanimous consent agreement to be used tomorrow. I then ask unanimous consent that those who might wish to express themselves on the bill or on amendments be allowed as if in morning business to speak later on this evening.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, we want to check with our leadership on this side.

Mr. KENNEDY. Mr. President, if the Senator will yield, it is our intention that we use up the 4 hours for those members who have amendments to introduce and speak to them this evening. And that we have 1 hour evenly divided tomorrow for Members on either side to address the Senate, as if in morning business. That is what we had hoped to be able to do.

Mr. JEFFORDS. Mr. President, reserving the right to object, it is my understanding that under the previous unanimous consent order that the amendments should be offered at this time.

Mr. DASCHLE. Mr. President, I anticipate that the amendments would all be offered.

Mr. KENNEDY. That would be fine.

Mr. DASCHLE. Mr. President, I modify my request to clarify that it would be my expectation that all amendments would be offered, and that there would be a period of 1 hour simply to discuss and further consider these amendments tomorrow. I withdraw the request at this point, and I certainly defer to the managers to renew their request at such time as the majority leader clears the request. But I don't anticipate an objection. I appreciate the indulgence of both managers.

The PRESIDING OFFICER. The request is withdrawn.

Who seeks time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I want to indicate to our colleagues on this side that have amendments, that we expect those to be offered in the very near future. It is 3:15 now—we have 2 hours on each side. We are going to try to be in touch with those Senators that have amendments and work out a shared time to accommodate Senators' schedules.

Senator FEINSTEIN will take the first half hour, followed either by Senator

DORGAN or Senator WELLSTONE for 15 minutes. Then we thought 45 minutes on the other side, one-half hour on this side, one-half hour on the other side, and then those that either wanted to talk on the amendments or that wanted to be able to talk on the bill would be able to do so using up the time that has been allocated by the leader—that was our intention. We want to make sure all of our Members understand that we expect that those amendments are going to be offered this evening. We want them included in the RECORD so that those tomorrow morning are able to look at the exact wording. That was our intention.

So we will proceed in that way, and we will be in touch with the sponsors of these amendments to work out with them appropriate time allocations.

AMENDMENT NO. 60 TO AMENDMENT NO. 31

(Purpose: To express the sense of the Senate regarding flexibility to use certain Federal education funds to carry out part B of the Individuals with Disabilities Education Act, and 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)

Mr. JEFFORDS. Mr. President, I offer an amendment on behalf of Senator LOTT on the IDEA/choice amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. LOTT, for himself and Mr. ABRAHAM, proposes an amendment numbered 60 to amendment No. 31.

Mr. JEFFORDS. 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:

At the end, add the following:

**SEC. . SENSE OF THE SENATE.**

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

**SEC. . IDEA.**

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“h) Notwithstanding subsection (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20

U.S.C. 1411 et seq.) in accordance with the requirements of such part.”.

Mrs. FEINSTEIN addressed the Chair.

Mr. KENNEDY. Mr. President, I yield one-half hour to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Massachusetts.

I believe, Mr. President, that I have one-half hour.

The PRESIDING OFFICER. That is correct. The Senator is recognized for 30 minutes.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 61 TO AMENDMENT NO. 31

(Purpose: To assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. DORGAN, and Mr. BINGAMAN, proposes an amendment numbered 61 to amendment No. 31.

Mrs. FEINSTEIN. 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 today's RECORD under "Amendments submitted.")

Mrs. FEINSTEIN. Mr. President, this is an amendment which does two things. One of them is it deals with the practice, either formal or informal, of social promotion, and authorizes a remedial program of \$500 million a year for a program of competitive grants.

The second part has to do with school report cards.

Senator DORGAN will be speaking on the second half, and I will address my comments to the first part.

This amendment would authorize \$500 million a year from the year 2000 to 2004 for competitive grants to school districts to help provide remedial education for afterschool and summer school courses, for low-performing students who are not making passing grades.

Mr. President, the purpose of the amendment is to provide Federal incentives and Federal help to those school districts that abolish and/or do not allow social promotion. As a condition of receiving these funds, school districts would have to adopt a policy prohibiting social promotion for students; require that all K through 12 students meet minimum achievement levels in the core curriculum defined as subjects such as reading and writing, language arts, mathematics, social sciences, including history, and

science; test student achievement in meeting standards at certain benchmark grades to be determined by the States for advancement to the next grade; and, finally, provide remedial education for students who fail to meet achievement standards including tutoring, mentoring, summer, before-school and after-school programs.

School districts would be authorized to use funds to provide academic instruction to enable students to meet academic achievement standards by implementing early intervention strategies or alternative instructional strategies; strengthening learning by hiring certified teachers to reduce class sizes, providing professional development, and using proven instructional practices and curricula aligned to State achievement standards; providing extended learning time such as afterschool and summer school; and developing intensive instructional intervention strategies for students who fail to meet State achievement standards. The amendment also addresses the special needs of children with disabilities by allowing school districts to follow the child's individualized education plan.

Why do we need this amendment? Perhaps nothing better describes why we need this amendment than an article which appeared in the Los Angeles Times five days ago about the largest school system in the United States—California's—and I want to read the headline: "California Ranks Second to Last in U.S. Reading Test."

California ranks second to last among 39 States in a new Federal assessment of fourth grade reading skills. The study revealed Thursday that only 20 percent of the students are considered proficient readers.

Mr. President, California has 5.6 million students, more than the population of 36 other States, and only 20 percent of them are reading proficiently at the fourth grade level.

That is an incredible statement of what the practice of social promotion has done.

I truly believe that the linchpin to educational reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in the hopes that someday, somewhere they will learn.

This practice alone, I believe, after visiting literally dozens of schools, is the main reason for the failure in the quality of public education today. It is largely responsible, in my view, for its decline.

Achievement standards must be established—and enforced. To promote youngsters when they are failing to learn has produced a generation that is below standard and high school graduates who can't read or write, count change in their pockets, or fill out an employment application. It is that bad. And California is just about the worst.

It is such a shame to hand a high school diploma to a youngster whom you know cannot fill out an employment application for a job. In my State, a state that is restructuring its economy and seen the emergence of a new high-skilled, high-tech work base, this means doom for the ability of these youngsters to sustain themselves with gainful and fulfilling employment in the future.

This same article, discussing this assessment of reading skills, also shows that 52 percent of our fourth graders scored below the basic level, meaning they failed to even partially master basic skills.

The news wasn't much better for California's eighth graders, who ranked 33rd out of 36 States, and only 22 percent were proficient readers. In December 1998, a study by the Education Trust ranked California last in the percent of young adults with a high school diploma—in other words, students are not even finishing and getting their diploma—37th in SAT scores, and 31st of 41 States in eighth grade math. Nearly half of all students entering the California State University system require remedial classes in math or English or both.

The news is also grim nationally. I start out with California to say that this all begins right at home. But the news is also grim throughout the rest of the United States where our students are falling far behind their international counterparts. The lowest 25 percent of Japanese and South Korean eighth graders outperform the average American student. In math and science, United States 12th grade students fell far behind students in other industrialized countries, which is especially troubling when we consider the skills that will be required to stay ahead in the 21st century. United States 12th graders were significantly outperformed by 14 countries and only performed better than students in Cyprus and South Africa. We scored last in physics and next to last in mathematics.

What is social promotion? Simply stated, social promotion is the practice, either formal or informal, of a school's advancing a student from one grade to the next regardless of that student's academic achievement. In some cases, it is even regardless of whether they attend school or not. It is a practice which misleads our students, their parents and the public.

The American Federation of Teachers agrees. Let me quote from their September 19, 1997, study:

Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business commu-

nity and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the Nation.

That is well said. But merely ending social promotion and retaining students in the same grade will not solve the problem. We cannot just let them languish without direction in a failing system. Instead, we must provide ongoing remedial work, specialized tutoring, afterschool programs, and summer school. All must be used intensively and consistently, and that is what this amendment is designed to create. It is designed to create both the incentive and also the help to accomplish this.

I know it can work. Last June, I led a delegation of California leaders to Chicago. We saw a dominantly poor, dominantly minority school district turned around, social promotion abolished, and the remediation, summer school, and tutoring put in place. And now test scores and grades are improving.

How widespread is this practice, ubiquitous as it is? It is widespread. Although there are no hard data on the extent of the practice, authorities in schools and out of schools know it is happening, and in some districts it is standard operating procedure. In fact, 4 in 10 teachers reported that their schools automatically promote students when they reach the maximum age for their grade level. And the September 19, 1998, AFT teacher study says social promotion is "rampant."

It found most school districts use vague criteria for passing and retaining students. They lack explicit policies of social promotion, but they have an implicit practice of social promotion, including a loose and vague criteria for advancing students to the next grade. And they view holding students back as a policy of last resort and often put explicit limits on retaining students.

Also the study found that only 17 States have standards—only 17 States have standards in the four core learning disciplines: English, math, social studies, and science. Only these four have standards which are well grounded in content and are clear enough to be used, says the AFT study.

In July of last year, I wrote to 500 California school districts and asked about their policies on social promotion. I must tell you, their responses are vague and often misleading, and they include the following: Some school districts say they don't have a specific policy. Some say they simply figure what is in the best interests of the student. Some say teachers provide recommendations, but final decisions on retention can be overridden by parents. And some simply just promote youngsters, regardless of failing grades, nonattendance, or virtually anything else. In short, the policies are all over the place.

Last year, in California the legislature passed and the Governor signed into law a bill to end social promotion in public education, a giant step forward. In California now, this could affect fully half of California's students because 3 million children in California perform below levels considered proficient for their grade level. The grant funds authorized in this amendment can be very helpful in providing ongoing remedial and specialized learning and provide necessary help for these 3 million children in my State, and the millions of children in other States as well.

President Clinton called for ending social promotion in his last two State of the Union speeches. Last year, he said: "We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools."

I will never forget, in 1990, when I was running for Governor of California and I appeared before the California teachers association, I said we must end social promotion, and I was roundly booed. How things change. We now have the President of the United States, and a Democrat to boot, saying we must end social promotion.

I believe just as firmly in 1999 as I did in 1990 that the practice of social promotion is the Achilles heel of public education in the United States of America.

The seven States that have a policy in place which ties promotion to State-level standards today are California, Delaware, Florida, Louisiana, North Carolina, Ohio, and Virginia. I really want to give them my kudos and say congratulations and right on.

I mentioned that the Chicago public schools have ditched social promotion. After their new policy was put in place in the spring of 1997, over 40,000 students in Chicago failed tests in the third, sixth, eighth, and ninth grades, and then went to mandatory summer school. Chicago's School Superintendent Paul Vallas has called social promotion "educational malpractice." He said from now on his schools' only product will be student achievement. What welcome words those are.

In my own State, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance, and they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation.

For example, San Diego schools are requiring that their eighth graders who do not pass core courses be retained or pass core courses in summer school.

Let me conclude. A January 1998 poll by Public Agenda asked employers and

college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63 percent of employers and 76 percent of professors said the diploma is not a guarantee that a graduate can read, write, or do basic math. What a failure.

I first got into this because I also serve on the Immigration Subcommittee of the Judiciary Committee. Every year I had California chief executive officers, particularly in high tech companies, come in and say: "We can't find high school graduates we can hire. Please increase the quota of people from foreign countries who can come to us as temporary workers and work for us, because we can't find qualified Americans." What a condemnation.

California employers tell me consistently that applicants are unprepared for work and the companies have to provide basic training to make them employable. High-tech companies say they have to recruit abroad. For example, last year MCI spent \$7.5 million to provide basic skills to their employees. On December 17, a group called California Business for Education Excellence announced they were organizing a major effort to reform public education. These major constituencies—the California Business Roundtable, the California Manufacturers Association, the American Electronics Association, companies like Hewlett-Packard, IBM, Pacific Bell—had to organize because they see firsthand the results of a lagging school system.

So I offer this amendment today. It can provide the money to help teachers teach and students learn. It is estimated that this year the budget will have \$4 billion more in it for public education. I say let's authorize the expenditure of \$500 million for the kind of remedial and summer school programs that in fact can help us abolish social promotion and really have excellence and accountability in both our teachers and our students.

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

The PRESIDING OFFICER. The Senator has 9 minutes 53 seconds.

Mrs. FEINSTEIN. I will reserve the remainder of my time, if I might. I see Senator DORGAN on the floor. I know he wishes to speak.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me ask consent to yield myself 15 minutes of the time allocated to our side, that I might be able to present my amendment.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Does the Senator intend to offer an amendment this afternoon?

Mr. DORGAN. I would say to the Senator from Vermont, the amendment

Senator FEINSTEIN has offered is an amendment that combines her amendment and my amendment. We have done that at the request of the majority leader. So rather than having two amendments, we will have only one and we will have only one vote on it.

Mr. JEFFORDS. I appreciate that information.

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

Mr. DORGAN. I am pleased today to join my colleague from California. I was listening to her explain the first portion of the amendment which deals with social promotion and remedial education. It reminded me that the last time we joined forces here on the floor of the Senate was also on an education amendment. We worked on a very simple amendment called the Gun-Free Schools Act. This is now the law in this country and has been for a number of years because we decided there ought to be a zero tolerance in this country for a student who brings a gun to school. You ought not have to worry, no matter where you are in the country, about guns in schools. Everywhere in this country, we ought to understand that guns and schools do not mix, and every student and every parent ought to understand there is a penalty of expulsion for one year for bringing a gun to school.

I am pleased to have joined with my colleague from California to make that Federal law, and I wonder how many tragedies may have been avoided where guns were not brought to school because a student now understands there is zero tolerance with respect to guns in schools.

Today we are here for a different purpose on the same subject: education. The first part of the amendment we have offered deals with social promotion. The second part is a piece that I have written with Senator BINGAMAN from New Mexico regarding the issue of a school report card. Let me explain that amendment.

Every 6 to 9 weeks in this country, a parent with a child in school gets a report card that tells the parent how that child has done. Parents are able to see grades that describe how their child is doing in school, an A, a B, a C, or God forbid, maybe a D or even worse. Students are graded and parents know what grades those students are achieving in their school.

But I raise a question: What does it mean when your child brings home the best grades from the worst school? Does that tell you much as a parent? You see, we grade students, but there aren't any grades for schools. There are no report cards for schools. Even though we spend over \$300 billion on a system of elementary and secondary education in our country, parents and taxpayers have no way of knowing how that school is performing. We grade the children who are in that system, but

we do not require a report card on how well our schools are doing so that parents also know how well their school is doing compared to other schools, how well their State is doing compared to other States.

A number of States already have school report cards, but very few of them have report cards that provide a range of information on school quality indicators important to the public. And more notably, very few states get that information to the parents themselves. So the parents, as the taxpayers who own that school, who provide the resources to run that school, have very little information about how well that school does. Again, I return to the question: What does it mean for your child to be the best student in the worst school?

With this amendment, we propose to offer a Standardized School Report Card Act, which would say to all the schools around the country that, most of you are already preparing some kind of report card, but let's all do it all in the same general way so that we can make some reasonable comparisons, school to school and State to State.

We want the report card to grade a school on six areas: 1. student performance; 2. professional qualifications of the teachers; 3. average class size; 4. school safety; 5. parental involvement; and 6. student dropout rates.

As I mentioned, more than 35 States now have some form of a school report card. My State does, although my State's report card doesn't do anything more than simply to ask the school to look ahead to prepare for changes in enrollment in the years ahead. It is not a very substantive report card, and most parents in my State have never seen this report card. I would like, at the end of this process, to provide virtually every parent in this country who has a child in school with a report that says, here is how your child is doing, and another report that says, here is how your school is doing related to other schools, other communities, other States. That would be good information for the taxpayers and the parents of our country to have.

I was thinking, as I was listening to my colleague from California, about a young girl named Rosie Two Bears. She is likely in class this afternoon in Cannon Ball, ND. I toured that school some while ago. I don't know what a report card will say to the parents of Rosie. That school is unsafe and in desperate need of repair.

I have described on the floor on previous occasions the condition of that school. They have 150 students, one water fountain, and two bathrooms, kids cramped together in classes without an inch between their desks and no place to plug in a computer to get to the Internet, because the school won't accommodate wiring of that sort. In the downstairs area where they have

band and chorus, the room frequently is evacuated because sewer gas backs up and the students can't learn in a room full of sewer gas backing up into the school. It is an awful situation.

What would a report card say about the school of Rosie Two Bears? Perhaps if there were a report card that drove home to parents and taxpayers the unsafe conditions of their children's school, there would be a public outcry to improve that school.

The Ojibwa School, up on the Turtle Hill Mountain Indian Reservation, is another example of a tragedy waiting to happen, with all of these kids learning in detached trailers, going back and forth between classes in the winter. I have been there and seen exposed wiring. I can show you the reports that show that school is unsafe. Everybody knows it, and there is no money to build a new school for those children. Addressing this problem will be part of another debate that we want to happen, but right now, this amendment is about four or five good ideas on education that won't break the bank, that represent good investments in our kids, represent good approaches to improve and strengthen education in this country. If we can do these things together, we will have done something very important for our children.

When we consider a report card that all parents could receive, I go back to the point that wouldn't it be nice for the parents of students—whether they go to your school or my school or to the Cannon Ball School or the Ojibwa School—to be able to see what their child is getting from that school? What are we getting for our tax investment in that school? Are we proud, as parents, as the teachers who teach in that school, of the building we have housed our children in, of the textbooks we have provided? Are we doing the right things?

That is what Senator BINGAMAN and I and others would like to achieve with this standardized report card for schools.

The Senator from California knows, because I have heard her speak of it, that the American people view education as one of their top priorities. Often people talk about how far ahead of politicians the people are. Well, that certainly is true with respect to education. People know what is important. When people sit around the dinner table at night and talk about their lives, what are the first things they talk about? They talk about what their children are learning in school, are we proud of that school? Are our folks getting good health care? Do we have a good job? The central things in life. Children and school represent a priority for many of us. It is why I am pleased that one of the first bills on the floor of the Senate following impeachment is about education. It is why we have pushed so hard to be able to offer

amendments to it. Our purpose is not to be destructive, but to focus on a number of steps we can take to improve education. I think Ed-Flex is fine. With this bill we are saying give the States some flexibility, but that is not all there is with respect to education policy. There are other ideas, good ideas.

The attempt around here all too often is to get the worst of what both sides have to offer rather than the best of what each has to offer. We have some good ideas. Ed-Flex is a fine idea. Let us add some other good ideas to it: dealing with class size, a school report card, ending social promotion, addressing the problems of students dropping out. Those are good ideas and are central to what the American people believe could strengthen education in this country.

I hope that, when we have offered these amendments—some good ideas, I think, from both sides—there will be some positive votes on these ideas, so that this Ed-Flex legislation will leave the Senate in a much stronger position to positively influence the lives of young Americans and families. I will have been proud to play one small part of that with my colleague from California.

Mr. President, I retain the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from North Dakota, because I think, between us, we really have struck at the linchpin of reform.

One is in the report card situation, to provide an ability for every parent to know some of the basics about the school that his or her children attend, and to be able to make some judgments on their own whether that child is in the best learning environment. And what the report card could do is spur competition, I think, I say to the Senator, among students, among schools, among school districts, if they have a way to compare one to the other.

When you were talking about Cannon Ball, North Dakota, I was thinking about Los Angeles, and going into a school that had 5,000 students K through sixth grade. Everything was in shifts. You can imagine the cacophony of sounds with 5,000 small children in this school. I had never seen a school this size before.

As we debate social promotion, I am troubled by the size of some schools. I have read the views of educational experts and what they said about the size of the school. I read they advised that elementary schools be no bigger than 350 students to have that teacher-student quality relationship; middle schools, 750 students; and high schools maybe a maximum of 1,200 students.

Because of the lack of money and the inability to do some of these things,

schools just diminish their quality. Like you, I am very hopeful that there will be an additional amount of \$4 billion for public education in this year's budget. I think the American people want it, I think our students need it.

I just want you to know that I am very pleased to join with you on this amendment. I hope it can stay in. I hope it will survive conference. I hope people will realize that we have to make major structural changes in public education. Certainly a report card for schools to benefit parents, the elimination of social promotion, and the provision of remedial programs and summer school can help. Ongoing and consistent programs, in which children can be brought up to their grade level, are critical to helping these students learn and become productive citizens and are critical to ending this "educational malpractice."

I urge my colleagues to vote for the Feinstein-Dorgan amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains on the 15 minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. I will not use all of that, but I did want to say to Senator FEINSTEIN that the ending of social promotion is an opportunity to invest in young lives in a way that will solve problems now, rather than deferring them until much, much later. By ending social promotion we can prevent much bigger problems later in a young person's life.

I happen to have, as most parents do, a profound conflict of interest here. I have two children in public elementary school: one in fourth grade and one in sixth grade. I do homework most evenings with them, and the homework is getting tougher these days. My children are in public schools, and I don't know what people are talking about when they talk about failing scores and how the public school system does not work.

I am enormously proud of our public school system and what we have accomplished through public schools in this country. But I also know that the only way a public school system works is with parental involvement. If the parent is not involved in the child's education, it is not going to work very well. There are three things you need for education to work: a teacher who knows how to teach, a student willing to learn, and a parent involved in the education of that student. When those three things are present, education works.

The Senator from California, in the first part of this amendment, offers a proposal that I think has great merit and is long overdue. I did not speak about it when I spoke about my half of

the amendment, but I just want to tell her that I think what she is offering has great, great merit and will be profoundly important to children in this country.

I yield the floor.

Mrs. FEINSTEIN. I thank the Senator.

I yield the remainder of my time, and yield the floor, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Inquiry. I don't know whether we are finished with this amendment. If so, I am ready to send an amendment to the desk. I do not know whether my colleague from Vermont—

Mr. JEFFORDS. I would like to proceed to explain very briefly the position that we will have on the amendments that have been offered here.

This is an agreement, unanimous consent agreement, that was made to enable us to get through this bill. And I appreciate all those that have entered into this agreement.

I would like to explain to my colleagues, however, that because these are all—these two that are being talked about right now, the school report card and the ending of social promotion, are both amendments within the purview of the committee dealing with elementary and secondary education. It is my intention to listen very carefully and carry forward the information that is provided on these until such time as we are marking up the Elementary and Secondary Education Act.

However, it will be my procedure, in order to have an orderly hearing process in going ahead on these matters, to probably table the amendment of the Senator from California. But I do understand and believe that a great deal of what she says, if not all, is very relevant to our educational system but should be done in the orderly committee process. I want to make that clear so everybody understands when we vote on these things it is because they should be done in the proper order under an orderly committee process.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 62 TO AMENDMENT NO. 31  
(Purpose: To provide accountability in Ed-Flex)

Mr. WELLSTONE. I send an amendment to the desk and ask for its reading.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 62 to amendment No. 31.

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

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

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

“(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

“(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Act of 1965;”.

Mr. JEFFORDS. Do we have a copy of the amendment?

The PRESIDING OFFICER. Does the Senator from Vermont wish to object? The Senator seeks a copy of the amendment.

Mr. WELLSTONE. Mr. President, I have an extra copy. Might I ask whether I could also get one Xeroxed while I am speaking?

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this amendment, which I have talked to my colleagues about, speaks to the central issue with this legislation that a lot of colleagues, I think, are trying to step around, dance around; that is, accountability. In other words, this amendment says we are for flexibility, but we are also for flexibility with accountability.

It is absolutely acceptable for school districts and States to make all kinds of decisions on the ground about whether or not you want more teaching assistants or more computers or more community outreach. All of that makes sense and is within the framework of flexibility.

I say to my colleague from Vermont, this amendment combines two amendments, so let me start and devote maybe about 5 minutes or less to the Perkins program—a very important vocational education program. What this amendment essentially says is, look, there are certain kinds of core requirements, core accountability requirements, of the Perkins program—vocational ed, high school, college—that must be protected—that must be protected.

The requirement that school districts and vocational schools meet their States' performance standards, who can object to that? The requirement that schools and districts provide professional development to teachers, counselors and administrators, who can object to that? The requirement that schools must provide programs of sufficient size, scope and quality to bring about improvement, what is objectionable about that? The requirement that schools and districts must evaluate the programs, including the assessment of how the needs of special populations are being met, what is objectionable about that? And finally, the requirement that schools and districts must tell the State about their process for local evaluation and improvement of the program.

That is the Perkins Vocational Education Program. And the only thing I am saying, on the basis, I say to my colleague from Vermont, of the good work that we have done together on vocational education, why in the world, understanding the importance of flexibility, would we want to not at least protect this program and make sure that in every State all across the country that at least these core requirements are met? Let everybody be flexible as long as they meet these core requirements. Let's not sacrifice the quality of this program.

Mr. President, the other part of this amendment is what troubles me the most. This is what troubles me the most about Ed-Flex. And let me just say to my colleagues, Republicans and Democrats alike, I am quite sure that this amendment is going to pass overwhelmingly. For all I know, it may get 99 votes. But let me tell you one unpleasant truth that you have been unwilling to face up to. It is this: When the original title I program first passed in 1965, a lot of sweat and tears went into this program. We had some basic protections for poor children in America and we said there were going to be certain core requirements and in no way, shape, or form would those requirements ever be violated because this went to the very essence of what we are about as a Federal Government, which is making sure there is protection and quality of education for all our children.

Here is what the core requirements are all about. This amendment is a different version from the amendment I had on the floor, because this is trimmed down and it refers specifically to sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act.

I am just saying we wrote this into this legislation in 1965, colleagues. This was over 30 years ago. What did we say? We said let's make sure that no State will ever be in a position of being able to give a school district a waiver from the following requirements: That for all of the title I children, low-income children, there will be opportunities for all children to meet challenging achievement levels; that they will use effective instructional strategies which will give primary consideration to extending learning time, like an extended school year; that we will serve underserved populations, including women and men, or girls and boys; that we will address the needs of children, particularly those who are members of the target population, who need additional help; that we will provide instruction by highly qualified professional staff; that we will minimize removing children from the regular classroom during regular school hours; and that we will provide the professional development for teachers and aides to enable the children in school to meet the State student performance standards.

What is going on here? I came out here and spoke for almost 4 hours the other day and I never heard anybody give me a substantive argument about why they are opposed to this amendment. What is going on here? I am not going to use Senators' names, but one Senator with considerable stature here in the U.S. Senate said, "Senator WELLSTONE, if your amendment passes, it will gut this bill." If that is what my colleague is saying, that is exactly what makes me worry about this legislation. How could this amendment gut Ed-Flex when this amendment just says we are going to do with Ed-Flex what the proponents of Ed-Flex say Ed-Flex does?

Then my colleagues say, "Don't you trust the Governors? Don't you trust the school districts across America?" My answer is yes, I trust most of them, and therefore you should trust most of them, and therefore surely no one who is involved in education with children in our country would be opposed to the idea that for title I children, for poor children, there will be certain core requirements which will be the essence of accountability.

How can you be opposed to it? I don't know of any Governor or any school board member who would say, "Senator WELLSTONE, we don't want to live by the standard of making sure that our teachers are highly trained for title I children. Senator WELLSTONE, we don't want to live by the standard that there should be high standards for these children. Senator WELLSTONE, we don't want to have to give special help to kids who are falling behind."

What are you afraid of? Why is there not support for this amendment? This amendment, in a slightly fuller version, received about 45 votes last time. I am hoping, now that I have sort of refined this amendment and narrowed the scope, that it will receive a majority vote. Because if this amendment does not pass, this piece of legislation, I want to say to people in the country, this will not be a step forward. This piece of legislation is not a step forward for several reasons.

Let me just make one point that I made earlier as well, that right now, with title I, we are spending about \$8 billion a year, and depending on who you listen to—whether it is the Congressional Research Service or whether it is Rand Corporation—this program is severely underfunded. In my State of Minnesota, when I meet with school district officials, especially in our urban communities, they tell me, "PAUL, what happens is we get money for schools with 65 or 75 percent poverty"—my amendment says schools with 75 percent poverty population should have first priority; that passed; I am glad it did—"but then we run out of money."

If we are serious about helping these kids, we ought to be providing the

funding to our school districts so they can provide the support to the children who are behind. Many of our schools all across the country scream at us and tell us: "Because you haven't provided us with the resources, we can only help half the students," or a third of the students. So if we want to do something significant, we ought to provide the funding.

What we certainly should not do is turn our backs to what was so important about title I as a part of the Elementary and Secondary Education Act. What was so important about title I—this is a big Federal program; this is a Federal program that matters to K-12. What was so important was, we knew way back in 1965 and we know today that we as a National Government, we have a responsibility to make sure there are certain standards which apply to the education that poor children receive, and so we made sure there were certain standards, certain core requirements, which would be part of accountability. We would say that every school district in the land and every school in the land which was serving title I children would never be able to violate these core requirements. That is what we as a Congress were doing for poor children. We were for school districts having flexibility. We are for school districts having flexibility.

However, this piece of legislation strips away the most important accountability feature to title I. This piece of legislation does not any longer give these children the protection. This piece of legislation, therefore, in its present form, is not a step forward, it is a great leap backward. I am surprised there is not more opposition.

I know it is called Ed-Flex. Great title. I know everybody can say this is what the Governors want and we just sort of give all the decisionmaking power to the States. Politically, it seems to be a winning argument. Maybe I am the only one in the U.S. Senate who feels this way. I am for flexibility and I am for some of these other amendments that deal with smaller class size and rebuilding crumbling schools, and I am for spending a lot more money on education for children that comes out of the President's budget, that is for sure. But as a U.S. Senator, I will not be on the floor of the U.S. Senate and not speak against a piece of legislation which strips away some core protection for poor children that makes sure these children also get a decent education, and that the title I program which deals with these children meets these core requirements.

For any other Senator to say this amendment guts Ed-Flex troubles me, because I think if everybody thought Ed-Flex was such a good bill, they would want to at least make sure we had this elementary, basic protection for these children. How can we pass this piece of legislation without this accountability?

This amendment improves this legislation, Senator JEFFORDS. This amendment makes it a better bill. Without this amendment, we don't have this protection for some of the children in this country. I will oppose it even if I am the only vote in opposition.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. WELLSTONE. I reserve the remainder of my time, assuming that my colleague on the other side who disagreed may want to make some arguments.

Mr. JEFFORDS. Mr. President, I believe I was asked a question. I would be happy to answer. I prefer that the Senator finish his presentation.

Mr. WELLSTONE. Mr. President, I will, although I say, in the spirit of debate, it would probably be better if I had a chance to get some sense of why there is opposition to this amendment. Then I could maybe respond to that and we could have a little more of a give-and-take discussion.

Mr. JEFFORDS. I will wait until the Senator finishes.

I yield the floor.

(Mr. SESSIONS assumed the Chair.)

Mr. WELLSTONE. Well, Mr. President, I have an amendment that is similar to the amendment colleagues voted on last time. I have tried to meet some of the objections that were made to that amendment. It now is based literally on sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act of 1965. It is the same language which deals with the core requirements of title I and makes it clear that we want to make sure no State is allowed to give any school district an exemption from these core requirements.

Again, let me just list these requirements:

To provide opportunities for all children to meet challenging achievement levels—the Senator from New Mexico is on the floor, and I will bet he would not object to that.

To use effective instructional strategies that give primary consideration to providing extended learning time like an extended school year, before- and after-school, and summer programs;

To use learning approaches that meet the needs of historically underserved populations, including girls and women;

To address the needs of all children, but particularly the needs of children who are members of the target population through a number of means, including counseling, mentoring, college guidance, and school-to-work services;

To provide instruction by highly qualified professional staff;

To minimize removing children from the regular classroom during regular school hours;

To provide professional development for teachers and teaching assistants to

enable all children in the school to meet State student performance standards.

I listed the basic requirements on the program as well.

I am thinking out loud while I am speaking. Let me try to figure this out. The Chair is a lawyer, and maybe I should be a lawyer at this moment. But it seems to me that this doesn't do any damage to the idea of flexibility. It seems to me that anybody who would argue that this somehow damages Ed-Flexibility, or any State or school district that makes that argument, must have in mind that they want to waive these core requirements. If they want to waive these core requirements—and we are now about to pass a piece of legislation that will enable them to do so—that is what is flawed in this legislation. That is the flaw in this piece of legislation. That is the problem.

There is a reason we made these core requirements part of title I, which has been such an important program to low-income children. The reason, I say to the Chair, is that while many school districts in many States have done a great job—and I have seen great work done in Minnesota—the fact of the matter is that sometimes these children fall between the cracks. Sometimes these children's parents, or parent, are the ones without the prestige and clout in the community. Therefore, we want to make sure there is some protection for these children. We want to make sure they receive instruction from highly qualified teachers. We want to make sure that if they fall behind, they get some help. We want to make sure they are asked to meet high standards.

I hope somebody is watching this debate. Why in the world is this amendment unacceptable? Why is this amendment unacceptable? Because, I am telling you, if what Ed-Flex is all about is to sort of say, on the part of the Federal Government, we are giving up on this core accountability and, State school districts, you do whatever you want, you don't have to worry about meeting these core requirements that deal with low-income children, I am against it. Do you know something? A lot of Senators should be against it.

So, Mr. President, I hope we can go over 50 votes today, and I hope this amendment will pass. If it does, I think it will make this Ed-Flex bill a much better piece of legislation.

There is one other thing we should do: Fund it. Fund it. I would say that in all the discussions I have had with people—I hope all of my colleagues have visited schools with title I communities in urban and rural communities. I will tell you, I have heard little discussion about how “we don't have enough flexibility.” I have heard a lot of discussion about not having adequate funds. Fund it.

Fully fund title I. Then we would be doing something to help these children.

Fully fund Head Start, and then we would be doing something to help the children. Fully fund pre-K, preschool, early childhood development, and make child care affordable for families. Then we would be really doing something to help these children. Lower class sizes. Now we are helping these children. Make sure we do something to help children who drop out so that they don't drop out. I say to Senator BINGAMAN, I was told by a judge in Minnesota that there is a higher correlation between high school dropouts and incarceration than between cigarette smoking and lung cancer.

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

Mr. WELLSTONE. I will soon yield the floor.

I hope there are 100 votes for my amendment, because then I will believe the Ed-Flex bill is a good piece of legislation. Without this amendment, you don't have the accountability. You have given up on the Federal role of protecting poor children. That is a huge mistake.

I thank the Chair and yield the floor.

Mr. BINGAMAN addressed the Chair.

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

Mr. BINGAMAN. Mr. President, what is the state of the business in the Senate?

The PRESIDING OFFICER. The Senator has a right to offer an amendment.

AMENDMENT NO. 63 TO AMENDMENT NO. 31

(Purpose: To provide for school dropout prevention, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER, proposes an amendment numbered 63 to Amendment No. 31.

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

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

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. BINGAMAN. Mr. President, before I start, let me just indicate my support for the amendment that the Senator from Minnesota is offering. I agree with him. I favor the Ed-Flex bill, and I intend to vote for the Ed-Flex bill. I also, though, believe we need to be sure the funds we provide at the Federal level get to the students who most need those funds, and to the programs that will benefit disadvantaged students. So I favor that amendment.

The amendment I have sent to the desk here and that I will speak on right now relates to what I consider perhaps

the most severe problem facing the educational system in this country today—at least in my State, and I believe throughout the country—and that is the problem that too many of our students are leaving school before they graduate from high school.

For an awful long time, this was a problem that people sort of ignored, and education policy wonks here in Washington and around the country essentially looked the other way and talked about other aspects of the educational issue. But more and more I have come to believe that this amendment I am offering on behalf of myself and Senators REID, LEVIN, BRYAN, and BOXER deals with a crucial issue for our young people and for our educational system. We can deal with the dropout problem. We can provide assistance to States and local school districts that want to reduce the dropout rate, and we can do that at the same time we are adequately funding special education. We can do it at the same time we are providing this additional flexibility in the Ed-Flex, which is what the Ed-Flex bill calls for.

Last week, when I offered the amendment, it was plain that there was some sort of contest between the proposal to adequately fund dropout prevention and the needs of special education. I do not see that as the case. That is a false choice. There is no rule and there is no limitation or requirement on those of us in the Senate to deal with one and not the other. We can deal with both of these issues. I favor dealing with both of these issues. Special education is extremely important. In order to address this, I put a couple of provisions in the amendment that I just sent to the desk. Two key provisions relate to special education.

The first says that there is a sense of the Senate that there is a great need to increase funding for special education. I support doing that. And the amendment makes it very clear that that is what we intend to do.

A second provision I have added says that any funds that are appropriated for dropout prevention above the \$150 million annual amount that is called for in this bill shall go to special education rather than to this dropout prevention need.

So it is not an either/or decision. And I don't think we should see it that way.

This legislation on dropout prevention was offered last year. It was adopted here in the Senate by a vote of 74 to 26. Its main provisions are very well known to the Members of the Senate. Let me just go through them.

There are five main provisions. First, it provides better coordination and streamlining of existing Federal programs which serve at-risk students. We have several programs intended to serve at-risk students. This bill would try to bring those together and coordinate them.

Second, it sets out a national plan to address the dropout crisis that exists at the State, local and national levels.

Third, there is \$150 million authorized in grants to schools with high dropout rates in each State.

Fourth, there is a requirement for uniform dropout data to be provided so that parents will know where the problem exists most severely, and for policymakers to have that information so that we can make good decisions.

Finally, it calls for what we designated here as a "dropout czar," or a person who will have a full-time job working in the Department of Education to try to work with local school districts and States to deal with this issue. We ought to have at least one person in the Department of Education who comes to work every day with the responsibility of trying to help solve this problem. That is not too much to ask in a country of our size.

So that is what the bill tries to do.

The problem is serious. It warrants our attention.

Since we have been debating this bill, there have been over 20,000 young people drop out of our schools. There are over 3,000 young people who drop out of our high schools and our middle schools before graduation each school-day. So the problem is severe. There have been over 400,000 students who have dropped out since last April when we last approved this amendment here in the Senate. These new dropouts join a large pool of unemployed, most of them unemployed adults who lack high school degrees.

We have a serious problem here. I think many Senators and many people in this country would be shocked to know the extent of this problem. Let me give you some figures that came out of "Education Week" recently. According to "Education Week," which is a very respected publication that does good research on education-related issues, according to their study, there are 30- to 50-percent dropout rates reported over the 4-year high school period in communities around this country.

Let me give you some specific statistics which they reported.

In Cincinnati, "Education Week" claims that 57 percent of students in Cincinnati's high schools do not complete high school, who drop out before the completion of high school; in Philadelphia, 54 percent; Salt Lake City, 39 percent.

Everybody, at least in my part of the country, in the Southwest, looks to Utah, and says: "Oh, they have a better educational system than we do in New Mexico, and they always do everything right in Utah." The truth is that 39 percent of their students don't complete high school—in Salt Lake City, not in Utah, but in Salt Lake City—47 percent in Oklahoma City; in Dallas, according to "Education Week," 61 per-

cent of students do not complete high school.

I hope that Senators will come to the Senate floor and contradict these statistics and tell me that this is crazy, that they do not agree with these statistics. I hope they can do that, because, in fact, I find these statistics to be very startling.

But I know for a fact that in my State the percentage of people not completing high school is very high. It is particularly high among Hispanic students in my State. We have a great many Hispanic students in my State, and way too many of them leave school before they complete high school and middle school. There currently is no Federal program that is intended to help solve this problem.

We have a TRIO Program. People point to the TRIO Program. It is an Upward Bound Program. But less than 5 percent of the eligible students participate in those programs.

There is a program just now getting started called GEAR UP. This is for middle school mentoring. The unfortunate thing about this is that it doesn't reach ninth or tenth graders. That is where the problem really occurs most severely.

Then title I—title I, unfortunately, does not usually get any funds to the high school level. Most of the title I funding goes to elementary schools where the need is great. But what I am talking about is middle school and high school. And those schools see very little title I funding.

One of the main reasons this bill is needed is to restore some balance to the Elementary and Secondary Education Act, which, at present, is heavily weighted toward the younger grades. I favor the assistance to the early grades, but I believe we need to do something at the middle school and high school levels as well.

A lot of what needs to be done is reforming our high schools. Our high schools are too big. That is where the dropout problem is most severe. You get a 2,500-student high school, and, frankly, it is too anonymous. Too many of the young people come to that school; nobody knows whether they come in the morning or not. I have talked to high schools in my State, the large high schools, and I ask, "What do you do if a student doesn't come to school?" They say, "After 3 days of them not coming to school, we send them a letter. We send a letter to their home address and ask them why they are not coming to school and complain to the parents." Well, the reality is you need a more personalized response and a more immediate and effective response when students start dropping out of school. This legislation can help us accomplish that.

United States graduation rates are falling behind other industrialized countries. When the Governors met and

President Bush met in Charlottesville in 1989 and set the National Education Goals, the second goal was that we want to have at least 90 percent of our students complete high school and graduate from high school. The reality is we have made virtually no progress towards achieving that goal since 1989. We are now in 1999, and we have made virtually no progress. Clearly, we need to deal with this issue.

Some have said: "Well, let's put it off. Let's deal with it later on in this Congress. This is a 2-year Congress. We are going to eventually get around to the Elementary and Secondary Education Act reauthorization. We can deal with it then, maybe not this year. But surely next year we will get around to it. So just relax. We will get around to it." I believe we have a crisis with our high school dropout rates, and I believe we need to deal with it now.

There is no logical reason why we can't do the Ed-Flex bill, which I support, and do whatever this Senate wants to do with regard to special education, and do something to assist local schools in dealing with the dropout problem. We can do all three of these things.

As our former President, Lyndon Johnson, was famous for saying, "We can walk and chew gum at the same time" here in the U.S. Senate. This is not too much for us to take on.

I urge my colleagues to support this amendment. I hope we get the same kind of strong vote this time that we got in the last Congress—at least have the 74 votes that we got in the last Congress. I hope we can get even a stronger vote.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 hour 57 minutes.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the previous agreement with respect to the Ed-Flex bill be modified to allow 1 hour of the 5-hour debate limitation to be used on Thursday prior to the vote with respect to the pending amendment, and, further, that hour of reserved time be equally divided.

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

Mr. JEFFORDS. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 64 TO AMENDMENT 31

(Purpose: To reduce class size, and for other purposes)

Mr. BINGAMAN. Mr. President, on behalf of Senator MURRAY and a long list of additional Senators whose names I will put in the RECORD, I send an amendment to the desk to help communities reduce class size for the youngest children in the school.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, [Mr. BINGAMAN], for Mrs. MURRAY, for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mrs. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN, proposes an amendment numbered 64.

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

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

(The amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 65 TO AMENDMENT NO. 31

(Purpose: To improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during afterschool hours)

Mr. BINGAMAN. Also, on behalf of Senator BOXER, I send an amendment to the desk to expand afterschool opportunities for children nationwide.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mrs. BOXER, for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SARBANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERRY, proposes an amendment numbered 65.

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

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

The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BINGAMAN. I yield the floor.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 66 TO AMENDMENT NO. 31

(Purpose: 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)

Mr. JEFFORDS. I send an amendment to the desk on behalf of Senator LOTT, Senator JEFFORDS, Senator GREGG, Senator COLLINS, Senator FRIST, and Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes amendment numbered 66.

Mr. JEFFORDS. 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:

At the end, add the following:

**SEC. XX. IDEA.**

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part."

**SEC. XX. AUTHORIZATION OF APPROPRIATIONS.**

In addition to other funds authorized to be appropriate to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated \$150,000,000 to carry out such part.

AMENDMENT NO. 67 TO AMENDMENT NO. 31

(Purpose: 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)

Mr. JEFFORDS. Mr. President, I now send to the desk an amendment for Mr. LOTT on behalf of himself and Senator JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes an amendment numbered 67.

Mr. JEFFORDS. 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:

At the end, add the following:

**SEC. . IDEA.**

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part."

**SEC. . AUTHORIZATION OF APPROPRIATIONS.**

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated \$600,000,000 to carry out such part.

AMENDMENT NO. 68 TO AMENDMENT NO. 31

(Purpose: 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, and to amend the Individuals with Disabilities Education Act with respect to alternative educational settings)

Mr. JEFFORDS. Mr. President, I ask on behalf of Senator LOTT and others I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, and Mr. ASHCROFT, proposes an amendment numbered 68.

Mr. JEFFORDS. 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:

At the end, add the following:

**SEC. . IDEA.**

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

"(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part."

**SEC. . ALTERNATIVE EDUCATIONAL SETTING.**

(a) IN GENERAL.—Section 615(k)(1)(A)(i)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(i)(I)) is amended to read as follows:

"(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or"

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike "and".

On page 13, line 15, strike "all interested" and insert "parents, educators, and all other interested".

On page 13, line 17, strike the period and insert ";", shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the

Secretary or the State educational agency, as appropriate.”

At the end, add the following:

**SEC. \_\_\_\_ . AUTHORIZATION OF APPROPRIATIONS.**

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated \$500,000,000 to carry out such part.

Mr. JEFFORDS. Mr. President, at this time I would just like to make some brief comments on the amendments which have been presented by the minority. I would like to again reiterate for my colleagues that the process we are going into was an agreement reached in order to move this bill along. This bill, which is known as the Ed-Flex bill, is relatively non-controversial. I think the only vote in opposition in committee, and may well be in the Chamber, was by Senator WELLSTONE. But we are in the process to move this bill along, to move it along with the House bill, which I believe was passed, or will be passed today in order to get it into law in time so that States may have a maximum benefit from its passage. It is a bill with which all 50 Governors agree, a bill with which the President agrees, and the Department of Education has been sending the guidelines out for its utilization. All of this is ongoing.

However—and it is understandable—the minority has a desire to be able to put amendments on the bill because they feel strongly that these initiatives ought to be put into law. However, as chairman of the Health, Education, Labor, and Pensions Committee, I must say that we are in the process now of reauthorizing the Elementary and Secondary Education Act. That act is where most of these amendments should be. Some of them are perhaps relevant. For example, part of the Wellstone amendment is relevant to the Ed-Flex bill.

If we are going to assure that the committee system works—where evidence is presented at hearings, where we have people from the local schools all the way up to the States’ Department of Education testify, where we can be absolutely sure of what we are doing in this incredibly important bill, the Elementary and Secondary Education Act, which has some \$50 billion in Federal dollars, I believe it should not be done in this kind of ad hoc process of attaching amendments. Well-intentioned as the amendments may be, some of which I would agree to, some of which I have even offered in the past, we can not offer them in a way that does not make sense when you are trying to be more effective with the expenditure of Federal funds.

There is \$50 billion included, and yet, as I mentioned earlier, over the last 15 years, ever since we understood we had some serious problems in education in this country, we have seen absolutely no measurable improvement in the test results of our young people.

That is an intolerable situation. It does not make any sense to reauthorize a bill, which has obviously not had much impact on improving education in this country, without holding hearings or before fully examining it.

I am put in the very difficult position of having to allow these amendments to be presented in order to move the bill along, and then I will be the one to have to move to table. A motion to table means you do not allow the amendment to be voted on, and I will do this because the amendment should be offered when the Elementary and Secondary Education Act is before us. But, my move to table will give the political argument that I killed all these amendments. I am just trying to help this country’s education system improve and not to do it in this ad hoc, messy way.

Therefore, I must oppose the amendment offered by my colleague from California, Mrs. FEINSTEIN. I have long advocated that we, as a Nation, need to address, head on, the issue of social promotion. In fact, we made some progress in this area last Congress. Funds made available for title II of the Higher Education Act, teacher quality enhancement grants, may be used by States to develop and implement efforts to address the problem of social promotion and prepare teachers to effectively address the issues raised by ending the practice of social promotion.

“Social promotion” is a term which educators know, but I am not sure everyone does. It simply means that we sort of gave up on young people saying, well, it is not really that important that they know how to read because there are jobs that you can get without having to read.

That situation has changed. We are going into the next century, and we know that unless a child has an excellent education when they graduate, they are not going to be able to get a good job. The literacy studies show that 51 percent—this is an incredible statistic—of the young people who graduated from high school, when measured for their performance, were functionally illiterate. We have to stop that. Ending social promotion is what that is all about.

However, the amendment by Senators FEINSTEIN and DORGAN is one I will reluctantly have to move to table, in order to make sure that we can move on in an orderly process on the ESEA reauthorization.

The other amendment, by Senators BINGAMAN and REID on school dropouts, is in a similar situation. We all know that we have to do something about school dropouts. We know that the so-called forgotten half in our educational system for years has been ignored, and when they get to sixth, seventh, and eighth grades they do not see any relevance to education in their lives. Ev-

erybody is pushing: You have to go to college; You have to go to college. And now we know there are many high-paying, skilled jobs that young people can get, and that young people would have the ability for if they had the proper schooling efforts in order to learn those skills that are necessary.

And so we have to accommodate that. We have to make sure that the young people in the sixth and seventh grades understand that if they do things to get the education, they will be able to get a good job.

There has been a tremendous move in that direction in some States. In Mississippi, with one of the worst records in the sense of educational performance, they are spending millions of dollars making sure that young people start looking at careers in the sixth grade so that they know there is a relevancy to the education and they won’t drop out. It is very important. But it should be considered on the Elementary and Secondary Education Act, which is now before the committee, and on which we are holding hearings. I certainly agree with Senator BINGAMAN in what he is doing.

There is another amendment that has to do with report cards that we have listened to, and that is fine, as well. But that is an issue for the States to address, not for the Federal Government to mandate.

In many cases, the States are ahead of us in addressing the quality of their schools. Mr. President, 36 States already require report cards. We need to also remember that funding for education is primarily a State and local responsibility. So, again, that is another good approach, but it is something we should do in the orderly committee function.

Senator WELLSTONE has amendments. I have to say at least one of them is relevant to the underlying act. He is on the committee. He had an opportunity to offer it, but did not. Under the present situation, Ed-Flex demands accountability of States that are participating. It is important to keep in mind that accountability has been part of Ed-Flex since its inception, and the managers’ package builds on those strong accountability provisions. So, again, this one could have been offered in committee. He chose not to offer it in committee, so I must oppose that one as well.

Mr. President, I again want to put everyone on notice that I have the responsibility to protect the ability of this committee to work in an orderly fashion. Because of that, I will have the unpleasant duty of probably moving to table these amendments when they come up, or to oppose them.

I would like to also refer to the Boxer amendment. This is another one that is very familiar to me. The 21st Century Community Learning Centers is a program that I created back in 1994 as part

of the Elementary and Secondary Education Act. I fought hard to include this program in the Elementary and Secondary Education Act, and was successful, in spite of opposition from the very same administration. Getting the program funded was not easy in the face of the administration's opposition to this program. In fact, the administration proposed rescinding the fiscal year 1995 funding for the 21st Century Community Learning Centers. All of a sudden, the administration woke up and said: Hey, Republicans sometimes have a good idea. It is an amazing thing for this administration to recognize. But anyway, all of a sudden they put \$750,000 into the program—I am sorry they asked to rescind it at another time.

More recently, the administration decided that they now like this program, and in fiscal year 1997 they recommended \$15 million for this program. Now they are increasing it even more. So, obviously, I am a great friend of that one. It was a bill I got passed back in 1994 in the last reauthorization of the Elementary and Secondary Education Act.

I have enormous interest in changes to any of this legislation, certainly changes as dramatic as proposed by this amendment. This amendment almost completely rewrites the 21st Century Community Learning Centers. It changes its purpose, use of funds, and other aspects of the legislation. Last year, the administration, through the competitive grants process, substantially changed the focus and, indeed, the very nature of it by rewriting regulations. That was an unfortunate matter. Overnight, an act to expand the use of existing school facilities became an afterschool program—retracted it.

All these other things are just as valuable. Certainly I understand the desires of Senator BOXER to work on that bill. We will have plenty of opportunity. She will have all the opportunity she wants when the bill comes out of the committee later this year.

So, I could go on and on. But right now I again want to reiterate, in order to get this bill through we have been forced to go into this kind of amendment process, which some will say gives them the opportunity to do something constructive, knowing full well at the end of the day they on the other side of the aisle will not prevail because they do not have the votes. Fortunately, I believe my colleagues in the Senate, at least the majority of them, will say: Yes, let's use the orderly process, the one this institution was designed to utilize, in passing out legislation, passing out bills. And the process of offering amendments should be done first in the committee where they can have a good review after hearings and then secondly done on the floor.

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

Mr. INHOFE. Mr. President, I am pleased to have the opportunity to discuss my support for the Education Flexibility Partnership Act or Ed-Flex as it has become known. Ed-Flex provides much needed relief to the schools of 12 states currently included in a demonstration project begun in 1994. Like many of my colleagues, I believe it is time to give this relief to the other 38 states who suffer from government over-regulation.

In preparation for each new school year, teachers and school administrators throughout the country face the challenge of providing the highest level of education with a limited amount of resources. This has always been the case and will remain the true for generations to come. I know this from personal experience. My wife was an educator in the Tulsa Public School District for many years and both of my daughters are current teachers. In my conversations with them, I have seen first hand the problems associated with bureaucratic mandates handed down from Washington.

Let me give you an example of what I am talking about. Over the last three decades, the Federal Government has piled on mountains of bureaucratic red-tape on local school districts. Between 1960 and 1990, the average percentage of school budgets devoted to classroom instruction declined from 61% in 1960 to 46% in 1990. The most significant reason for this decline is traced to the explosion of administrators and non-teaching support staff while the overall number of teachers has reduced. One primary reason for the growth in administrative personnel is the growth in regulations, both state and Federal.

Let me show you just one example of how this is evidenced in Oklahoma. In my hometown of Tulsa, the Tulsa Public Schools have approximately 42,600 students. In order to provide quality education to those 42,600 students, there are approximately 225 administrative staff employed by the Tulsa Public Schools system. Now, I realize that some of these are essential managerial and administrative staff, however, how many are doing nothing more than trying to keep Tulsa schools' in compliance with Federal regulations? How many of those staff could be better utilized in classrooms across the district instead of spending their time dedicated to paperwork? And, this is just one example of one public school system in my state. The problem is the same in every single school system.

Mr. President, it is clear, the more people and resources it requires to comply with government regulations, the fewer people and resources dedicated to teaching our children.

Each time we create a new Federal program, with it comes numerous forms and reports. The schools must understand, complete these forms and

reports and submit to the appropriate departments within the appropriate agencies, by the appropriate deadlines. Whether schools use teachers and administrators, or support staff and volunteering parents, to fulfill this obligation, valuable time and resources are used for Washington's paperwork, not student education.

Let me illustrate this point further. Currently, the Federal Government provides approximately 7% of overall school funding. However, Federal paperwork accounts for upwards of 50% of all school paperwork. It is estimated that completing this paperwork requires about 49 million hours each year. Mr. President, that is the equivalent of 25,000 employees working full time for an entire year. According to one expert, it is estimated that it takes six times as many employees to administer a Federal education dollar as it does to administer one state education dollar. Again, these people are not teaching or educating our children, but completing bureaucratic red tape.

Earlier, I discussed the number of administrative positions in the Tulsa Public Schools; but the problem is more pronounced in the state as a whole. There are approximately 5,950 administrative and other certified staff performing non-teaching duties in Oklahoma. Those 5,950 people represent about 10% of the total public school personnel. That is 10% doing something other than teaching children. That concerns me greatly. I have to wonder whether we are using our resources in the best way possible to meet the educational needs of our children.

Now, some of my colleagues, and the President, believe that we need the Federal Government to hire an additional 100,000 teachers in order to reduce class size around the country. However, I have to wonder if that is really the answer to the problem. As I have just demonstrated, we have too many professional and certified staff in my state that are not educating children. Instead, they busy themselves attempting to comply with government regulations. If we can unburden school districts of cumbersome regulation, the local districts can shift some of their resources back to educating our children. If the Federal Government does require the states to hire additional teachers, it will simply be one more mandate handed down from Washington for the states to comply with once the dedicated Federal funds expire. You can be sure that if there are additional Federal mandates there will be additional non-teaching certified staff required to administer the program and that means another professional staff member not in the classroom teaching our children.

As the bureaucratic mandates from Washington have increased, states needed a way to gain some flexibility to address their individual concerns.

Our answer to the states was the Education Flexibility Partnership Demonstration Act of 1994, an effort I was proud to support while I was in the House of Representatives. First authorized in 1994 for six states, and expanded in 1996 for six additional states, Ed-Flex has given 12 state legislatures the freedom to identify the most efficient and effective means possible to meet the needs of students and schools in their states. Under Ed-Flex, the Department of Education gives to states and local districts the authority to waive certain Federal requirements that interfere with state and local efforts to improve education. In exchange for this flexibility, the state and local districts must agree to comply with certain federal core principles and agree to waive its own state regulations. The states must also agree to use the affected federal funds for their original purpose.

Mr. President, I think it says something about the nature of our current bureaucracy that we have to give states the power to waive Federal regulations. If there were fewer onerous regulations in the first place, we would not have to pass legislation to give states the power to ignore federal regulations. Wouldn't it make more sense to let the states be responsible for the education of our children, not bureaucrats in Washington?

In my State of Oklahoma, we have great diversity in our education needs. We have schools of all kinds; urban schools, rural schools, inner city schools, and suburban schools. In my conversations with educators and administrators, I hear them tell unique stories about the challenges they face in trying to educate their students. All of these educators tell different stories. However, not surprisingly, almost to a person, they tell me of the problems they have in complying with government regulations. It does not come as a surprise to me that the education challenges presented at urban schools like Tulsa McClain High School differ widely from the needs of smaller rural schools like Weatherford High School. Yet, they all have to comply with the same Federal regulations. Given the failings of the public schools today, it is little surprise that the cookie-cutter approach of the Federal Government has been a disaster.

The time has come to move beyond a one-size-fits-all Federal approach in educating our children. As I look around our country, I see the great successes that our Governors are having in making progress in education reform. I am continually amazed at the policy innovations going on in State legislatures all over the country with regard to education. However, now, it is the Federal Government's responsibility to join with those Governors and give them more flexibility to continue to innovate and improve our public

schools. I understand the need for accountability. However, I believe accountability is best when it closest to home and vested in Governors, State legislators, and local school board officials than with faceless Federal bureaucrats in Washington. State leaders understand this. That is why groups like the National Governor's Association and the National Conference of State Legislators have endorsed this legislation.

As I have watched and listened to the debate on Ed-Flex, I have been surprised by many amendments offered by some of my colleagues on the other side of the aisle. Many of the proposed amendments seem counterproductive to the central purpose of Ed-Flex. Ed-Flex is about easing government mandates and regulations. However, many of the amendments we have debated would add to the mountain of Federal mandates applied to State and local school districts. As much as I hate to say this, it appears that many of my colleagues would rather have a political issue than have meaningful education reform.

Mr. President, the results Ed-Flex prove the effectiveness of the demonstration program. Whether it is giving local districts the resources to provide one-on-one reading tutoring or lower the teacher to student ratios in classrooms, Ed-Flex has been a tremendous success. These are all things we can agree upon. Based on its proven track record, the time has come to expand Ed-Flex to the rest of the country. We need to continue to identify programs that work and expand them, while eliminating the programs that are ineffective.

In closing, Mr. President, I want to thank Senators FRIST and WYDEN for their leadership on this issue. Their efforts prove that we can work together to the benefit of our children when it comes to educating our children. As the Senate proceeds with the reauthorization of the Elementary and Secondary Education Act later this year, I look forward to working with them to continue to progress we have begun here today.

Mr. President, thank you for the opportunity to discuss my views on Ed-Flex and I yield back the remainder of my time.

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

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

Mr. JEFFORDS. Mr. President, for the convenience of all Members, I would like to let them know that, as

far as I know, at least on the majority side of the aisle, there are no speakers desiring to come to the floor. I put them on notice that if I do not hear from them within 10 minutes, we may end up drawing the session to a close. As far as the other side of the aisle, I also inform them. I believe we have notified the minority that if they have no further speakers, we would appreciate knowing that. If we hear from no one within 10 minutes, we will presume they have no further people to be heard and then yield the remainder of the time back so that tomorrow we can start on schedule.

I also notify Senators that the order of the amendments tomorrow will be the order that was originally delineated and not as they may have been presented, so that Senators will know exactly when their amendments will be coming before us.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to each side.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to share a few remarks. I have had the pleasure to be able to preside over this body for the last hour and hear some excellent remarks from Senators who are concerned about education. I thought, as we heard some good remarks from one of our brother Senators about an amendment to deal with the dropout rate, that this is how we have gotten where we are today in large part.

The remarks were good. I personally am concerned about the dropout rate. I have been involved in youth programs in my hometown of Mobile, AL. We had a meeting with the police and the school boards on how to deal with truancy, dropout problems, and what we could do to confront that. That is happening, I suspect, all over America right now. Some schools have good dropout programs, others do not.

The question was, are these numbers—showing 50 percent in many schools dropping out before graduating—are they accurate? I am not sure that they are, frankly. We questioned that in our community, because sometimes when people transfer from one school to another, they are counted as a dropout. But we do have higher dropouts than we need. And good school systems are identifying them at the earliest possible time in dealing with them.

But I thought to myself as it was suggested—this amendment would suggest and mandate that we have a dropout czar in America—so this U.S. Senate now is going to take it upon itself to have a czar to deal with dropout problems. And that will be the 789th—if I am correct in my numbers—Federal program Congress would have adopted and that is now in effect, all to be added to a bill called Ed-Flex that is suppose to give more flexibility to the school systems, to allow them to use the resources we are sending to them now effectively to deal with the problems as they know they exist and they would like to deal with them.

Yes, I wish I could wave a wand and create a program that would instantly eliminate the dropout problem in America. I would be tempted, as all of us are, to think we could appoint a czar in Washington who would stop the dropout problem. But I really do not think it is going to happen.

What we have to do is strengthen our school systems in the classroom, where teaching occurs, making those schools more friendly, more motivating, more interesting, more challenging, educating the young people who are there, because really the only thing that counts is that magic moment in a classroom when the learning occurs between teachers and pupils.

One of the Senators said our problem is schools are too big. Well, I guess next we will have a czar to set the sizes of schools in America. My daughters both graduated from a large high school in Mobile, AL. Bill Bennett came down and gave them an award as one of the best high schools in America—racially balanced—a big high school, Murphy High School, an outstanding high school. It is a large school. All large schools are not bad. In fact, our dog was named Murphy, named after the high school. We loved that school. My wife and I participated in the PTA and were most interested in what went on there.

When I graduated, my senior class had 30 members. It was a public high school. The one who finished third in my class of 30 is now dean at the University of Alabama. And I finished below her. And the one who finished two below me—seventh—graduated from the U.S. Naval Academy.

I do not think we need in this body to be saying what the sizes of schools ought to be and how school systems ought to run their programs. We need to help them in every way we can and to eliminate this problem, as I noted earlier today, where a system like Montgomery, AL, spends, according to the letter I got, \$860,000 to comply with Federal regulations. The Federal Government gives 8 percent of the funding and over 50 percent of the regulations.

So our chairman, Senator JEFFORDS, has presented a commonsense, reasonable, modest step toward allowing local

school systems to petition for the right to have flexibility in how many of these governmental programs are ordered. That is so rational, it makes so much sense, and it in fact was proven effective in the welfare reform bill. That is all we are talking about.

There is no doubt Senator JEFFORDS will conduct hearings on any of these matters. He will take testimony and receive it and consider matters to deal with truancy, matters to deal with drug problems, matters to deal with special education. We want to deal with that. But that will come up in the education bill that will come along later.

This bill needs to remain a clean bill designed to create flexibility for our school systems in America. That is what it ought to be. We ought not to allow it to be clogged up with every Senator's view of what would be wonderful if they just ran schools in America, because that is how we have gotten in this fix. That is what we are trying to make some progress toward completing.

I care about education. I care about public education. I taught. My wife has taught. Our children have participated in public education. We want to make it better. But I am not at all persuaded that the Members of this body have studied the problems of the Mobile, AL, or Vermont school systems. They have not studied those problems. They do not know how to fix them. They read a study somewhere that says something, and they feel obligated to come down here and present the next program, the 789th program, Federal Government mandate, to fix it. Then they can go back home and say, "I fixed truancy, I fixed dropout problems," or whatever.

I just say to my colleagues that this is not the way to do it. We have elected school board presidents, school board members. We have superintendents of education. We have principals. We have teachers. They know our children's names. We need to put as much power and as much money into the hands of the people who know our children's names as we possibly can. If they do not care about our children, we need to make sure we have someone there who does. But I submit to you they do care about them. They are better trained than we are in education. They are seeing kids every day in their classrooms. They know what facilities are in existence. Do they need more teachers? Do they need more classrooms? Do they need more computers? Let them decide that. That is what we should do; give them the flexibility to make the decisions needed.

I think we will find, if we pass this bill, that instead of just the 12 States indicated in the chart from the GAO report this past November—the GAO studied this Ed-Flex bill that gave 12 States the right to have more flexibility in their educational programs.

They concluded that they have used their authority well, the flexibility given to them, and that the waiver authority has been used carefully and judiciously.

Why would we expect otherwise? Why would we expect that the people we have elected and hired to take care of our children, who know our children's names, are not going to use freedom and financial support from Washington carefully and expeditiously? I feel very strongly about this.

I see the Senator from Arkansas has come to the floor. I will be anxious to hear his remarks, because he has served on this committee, that I have just joined this January, for the past 2 years. He is passionately concerned about improving education. He has a bill that I am proud to support—Dollars to the Classroom. That bill goes much further than this Ed-Flex bill. I believe it would be a historic step toward empowering our local education system to get out from under Federal regulations and be able to focus entirely on educating our children, get that money and authority to the classroom where it can be used wisely.

I thank the Chair for the time and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I want to associate myself with the remarks of the Senator from Alabama and thank him for his kind remarks concerning the Dollars to the Classroom proposal. I look forward to working with him on the committee.

I am dismayed that a bill that has the kind of bipartisan support—support in this Chamber, support across the country among educators, support among our Nation's Governors—would have been held up as long as this has been held up and would have had the kind of amendments, many of them worthy of debate but that would have been far more germane to the Elementary and Secondary Education Act, which, as the chairman has said, will be debated and will be marked up in committee later this year. I think it is unfortunate that we have had all of these amendments filed.

As Senator SESSIONS said, I have a bill, that I feel very strongly about, that would go further than Ed-Flex. I have resisted offering that as an amendment. We could have brought that to the floor. We could have offered that to the Ed-Flex bill. However, it is important that this piece of legislation move forward uncluttered, clean, with the support of both parties, and be presented to the President for his signature.

I want to especially address in the next few minutes one of those amendments which has been offered, an amendment that sounds so good: The 100,000 teachers funded at the Federal level over the next 7 years. I think it is

kind of a cotton candy amendment: It looks good, it is sweet, it tastes good, but it is not very filling, it is not very satisfying, and it is not very good for you. The 100,000 teachers—when you say that at first blush to the average American, that sounds very, very appealing, but I think when you look in greater depth and you look more closely at what that amendment would do, then, I think in fact it is not worthy of our support.

We have already decreased class size across this country. At the same time we have seen a dramatic reduction in class size across the United States, we have not seen a comparable improvement in achievement. Between 1955 and 1997, over 42 years, school class size has dropped in the United States from 27.4 students per classroom to about 17 students per classroom, according to the National Center for Education Statistics—a very dramatic drop, from 27 to 17. At the same time, the number of teachers has grown at a faster rate than the number of students. This chart illustrates that very clearly. We see a very dramatic increase in the number of teachers and the student ratio decreasing appreciably.

While public school enrollment has decreased in Arkansas, in my home State, going from the broad international statistic to what it looks like in Arkansas, we have seen our public school enrollment drop slightly, by 1.3 percent, during the last quarter century. The number of teachers during that same period of time has dramatically increased in Arkansas, from 17,407 in 1965 to 29,574 in 1997. Now, that represents a 70-percent increase in teachers in the State of Arkansas. At the same time, we saw a slight decrease in the number of students in our public schools. What that represents is a very dramatic improvement in classroom size. We have smaller classes, we have more teachers teaching those classes, but studies have shown that unless the class is very, very large to begin with, modest reductions in the size of the class do not correlate with gains in student performance.

Here is the point: Effective teachers can generally handle, studies indicate, an ordinary class of 19 students as easily as they can handle a class of 14 students.

I want teachers to have smaller classes. I think that is a desirable goal. It is a goal that is being achieved in States all across this country. But I do not believe it is something we should mandate from Washington, DC, nor fund from Washington, DC. Senator SESSIONS said it better than I can: I don't believe we need the 100 Members of the U.S. Senate to become some kind of super school board making those kinds of decisions as to what schools need most.

At the same time teacher-student ratio has dropped in Arkansas from

21.9, almost 22, in every class in 1970, to 17 per class in 1995, student achievement has failed to show a measurable increase during that same time period. I want to say that again: We have seen classes drop from about 22 per class to 17 per class over the last 25 years in Arkansas. It has dropped more dramatically nationally, but in Arkansas we have seen it drop from 22 to 17. We have not seen student achievement show comparable improvement during the time that classes got smaller.

Now, the initiative that has been presented by Senator KENNEDY, the amendment offered by Senator KENNEDY and Senator MURRAY, is expensive indeed, and there is no demonstrable evidence that for what we will be paying for this new program, we will see a corresponding improvement in academic performance. If enacted, the President's teacher initiative will provide enough money to hire only 361 additional teachers in the entire State of Arkansas in the first 2 years. All of the hoopla, all of the excitement about the 100,000 new teachers—which sounds like such a dramatic number—over the next 2 years in the entire State of Arkansas, it means 361 additional teachers.

Now, we have in Arkansas 314 school districts. Many have argued we need fewer. Perhaps that is true; perhaps we need to consolidate some. But we have 314 school districts. We are going to receive 361 new teachers. That is 1.15 new teachers per school district. If we want to break that down a little more, it amounts to about half a teacher per elementary school. Since the focus of the amendment and the initiative is supposed to be grades 1 through 3, when you calculate that, it means .18 new teachers.

Here we have that clearly outlined: In the State of Arkansas, 1.15 new teachers per school district; a half a teacher per elementary school; or .18 new teachers for each grade 1 through 3.

It is simply not enough of a commitment if that is what we are trying to do, it is not enough of a commitment on reducing class size, to make an appreciable difference in Arkansas or the Nation. If this initiative were carried out for the full 7 years, Arkansas would be able to hire only 939 new teachers for the whole State over the whole 7-year period. That equals 3 new teachers per school district, or 1.4 teachers per elementary school, or half a teacher in grades 1 through 3, to do the whole program for the whole 7 years. For such an expensive proposal, I believe Americans expect more results than that.

This will do little to actually reduce the student-teacher ratio when there is only one new teacher in an entire school district, which is the result we would have under this initiative.

Lisa Graham Keegan, one of the most innovative directors of public instruction in the country, superintendent of

public instruction for the State of Arizona states:

In the first year of the President's new program, Arizona will receive more than \$17 million. \$17 million is a lot of money; what do we get for that kind of investment? At \$30,000 per year—a good, but not great wage—we can pay for a little over 500 new teachers, as the program asks. In Arizona, that comes to a bit under 2 teachers per school district. Not per school, but per school district.

They would average two new teachers per school district in the State of Arizona. Not every school district—and I think this is so important—finds that their greatest need is having more teachers or smaller classes. Many school districts do not need more teachers. They may need more books or more computers. Maybe they just need better-trained teachers. A one-size-fits-all approach is not what States and school districts need or want.

Again quoting Lisa Graham Keegan, she states:

President Clinton made it abundantly clear that he had decided that smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn. Nevertheless, because class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

Well, that is a pretty strong allegation. But I think it is accurate on the basis of effectively anecdotal evidence. The President concluded this sounds good, looks good, this is appealing, and this was going to be his education initiative: 100,000 new teachers, paid for by the Federal Government, without having the research to demonstrate that, in fact, it correlates to better academic performance.

This program requires that the money be used for new teachers. Yet, many States have already implemented class size reduction programs on their own. At least 25 States, including California, Florida, Nevada, Tennessee, Wisconsin, Virginia, and Maryland, have either tried a class size reduction program or are currently considering a class size reduction program.

What about the 25 States that, on their own, many times at the expense of their constituents and their school patrons, have implemented their own class size reduction programs? What about those who are ahead of the curve and have sought to address this at the local level? Are we now going to say we are imposing this upon you, that you have to hire these new teachers if you want the benefit of this Federal program?

In his testimony before the Senate Health and Education Committee, on February 23, Michigan Governor John Engler said this. I know our Presiding Officer, the Senator from Michigan,

will concur with this. Governor Engler has been one of the most creative and innovative Governors both in the area of welfare—pushing welfare reform a number of years ago and seeing a tremendous revolution in the welfare system in Michigan—and he has now been pushing hard for greater flexibility for the schools in Michigan and the schools across this country. He said in his testimony before our committee:

Many Governors feel so strongly that the bureaucracy is the problem that we cannot imagine being unable to improve education with greater funding flexibility.

He didn't say send us more money. He might not turn that down, I don't know; but he didn't say that was the greater need. He said the problem is the bureaucracy. Give us greater flexibility and we will improve education.

Governor Ridge of Pennsylvania said in his testimony before our committee:

We all care about teacher competency, social promotion and class size and many other things, yet, we must recognize that the States themselves are designing programs that meet their unique needs.

The States themselves are designing programs. Once again, it is a matter of trust. Who are we to conclude in the U.S. Senate that we can be trusted to know what is best for local schools in Michigan, Arkansas, Vermont, and Washington State, but the Governors don't, the school superintendents don't, or that the local elected school boards can't be trusted? I think that is a misconception and an insult to those local leaders who care as much about the welfare and the education of children as we do here in the Senate.

Reducing class size simply does not necessarily mean we are going to have improved performance. It does not deliver the results. States performing exceptionally well on achievement tests do not have an extraordinarily high number of teachers per student. For example, the State of Minnesota ranked third in the 1996 NAEP test scores for eighth grade mathematics. They ranked third on the NAEP test in eighth grade math. They rank 42nd in students per teacher.

If lowering class size were the panacea, then Minnesota, I think, would have a hard time explaining why they rank third in the Nation in eighth grade math and 42nd in class size. There simply is no clear correlation. Without the research, without the hearings, without the evidence, why would we want to pass it? Is it because, like cotton candy, it looks good and sweet?

On the other hand, schools that have a low student/teacher ratio do not necessarily have a high achievement score. Example: The District of Columbia has the lowest number of students per teacher—13.7—of any State or Federal jurisdiction. It is 13.7. Yet, it ranked 41st in its 1996 NAEP test scores for eighth grade math. In contrast, we

have Minnesota. I know there are a lot of factors that can be involved, but that tells me there is not a clear correlation between class size and academic performance.

Eric Hanushek, an economics and public policy professor at the University of Rochester, maintains that teacher quality "has 20 times the impact of class size. Teacher quality just swamps all the evidence we have on class size. If I had a choice between a large class with a good teacher and a small class with a lousy one, I'd take the large class any day."

The teacher quality is far more critical in ensuring the quality of the education of our children than the student/teacher ratio, the class size.

I remember, vaguely, when I was in the second grade we had too many second graders; we had 37. And so the superintendent decided we were going to take 7 of the second graders—me being one of them—and put them in a joint class with second and third grade. Mrs. Hare was the teacher. Some of the parents expressed concern that we were going to have a combined class because the class was too big. But we had an extraordinary teacher, a quality teacher, in a combined class of 7 from one grade and 20 from another grade. But it worked. It worked not because the class size was perfect, or because the student/teacher ratio was perfect, but because, as Senator SESSIONS referred to it, the magic of learning in a classroom was taking place. We had a quality teacher who cared about the kids and instilled in us students a desire to learn. That is what we can do about education—improve the quality of teachers in the classroom, not some feel-good measure of hiring 100,000 teachers, whether that be the need or not.

Mr. President, about 1,100 studies have been made of class size. Out of those 1,100, only a very small few made any link at all between small classes and improved achievement. The research and the evidence is simply not there.

The proponents of this measure keep mentioning that we need to fulfill the promise made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program, at a price tag of \$1.2 billion.

What I would ask is this: What happens at the end of the 7 years when this authorization expires? We then have a new mandate that must be funded, or the States and localities will bear the burden of continuing the program which we started. Hiring 100,000 new teachers with the spending schedule to expire at the end of 7 years will result in one of two things: Either a new heavier tax burden upon our States in trying to pay for these teacher salaries, or a permanent entitlement established at the Federal level, and another step in nationalizing education control in this country.

What happens with new Federal education programs? Once in place, they grow. They grow. Year after year, they grow. And this will become a new prescriptive program that places more regulations on the localities and further contributes to a Federal oversight of what should be and has always been a local issue.

Some Members have been talking about the urgency with which we must enact class size legislation. But, before we create a new Federal program, shouldn't we, I ask my colleagues, fully fund the mandates that Congress has already placed on school districts?

Every time I meet with parents, teachers, principals and local school board members from across Arkansas, they have one common theme and one common complaint. And it is this: Senator HUTCHINSON, please fully fund special education.

When we placed that mandate upon the schools, we made a commitment and a pledge that we were going to provide 40 percent of the funding of that mandate at the Federal level. Now, before we have even gotten close to meeting that commitment, we start a host of new programs, including the initiative to hire 100,000 new teachers.

During the 1995-1996 school year, 53,880 students in Arkansas were served under IDEA. That is about 12 percent of all students in the State served under IDEA special education.

Funding for special education affects all schools and all school districts. It is not a problem limited to Little Rock, or Rogers, AR, or to the State of Arkansas. Every State has to deal with this critical funding problem.

We are failing to miss a critical point: If we provide more funding for special education, then schools will have more money available to hire more teachers, create afterschool programs, or build new schools, whatever the need is at the local level.

If we would, rather than funding 100,000 new teachers "one size fits all", whether that is the need at the local level or not, if we would instead take that funding, place it in IDEA special education funding, it then would allow the local school districts to determine with the resources that are now free where the greatest need is—computers, books, tutors, or even school construction. But the decisions would be made locally.

In 1975, Congress first mandated a free appropriate public education for school-age children with disabilities. We have, Mr. President, not fulfilled the responsibility to which we committed.

The formula for providing grants to States is authorized at 40 percent, the national average per-pupil expenditure. Congress has never provided more than 12½ percent of IDEA funding, and that was back in 1979, 20 years ago. For fiscal year 1999, allocations to States represented only 11.7 percent of average

per-pupil expenditures. Schools get only 11 percent of the funding, but 100 percent of the Federal mandates, and what an expensive mandate it is.

This shortfall in funding does not just affect special education students. Because schools are mandated by Federal law to provide a free and an appropriate public education, they must provide these services.

As Fort Smith public schools superintendent, Dr. Benny Gooden, wrote in a letter last week—one of our outstanding superintendents in Fort Smith, AR, who writes regularly about the burden that IDEA places upon local resources:

For almost 25 years, local elementary and secondary schools and their governing boards of education have attempted to deliver essential educational services to children with disabilities under these Federal guidelines. During this time period, the costs associated with providing these services have escalated dramatically, while the level of Federal support has never approached the promised 40 percent of applicable costs which accompanied the initial passage of the legislation.

While providing an education to disabled students is necessary and desirable, we must recognize the effect of imposing unfunded mandates on our school districts.

The more that we fail to pay our fair share of the cost of educating disabled students, the more we force local school districts to take money away from other programs to fulfill their duty to special education students.

With all of the talk about the importance of enacting class size reduction programs now when school districts are working on their budgets, it is important to fully fund IDEA and allow school districts to free up more money for other uses.

The costs for educating a special education student can be 5 to 10 times the district average.

In addition, as we all are aware, the U.S. Supreme Court recently ruled that the related services provision in IDEA includes medical services. This is going to dramatically increase this figure even more.

Whether this was the intent of Congress or not, we made a commitment to fund 40 percent of IDEA costs. And we simply have not kept our promise.

How can we in good conscience make more promises? We are going to give you 100,000 new teachers across this Nation. In Arkansas, it is about one per school district. How can we think of making more promises when we have not fulfilled the ones we already made to them in regard to special education? We are imposing an undue burden on school districts. And, if school districts had to spend less money on special education, they could use the available funds in the way they see fit. If that is entirely for teachers, so be it. If it means professional development, so be it. If it means buying new computers,

we ought to let those local districts make those decisions.

I see Senator COVERDELL, who has been one of the great leaders on educational reform in meeting our Republican vision for education, and I have spoken quite a while on this at this point.

I hope my colleagues know how strongly I feel about this. This is an important bill. It is an important step that we are taking.

Senator JEFFORDS did an outstanding job. I can't say enough about the leadership of Senator FRIST on this. We need not clutter this bill with amendments. We certainly don't need to start a new mandate on our schools. I hope that we will pass the bill quickly, pass a clean bill and send it to the President.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I think we are down to two speakers. We have agreed that Senator COVERDELL will speak for 5 minutes, and then I believe Senator BAUCUS will speak for about 6 or 7 minutes.

I want to commend the Senator from Arkansas for his very eloquent discussion of the differences on how money ought to be spent. I appreciate him coming and sharing those with us.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to associate myself with the remarks of the Senator from Arkansas. His eloquent statement delineates what is at stake here. I will expand upon it just briefly. As Senator JEFFORDS said, I will limit this to 5 minutes.

I would like to make three points with regard to what we will begin voting on tomorrow.

First, I want to make it very clear that from my perspective the amendment suggests that we should have a Federal program that envisions 100,000 Federal teachers, which is a bad idea. It is just not a good idea.

Mr. President, it envisions, or it suggests, that some Washington wizard wonk has some better idea about what ought to happen in Arkansas, Georgia and your State of Michigan. I just have to suggest that most of those wonks have never been to any of these locations. They have no idea—none—as to what that school board requires or needs. Some will require teachers. Some will require transportation. Some require construction. Some require a playground. And every American in the country knows that the needs of all of these school districts all across the Nation are all different. The Senator from Massachusetts would have us believe there is only one requirement, that only Washington knows what it is, and you are going to do it our way, the old Frank Sinatra song.

You are going to fill out this zillion-page application, and you are going to do it our way.

I suggest that if most Americans had a chance to evaluate whether the wonk from Washington should do it or the local school board should do it, they are going to go with the local school board.

That takes me to my second point. This idea that Washington is going to do it after you fill out the 15-20 page application is going to lead to systems that have not met their responsibilities being weighted to the advantage of this program. It will tend to reward those who have not yet done the job they were supposed to do. If you talk to the Governors of the States, many, including mine, have already expanded their numbers of teachers to reduce class size—all across the country, Texas, California, to Georgia. So a system that has one solution is only going to be weighted to those school districts that didn't do anything about it. True, maybe they need some assistance because they had a harder time meeting that standard, but mark my word, you will tend to reward systems that have not stepped up to the bar with this kind of program.

My third point. The fact that Washington bureaucrats, guided by the administration, are going to decide who is a winner and who is a loser suggests that it is going to be politically correct, that political correctness will suddenly weigh in on this. If you look at the record of decisionmaking about who the winners and losers are during the course of these last 6 years, it will substantiate the assertion I make. In department after department, agency after agency, the town is awirl with politics getting in the way of policy. A program that picks winners and losers in Washington is already susceptible to it but particularly so now.

So the point that the Senator from Arkansas made that we should fully fund our previous commitments, which will have the effect of freeing up funds in local school districts all across the country to make their own decisions about what their priorities are, is a better idea; it is a better idea than having a bureaucrat who has never been on the scene, could not name one school superintendent, one school board member, or even the name of the communities to be affected, deciding what the priorities are all across the country. It makes no sense. It is a bad idea. It should be defeated so that we can proceed with this legislation that has been endorsed by 50 Governors. And I might point out those 50 Governors have not endorsed the amendment of the Senator from Massachusetts.

Mr. President, I thank the manager for granting me this time, and I yield back whatever of the 5 minutes might remain.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I will yield time as he may consume to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair. I thank my good friend, the Senator from Vermont, for yielding time.

Mr. President, I am very strongly in favor of the Education Flexibility Partnership Act. That is very simply because if there is any investment that makes sense in this country, it is investing in education, pure and simple, full stop, end of subject.

At all levels—whether it is Head Start, whether it is the early years zero to 3, whether it is after Head Start, whether it is kindergarten, whether it is elementary and secondary, whether it is college, whether it is postgraduate education, whether it is continuing education, whether it is technical skills development—education is the investment which is going to make the difference in our country and assure our future as Americans, the time we spend continuing to educate our people in a very thoughtful, constructive way. Of course, we do not want to just throw money at the problem but, rather, we want to invest wisely; and this legislation, S. 280, is very much, in my judgment, a step in that direction.

Let me address Ed-Flex, that is, the basic underlying bill, and tell you why I am so proud to be a cosponsor of the bill and why I think it is important legislation.

The name of the bill basically explains it—Ed-Flex. It is flexibility for educational programs, and particularly at home. It is very simple. The Federal Government, I believe, ought to trust parents, trust teachers, and trust local school boards. We should do everything in our power here in Washington to liberate our children from Federal Government rules that might make sense in Manhattan, NY, but perhaps do not make sense in Manhattan, MT.

I was a little surprised at the previous speaker, my good friend from Georgia, saying an amendment on this bill is Washington wizard wonk stuff telling local governments what to do. That is just not true. This is Ed-Flex. It is giving more flexibility to local communities to decide more on their own what makes most sense. For example, let's talk a little bit about computers. Right now, for example, a well meaning but distant Federal bureaucracy does too often stand in the way of a school district.

For example, let's talk about Federal funds allowed to a small Montana school, or even a large New York City school, to purchase computers for students with disabilities. We know those computers probably will not be used all day long, that is, computers, mandated by Washington, for students with disabilities. It obviously makes sense that these computers should be utilized to help other students when the disabled students do not need them. But there is

a rule, a Washington rule, that prevents this from happening, preventing other students from using those computers.

That is the point of this bill, more flexibility. Under Ed-Flex, the underlying bill, States can get a waiver to use these computers to educate our kids. In short, the bill makes eminent sense. It is the next logical step to help our kids be better educated.

Let me address an amendment that has been under discussion, the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Washington, Mrs. MURRAY, an amendment to lower class size in our country.

This is pretty basic stuff. There aren't many things we can do to help students more than lowering class size. I hear some Senators in the Chamber say the opposite; they at least are very strongly implying that lower class size does not help kids, does not help the quality of education.

If we just think about it intuitively, Mr. President, that just doesn't make sense. But what is the evidence? One Senator recently mentioned Minnesota, a State that ranked third in recent national test scores but apparently, according to the Senator, has high average class sizes.

I cannot speak about Minnesota, but I can speak about my State of Montana. Our teacher-to-student ratio is much lower than the national average, but we are very proud of the quality of education in our State. Montana's fourth graders and eighth graders placed among the top four States in three of the four categories, again, with class sizes that are lower than average. I can tell you from at least my experience years ago going to Montana schools that we had smaller classes, and it made a big difference. I have very vivid memories of very good teachers in classes that were not too large.

I also want to relate an experience that is not directly relevant to this discussion, but I think it does have some bearing on the basic underlying point.

Mr. President, like a good number of other Senators, I have what I call a "workday." About 1 day a month I work at some different job. I might wait tables, work at a sawmill, work in a mine. I show up at 8 in the morning with my sack lunch and I am there to work. I am not there to watch, I am there to work. My good friend, Senator GRAHAM from Florida, has been doing this for many, many years. Frankly, I got the idea from him about 6, 8, or 10 years ago. It is a great idea and it is one of the best parts about this job, frankly—to be able to do things like that.

One day on my workday in Helena, MT, I was assigned to a health care center. In the morning I helped an Alzheimer's patient. This patient was ob-

viously in great need of care and I learned a lot, I must say, about the problem of Alzheimer's disease—both for the person who has it and with respect to the care giver.

But in the noon hour, for 2 hours the center assigned me to the Meals on Wheels Program. They gave me a little van loaded up with hot lunches and a list of names and told me which part of town to go to, to drive around and deliver these meals. This is the basic hot lunch program. About the second or third name on the list was a name that seemed familiar. It rang a bell; I wasn't sure what. It was Mrs. Foote.

I asked myself: Why is that familiar, that name, Mrs. Foote? I didn't think a lot about it. I knocked on the door and the lady said come in. She opened up the door, and way back in this hot little kitchen, sitting at the kitchen table, was a lady. Then it dawned on me.

I said, "Mrs. Foote, by any chance did you ever teach kindergarten?"

She said, "Why, yes, I did."

I said, "Did you teach kindergarten in the basement of the First Christian Church, at the corner of Power Street and Benton Street?"

"Why, yes, I did."

That was my kindergarten teacher, whom I had not seen since kindergarten.

Why did I have such a strong memory of Mrs. Foote? One, I do vaguely recall, I must say we didn't have a large class. I must be honest and say I don't remember much about that. I do remember Mrs. Foote being a super teacher. She didn't remember me from Adam, as I must confess, but as I was talking to Mrs. Foote she then pulled out some newspaper articles about her.

I then realized why in many respects Mrs. Foote meant so much to me. Mrs. Foote had a master's degree in art history, she had a master's degree in English literature, yet she was teaching kindergarten. She was one of these wonderful Americans who was sacrificing her time to be a teacher, a high-quality teacher, and also a teacher, as I recall, who did not have an awful lot of kids in her class.

Not too long ago, in fact about a half-hour ago, I heard a Senator here on the floor saying, "Gee, you give me a choice between a high-quality teacher and a large class size and I'll make the choice every time for the quality teacher." Obviously, that is a false choice. That is not what we are talking about here. We want high-quality teachers. But we also want small class sizes, because smaller classes—all things being equal—do help provide a better education.

This amendment, the Murray-Kennedy amendment, is an additional sum of money for teachers. We in Montana will get about \$4 to \$5 million. In addition, the amendment has a 15-percent provision, which is that 15 percent of

the funds can be used to train teachers. It gives that additional flexibility.

I must say, this is a no-brainer, to me. I just don't know why school districts and teachers and parents would not like to have a little extra help, some extra help to hire a few more teachers, a little extra help to train a few more teachers. That is all this is. This is not rearranging the categories, the boxes. This is not taking money from one program to give to another. This is an add-on. This is additional.

So I hope some of the viewers and listeners—who earlier heard other Senators speak—realize this is not Washington telling State and local district school boards what to do. Rather, it is saying: Here is some additional money for some teachers, for some training, because we want to help you. We want to form a partnership with you to make sure our kids get the best quality education they could possibly get. That is all it is. It is that simple.

I strongly urge when we do vote on this tomorrow that the amendment pass. I know the bill is going to pass. It is a very important step we will be taking to help invest in our Nation's future.

I yield the floor.

AMENDMENT NO. 60, AS MODIFIED, TO  
AMENDMENT NO. 31

Mr. JEFFORDS. Mr. President, I have a modification at the desk for amendment No. 60, which I offer on behalf of Senator LOTT.

I ask unanimous consent the amendment be modified.

The PRESIDING OFFICER (Mr. BUNNING). Is there objection?

Without objection, so ordered.

The amendment (No. 60, as modified, to amendment No. 31), is as follows:

At the end, add the following:

**SEC. IDEA.**

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Act (20 USC 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to design class size reduction programs, or any other programs deemed appropriate by the local educational agencies and schools that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

“(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.”

Mr. JEFFORDS. I ask unanimous consent to add as cosponsors to amendment No. 60, as modified, Senators GREGG, COLLINS, FRIST, and SESSIONS.

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

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present and ask the time be charged equally to each side.

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

The bill clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, first I wish to compliment my colleague and friend, Senator JEFFORDS, for his leadership on this bill. I am confident that tomorrow we will pass this bill.

Also, I wish to compliment Senator FRIST and others on the Labor Committee who have worked very, very hard to put together a good package, a responsible package, to allow the States to have more flexibility in dealing with Federal education programs so they can deliver a better product, and that is basically improving the education of our kids. That is a very noble goal.

By doing so, they are saying we want to set up a program, which we have already done in a pilot program in a few States, and make it available to all States. All State Governors, Democrats and Republicans, say we want to have that flexibility, give us the ability to ask the Federal Government for a waiver from a lot of the rules and regulations in managing these programs so we can do a better job.

Frankly, they are telling us they can do a better job, without Uncle Sam's rules and regulations, in trying to manage their schools. They did not need so much Federal help. It is really what the States were telling us.

Democrats as well as Republicans were saying that. I think they are exactly right in doing so. I compliment the sponsors of this legislation, and I am going to be pleased tomorrow when we pass it.

Unfortunately, there are a few amendments that are circulating around that I think would be very detrimental to this bill. As a matter of fact, I believe if they are adopted, we shouldn't pass this bill.

The main amendment I am going to address is the one that maybe has received more attention than others—the so-called 100,000 teachers that Senator KENNEDY, Senator MURRAY and others have been so laudatory about, saying, “This is exactly what we need to improve the quality of education.”

A couple of comments: One, I think if schools need more teachers, the schools should be able to make that decision. That decision should not be made in Washington, DC. When I say “the schools,” I am talking about the school board administrators, the parents, the teachers, the local officials, the school board officials, the Governor. They should be making that decision. I do not think that is Senator KENNEDY's decision to make. I do not think that is

the U.S. Senate's decision to make. Nor do I think it should be made by President Clinton. That is not our responsibility. That is a State responsibility. That is a local responsibility.

Frankly, the local government knows best what they can do to improve education, not Washington, DC. It may be a school in the Northeast needs more insulation because of the cold or maybe they need more computers, maybe they need a new building, maybe they need building repair, maybe they need more teachers. I don't know. I wouldn't think that we have the guts or the gall to say we know best, the government knows best, but when I look at Senator KENNEDY's amendment, that is exactly what it says.

Here we have a national program. We are going to have 100,000 teachers. It is going to be paid for by the Federal Government. Keep in mind, almost all teachers, K through 12, are paid for by State and local governments, yet now we have an amendment on the floor of the Senate that says, We want 100,000 teachers at a cost of over \$11 billion, to be paid for by the Federal Government—100 percent paid for by the Federal Government. In some of the districts, the teachers will be paid for 65 percent by the Federal Government and 35 percent by the State government.

It is interesting. I have asked, What is the impact? Somebody said that we did part of this last year. We passed a bill last year that cost \$1.2 billion, and we increased the number of teachers 30,000. Boy, that has really done a wonderful job. I looked at my State. As part of the bill that we passed last year, part of this 30,000 teachers, Oklahoma is going to get 348. Big deal. For the life of me, I do not think that is a Federal responsibility. Oklahoma is going to get \$13 million to help pay for 348 teachers. Big deal. Is that really what the Federal Government is supposed to do? Is that our responsibility? I don't think so. At least Republican amendments are saying, “Instead of teachers, let's at least allow the States to have the option. If we are going to have Federal money, let's have the money go to give the schools the option for teachers or for meeting our responsibility with kids that have special needs, giving States the flexibility to use the money either for schools or students with special needs,” which we already have a Federal law stating the obligation for the States to do it, an unfunded mandate. So at least we give the States some flexibility. That is not in Senator KENNEDY and Senator MURRAY's amendment.

I am looking at this amendment. There are lots of things in here that deal with regulations and how the money is going to be used, basically telling the States here is how to do it; we know best. The Federal Government knows best. Senate Democrats know best. President Clinton knows best.

For the life of me, I just think that is a serious mistake—the Federal Government passing a bill last year that says Oklahoma gets 348 more teachers paid for for 1 year. I might mention, if we don't pay for it next year, what happens to that Federal teacher? I hate to say it, but we have 1,800 schools in the State of Oklahoma. We are going to get 348 teachers. That is about one-fifth or one-sixth of a teacher for each school, not each class, each school. Does that really make sense? I don't think it makes any sense. Which school is going to get a teacher? Which school is not going to get a teacher?

I know my colleagues on the Democrat side have an amendment that says we are going to have a Federal school building program, and the President proposed billions of dollars, I guess \$11 billion, for more teachers and several billion dollars for more school buildings. Which school buildings are going to be replaced? Which school building is going to be repaired? We are going to be making those decisions in Washington, DC? Is that the proper use for incremental dollars? Do they get more bang in educational value out of buildings or in teachers? We are saying we don't know. We are saying why don't we free up some of the resources that we are now spending from the Federal Government to the States and let the States make the decision? Let the local school boards make the decision. Let the teachers make the decision. Let the parents make the decision.

Instead, my colleagues that are offering the amendment are saying, no, no, we will decide; the Federal Government is going to decide we need 100,000 teachers. I disagree.

It is interesting. Somebody said, well, we really need lower class size. For a little bit of history, most States have already been reducing the average sizes of their classes. That trend is expected to continue. My guess is that President Clinton feels, since he has promoted this, class size has really declined. In 1955, the average public school class size in the United States was 27 students. In 1975, it dropped to 21. Today it is down to 17.3. If you are talking about only elementary schools, the numbers are slightly higher, but they still show a decline, from 30.2 in 1955 to 18.5 today, 18.5. "Well, it ought to go to 18." Well, it looks to me like demographically we are going to 18 anyway. That will happen whether the Federal Government gets involved in hiring 100,000 teachers or not. We have spent \$1.2 billion last year to hire 30,000 teachers. That money is only good for 1 year. Then under this bill, it says, well, let's spend more than that. Let's just spend billions every year.

It has amounts allocated: \$1.4 billion for the year 2000; \$1.5 billion for 2001; \$1.7 billion for 2002, and on; I see \$2.8 billion for the year 2005. This says here is a recipe where we can have the Fed-

eral Government spending more money, and it stops at the year 2005. We are going to pay for these Federal teachers only up to the year 2005 and then stop? Sorry, States, now it is your responsibility.

I just think that is a serious mistake. In my State of Oklahoma, I don't know exactly the number of teachers that we have, but 348 teachers, when we have 1,800 schools and lots and lots of teachers in each school. I just fail to find the wisdom in doing it.

There is a difference in philosophy between the Democrats and Republicans on this issue. We have basically said the States and local school districts should make a better decision. Senator KENNEDY and some of my colleagues on the Democrat side seem to think that they have the answer. They are going to dictate 100,000 teachers. They are going to dictate billions of dollars of the Federal Government building school buildings. I think that is a mistake.

I had my staff—this is almost 2 years old, a year; it was done May 15, 1997, so it is a little obsolete—I asked them, How many Federal programs are involved in education right now? I know there are a lot, but I don't know them all. I haven't served on the Labor and Education Committee for a long time—I was on it for several years—but I know there are a lot. As a matter of fact, there are a lot more than I imagined.

I will put this in the RECORD and maybe somebody can update it for me. According to this, in May of 1997, there were 788 Federal education programs, 788 Federal education programs that were spending at that point \$968 billion. That is a lot of money. That is about one-seventeenth of all the Federal spending that we are spending today. Someone can't say we do not have any emphasis in education. What we have is a lot of Federal programs, probably 700-some, too many Federal programs, and we are spending billions of dollars, almost \$100 billion, probably if this is updated it is over \$100 billion, because I know we had significant increases in the last couple of years in education. Just in the Department of Education alone, there were 307 education programs, totaling \$59 billion. Again, this is 1997.

So it shows you there is a lot of Federal input. I personally think we need to consolidate most of those programs, get rid of them, and give the money and the power back to the States and to the local school boards. What I think is, we do not need to have another program. "Here are 100,000 teachers. Let's make this, instead of 788 programs, 789." I think President Clinton has proposed 8 or 9 new education programs alone.

We do not need more education programs. What we need to do is free the States and local school boards to where

they can do a better job with the resources they now have without all the strings and redtape and bureaucracy they now have to comply with.

So I hope that will be what we will do. I hope that tomorrow when we are voting on this series of amendments, when we have amendments that are trying to micromanage how States spend money, run their schools, that we will table those amendments, that we will defeat those amendments, and we will pass the Ed-Flex bill which will give more flexibility to States and local school boards in actually administering Federal programs. They can do a better job in educating our kids, to improve the quality of education for the children of America.

So I encourage my colleagues to vote against these amendments that try to micromanage education from Washington, DC, and pass the Ed-Flex bill to give the flexibility to the States and to the local school boards to do a better job for our kids.

I yield the floor.

Mr. JEFFORDS. I thank the Senator from Oklahoma for an excellent statement. He has certainly put in perspective what we are trying to do here. We started out with a very simple bill, and now we have—well, we have the monster pared down somewhat by getting agreements on both sides. But I just remind everyone that we will be voting tomorrow on these amendments. There will be some debate time tomorrow morning for that purpose.

Mr. NICKLES. If the Senator will yield for just a second?

Mr. JEFFORDS. I yield.

Mr. NICKLES. One, I compliment Senator JEFFORDS for his management on this bill. I am delighted we have an agreement and we will get it completed. I compliment him for his leadership in the Labor Committee in putting this bill together. I somewhat regret the fact that the Democrats failed to show up at his markup. They want to amend the bill on the floor. They did not want to amend the bill in committee.

With the chairman's indulgence, I ask unanimous consent to have printed in the RECORD the table showing the number of departments, programs, and funding for the various education programs throughout the Federal Government.

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

DEPARTMENT, PROGRAMS AND FUNDING

(Number of programs in parentheses)

Department	Federal dollars
Appalachian Regional Commission (2) .....	\$2,000,000
Barry Goldwater Scholarship Program (1) .....	2,900,000
Christopher Columbus Fellowship Program (1) .....	0
Corporation for National Service (11) .....	501,130,000
Department of Education (307) .....	59,045,043,938
Department of Commerce (20) .....	156,455,000
Department of Defense (15) .....	2,815,320,854
Department of Energy (22) .....	36,700,000
Department of Health and Human Services (172) .....	8,661,006,166

DEPARTMENT, PROGRAMS AND FUNDING—Continued  
(Number of programs in parentheses)

Department	Federal dollars
Department of Housing and Urban Development (9) .....	81,800,000
Department of Interior (27) .....	555,565,000
Department of Justice (21) .....	755,447,149
Department of the Treasury (1) .....	11,000,000
Department of Labor (21) .....	5,474,039,000
Department of Transportation (19) .....	121,672,000
Department of Veterans' Affairs (6) .....	1,436,074,000
Environmental Protection Agency (4) .....	11,103,800
Federal Emergency Management Administration (6) .....	118,512,000
General Services Administration (1) .....	0
Government Printing Office (2) .....	24,756,000
Harry Truman Scholarship Foundation (1) .....	3,187,000
James Madison Memorial Fellowship Program (1) .....	2,000,000
Library of Congress (5) .....	194,822,103
National Aeronautics and Space Administration (12) .....	153,300,000
National Archives (2) .....	5,000,000
National Institute for Literacy (1) .....	4,491,000
National Council on Disability (1) .....	200,000
National Endowment for the Arts/Humanities (13) .....	103,219,000
National Science Foundation (15) .....	2,939,230,000
Nuclear Regulatory Commission (3) .....	6,944,000
National Gallery of Art (1) .....	750,000
Office of Personnel Management (1) .....	0
Small Business Administration (2) .....	73,540,000
Smithsonian (14) .....	3,276,000
Social Security Administration (1) .....	85,700,000
State Department (1) .....	0
United States Information Agency (8) .....	125,558,000
United States Institute for Peace (4) .....	3,371,000
United States Department of Agriculture (33) .....	13,339,630,410
U.S. Agency for International Development (1) .....	14,600,000
Total number of programs (788) .....	
Total funding .....	96,869,343,420

Mr. NICKLES. I thank my colleague.  
PERSONAL EXPLANATION

Mr. DORGAN. Mr. President, on Thursday evening, March 4 and Friday, March 5, I was necessarily absent because of several long-standing commitments in Bismarck. It was important that I be in North Dakota for a conference I cosponsored, Women's Health-Women's Lives, to join Secretary of Energy Richardson for meetings on a range of energy issues, and for a meeting with the Governor and other state leaders about the state's water resources.

Had I been present for rollcall vote No. 32, to table the Jeffords amendment to S. 280, the Ed-Flex legislation, I would have voted "nay." On rollcall vote No. 33, to table the Gramm amendment to prohibit implementation of the "Know Your Customer" banking regulations, I would have voted "nay" had I been present.

Mr. ROCKEFELLER. Mr. President, on Tuesday, March 9, 1999, I missed the second cloture vote on S. 280, the Education Flexibility Act.

I fully intended to be in the chamber for the vote yesterday, and had I been there I would have voted against cloture. While I support the concept of flexibility for education, I also believe that Democrats deserve right to offer education amendments on key priorities such as reducing class-size, providing after-school care, addressing the concern of crumbling schools, and a few other major priorities.

Senate Democrats have offered in good faith to accept time agreements and limited debates on our education priorities.

It is disappointing that instead of voting on education priorities for American students, teachers, and parents, we are debating procedural mo-

tions and closure petitions. Instead of using the time wisely to discuss the major education issues facing our schools, we are facing gridlock on procedure. That is not what the American people sent us to the Senate to do. We are willing to have our debate and cast our votes to reduce class sizes, to fix crumbling schools and to provide after-school care for children that need it to learn and be safe while parents work. If our Democratic amendments prevail, we strengthen the Education Flexibility Act and help schools. If our amendments do not get a majority, then we had the opportunity to debate and we can move forward on the underlying bipartisan legislation.

I wish I had been here on Tuesday to participate. Unfortunately, I got trapped in Charleston, West Virginia when the Ronald Reagan National Airport closed at 11 a.m. on March 9, 1999 due to the snow storm in Washington, DC. I had been in Charleston, West Virginia to vote in the mayoral election and to participate in the United Airlines announcement of two Mileage Plus Service Centers in my state which will create 600 new jobs. The new centers will be located in Charleston and Huntington. This is exciting news for my state, and I have been in touch with officials for months about this economic opportunity. At the time, I felt that I could personally vote in the local election, attend this exciting announcement and return in plenty of time for the 2:45 vote on the Senate floor. Due to the snow storm, I missed the vote.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

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

THE EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. JEFFORDS. Mr. President, I will use a little of the morning business time myself to just bring everyone up to date as to where we are at this point. This concludes the debate time for today. Tomorrow there will be, I believe, 1 hour evenly divided for Members to talk on the amendment process.

The purpose of that time will be to try to make sure everybody understands the amendments, because we have a number of amendments. They seem low in number—there are about eight or nine amendments—but some of those are complicated by combinations of amendments. So I urge all of our Members to make sure that they understand the amendments.

Because this is an important piece of legislation, which I want to get

through, and the leader does also, we will be using probably a tabling situation for many of the amendments. I want to explain why that is. That is because most of these amendments should be on the Elementary and Secondary Education Act reauthorization which is being worked on at this time. That is a very important bill. It is a \$15 billion bill. It has most of the Federal programs. And we will be looking at it very closely to determine whether there should be a paring down of programs, how effective the various agencies and departments have been, and we will be spending the time of deliberation to better utilize and to make sure we can maximize our improvement.

As I said earlier today, the evidence is very clear that we have made very little improvement in our schools over the last 15 years, although we have been trying. Thus, it is important we take a close look at the Department of Education to see that those funds are being well spent.

PREVENTING HEARING LOSS

Mr. DASCHLE. Mr. President, today I bring to the attention of my colleagues an article that recently appeared in The Washington Post, "Hearing Loss Touches a Younger Generation." This article raises important issues related to hearing loss and gives us practical advice for protecting our hearing.

Hearing loss affects approximately 28 million Americans and is affecting more of us at younger ages. Hearing difficulties among those ages 45 to 64 increased 26 percent between 1971 and 1990, while those between ages 18 and 44 experienced a 17 percent increase.

About one third of the cases of hearing loss are caused, at least in part, by extreme or consistent exposure to high decibel noises. While the Environmental Protection Agency has worked to decrease our exposure to loud noises at work, many Americans now face threats to optimal hearing during their leisure hours from loud music, lawn mowers and outdoor equipment, automobiles, airplanes and other sources. Too many Americans simply are not aware of the devastating impact loud sounds can have on their hearing.

At the encouragement of the Senate Appropriations Committee, the National Institute on Deafness and Other Communication Disorders (NIDCD) is leading a collaborative effort with the National Institute on Occupational Safety and Health (NIOSH) and the National Institute on Environmental Health Sciences (NIEHS) to help improve awareness about noise-induced hearing loss. It is my hope that this effort ultimately will help reverse the trend toward increasing noise-induced hearing loss.